

SENATE BILL 208

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3lr1164
CF HB 212

By: **Senator Bailey**

Introduced and read first time: January 23, 2023

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 27, 2023

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Indecent Exposure Within the ~~Sight~~ Presence of a Minor**

3 FOR the purpose of prohibiting a person from committing the common law crime of indecent
4 exposure; prohibiting a person from, with prurient intent, committing the common
5 law crime of indecent exposure ~~within the sight of~~ when the person knows or
6 reasonably should know that a minor ~~who~~ is present and the minor is at least a
7 certain age and ~~who~~ is more than a certain number of years younger than the person;
8 and generally relating to indecent exposure.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 11–107
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2022 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Criminal Law**

17 11–107.

18 (a) In this section, “indecent exposure” includes engaging in an act of
19 masturbation in public, whether or not the person’s genitalia are exposed.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(B) A PERSON MAY NOT COMMIT THE COMMON LAW CRIME OF INDECENT EXPOSURE.

(C) A PERSON MAY NOT WITH PRURIENT INTENT COMMIT THE COMMON LAW CRIME OF INDECENT EXPOSURE ~~WITHIN THE SIGHT OF~~ WHEN THE PERSON KNOWS OR REASONABLY SHOULD KNOW THAT A MINOR WHO IS PRESENT AND THE MINOR IS:

(1) AT LEAST 2 YEARS OLD; AND

(2) MORE THAN 4 YEARS YOUNGER THAN THE PERSON.

~~[(b)]~~ (D) (1) A person [convicted of indecent exposure] WHO VIOLATES SUBSECTION (B) OF THIS SECTION is guilty of a misdemeanor and ON CONVICTION is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

(2) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.