



Sexual Crimes Guide Sheet

Introduction

Maryland statutes criminalizing behavior of a sexual nature are contained in the Criminal Law Article at (1) Title 2, Subtitle 2 (Murder and Manslaughter); (2) Title 3, Subtitle 3 (Sexual Crimes), Subtitle 5 (Kidnapping), Subtitle 6 (Abuse and Other Offensive Conduct), Subtitle 7 (Extortion and Other Threats), Subtitle 8 (Stalking and Harassment), Subtitle 9 (Surveillance and Other Crimes Against Privacy), and Subtitle 11 (Human Trafficking); and (3) Title 11 (Indecency and Obscenity). In addition, indecent exposure and false imprisonment are common law crimes that include behavior of a sexual nature. See **Appendix 1** for a summary of Maryland sexual crimes.

People who are convicted of specified sexual crimes must register on the State sex offender registry maintained by the Department of Public Safety and Correctional Services (DPSCS). After the conclusion of a term of incarceration, probation, or parole, specified sexual offenders are subject to lifetime sexual offender supervision. The Sexual Offender Advisory Board carries out specified duties relating to the State's management of sex offenders. Individuals convicted of specified sexual crimes are subject to reduced diminution credit applicability.

Criminal Law Article: Title 3, Subtitle 3 – Special Provisions

Title 3, Subtitle 3 of the Criminal Law Article contains (or previously contained) the following provisions relating to sexual crime prosecutions.

Definition of Consent

Chapter 761 of 2024 modified Section 3-301.1 of the Criminal Law Article to define “consent” for purposes of Title 3, Subtitle 3 of the Criminal Law Article to mean the clear and voluntary agreement by an individual to engage in vaginal intercourse, a sexual act, or sexual contact. In addition, Chapter 761 specified other factors relating to consent, including (1) the existence of consent, lack of consent, or withdrawal of consent must be determined based on a totality of the circumstances, including the words and conduct of the victim and the defendant; (2) consent may be withdrawn before or during vaginal intercourse, a sexual act, or sexual contact; (3) the lack of consent may be communicated through words or conduct; (4) a current or previous dating, social, or sexual relationship by itself does not constitute consent; (5) submission as a result of fear, threat, or coercion does not constitute consent if the individual alleged to have performed the act in violation of Subtitle 3 knows or reasonably should know that the victim would submit as a result of fear, threat, or coercion; and (6) the manner of dress of an individual does not constitute consent. Consent is not required to be documented. (CR § 3-301.1)

Chapter 761 of 2024 also repealed force or threat of force as an element of second-degree rape and requires the Maryland Judiciary to annually report to the General Assembly, for a five year period, specified information about sexual offense charges and convictions. (CP §1-212)

Repeal of Spousal Defense

Effective October 1, 2023, Chapters 728 and 729 of 2023 repealed the prohibition that, with specified exceptions, a person could not be prosecuted for first-degree rape, second-degree rape, third-degree sexual offense, or fourth-degree sexual offense against a victim who was the person's legal spouse at the time of the alleged rape or sexual offense. (Former CR § 3-318)

Rape Shield Statute

With specified exceptions, evidence relating to a victim's reputation for chastity or abstinence and opinion evidence relating to a victim's chastity or abstinence may not be admitted in a prosecution for a specified sexual crime. (CR § 3-319)

Evidence of Physical Resistance

Evidence of physical resistance by the victim is not required to prove that a crime under Title 3, Subtitle 3 of the Criminal Law Article was committed. However, the fact that the evidence is not required may not be construed to affect the admissibility of evidence of actual physical resistance by the victim. (CR § 3-319.1)

Jury Instructions

A judge may not instruct a jury, in a criminal proceeding for specified sexual offenses: (1) to examine the testimony of the prosecuting witness with caution, solely because of the nature of the charge; (2) that the charge is easily made or difficult to disprove, solely because of the nature of the charge; or (3) to follow another similar instruction. (CR §3-320)

Registration

Federal Law

The federal Sex Offender Registration and Notification Act (SORNA), enacted in 2006, conditioned receipt of federal grant assistance on compliance by the states and other territories with various sex offender registration requirements. Failure to comply with SORNA puts a jurisdiction at risk of losing 10% of federal Byrne Justice Assistance grants, which states use to pay for crime fighting efforts. In 2010, Maryland's sex offender registration laws, codified at Title 11, Subtitle 7 of the Criminal Procedure Article, were substantially revised in order to comply with SORNA.

Who Must Register

The sex offender registry is composed of Tier I sex offenders, Tier II sex offenders, and Tier III sex offenders, as those terms are defined in § 11-701 of the Criminal Procedure Article. In addition, offenders who are required to register in other states and who come to Maryland are required to register upon entering Maryland. Offenders from other states who may not be required to register in the home state are required to register in Maryland if the crime would have required registration in Maryland if committed in Maryland.

When and Where to Register

A sex offender must register with the appropriate supervising authority in the State prior to the registrant's release from incarceration or within three days of the date the registrant is granted probation before or after judgment, a suspended sentence, or a sentence that does not include a term of imprisonment. If the sex offender moves into the State, the person must register within three days of the date the person establishes residence in the State, begins to habitually live in the State, or applies for a driver's license in the State, whichever is earliest. If the sex offender is not a resident, the person must register within three days after the person begins employment in the State, enrolls as a student in the State, or enters the State as a transient. "Supervising authority" means an agency or person that is responsible for collecting the information for the initial registration of a sex offender, as specified. (CP § 11-705)

In addition to registering with the supervising authority, a sex offender is required to register in each county where the offender habitually lives. "Habitually lives" is defined to include any place where a person visits for longer than five hours per visit more than five times within a 30-day period. (CP § 11-701). A sex offender who is homeless is required to register in person within a specified period of time with the local law enforcement unit in the county where the registrant habitually lives and to reregister weekly while habitually living in the county.

Term of Registration

A Tier I sex offender must register every six months for 15 years, a Tier II sex offender must register every six months for 25 years, and a Tier III sex offender must register every three months for life. If a Tier I sex offender meets specified requirements, the registration term may be reduced to 10 years. (CP §11-707)

Sexually Violent Predator

On motion of the State's Attorney, if a person is convicted of a "sexually violent offense," as defined in § 11-701 of the Criminal Procedure Article, before or at sentencing, the court must

determine, taking specified factors into consideration, whether the person is a “sexually violent predator.” (CP § 11-703)

Registration Statement

A registration statement must include the registrant’s name, aliases, address, date of birth, physical description, Social Security number, passport, immigration documents, schools, places of employment, vehicle information, email addresses, online screen names, driver’s license, fingerprints, palm prints, a description of the crime committed, and criminal history. A digital image is also included in the profile and must be updated every six months. If a registrant is determined to be a sexually violent predator, the registration statement must also include anticipated future residence, if known, and documentation of treatment received for a mental abnormality or personality disorder. (CP §11-706)

Registration statements are available to the public upon request. DPSCS posts on the internet a listing of each registrant’s name and other identifying information. DPSCS is required to allow the public to electronically transmit information about registrants to law enforcement authorities and to receive certain notification about sex offenders.

Notifications Required by Registrant

When a registrant registers, the supervising authority must give written notice of and explain to the registrant the requirements of Title 11, Subtitle 7 of the Criminal Procedure Article. A registrant must promptly report any change in personal information, including name, address, job, school, email addresses, and user names in social networking sites. Any temporary residence changes or lengthy absences from the jurisdiction must also be reported. (CP §11-708)

Penalties

A registrant may not knowingly fail to register, fail to provide required information, or provide false information in connection with the sex offender registry. A first offense is a misdemeanor punishable by a maximum penalty of three years imprisonment and/or a \$5,000 fine. A subsequent offense is a felony punishable by a maximum penalty of five years imprisonment and/or a \$10,000 fine. (CP §11-721)

In addition, except for a parent, a voter, or a student under specified circumstances, a registrant may not enter onto school property or property on which a child care facility is located. A violation is a misdemeanor punishable by maximum penalty of 5 years imprisonment and/or a \$5,000 fine. (CP §11-722)

Notifications by Law Enforcement

A local law enforcement unit must provide notification of the filing of a registration statement or change of address to any relevant municipal law enforcement unit in the jurisdiction

as well as the county school superintendent and all nonpublic schools within one mile of where the sex offender is to live, work, or attend school. A local law enforcement unit may also provide notification of the filing of a registration statement or change of address to community child care facilities, child recreation facilities, faith institutions, and other organizations that serve children. Numerous other notifications are required or authorized by and between DPSCS, supervising authorities, local law enforcement units, the federal government, educational institutions, and other jurisdictions and interested parties when a sex offender registers or has a change of status or personal information.

Retroactivity

Maryland enacted its first registration statute in 1995, which applied only to crimes committed after the law's October 1, 1995, effective date. However, the General Assembly amended the statute in 2001, 2009, and 2010 to require retroactive registration under specified circumstances.

Currently, under statute, retroactive registration is required for a person who (1) was under the custody or supervision of a supervising authority on October 1, 2010; (2) was subject to registration on September 30, 2010; (3) is convicted of any felony on or after October 1, 2010, and has a prior conviction for an offense for which sex offender registration is required; or (4) is convicted on or after October 1, 2010, of sexual solicitation of a minor. (CP §11-702.1)

However, in 2013 and 2014, the Court of Appeals (now known as the Supreme Court of Maryland) held that the retroactive application of the Maryland sex offender registration statute to an individual who committed a sexual offense before the law took effect violates the *ex post facto* prohibition in Article 17 of the Maryland Declaration of Rights. The court further ordered the State to remove all such individuals from the registry. (See *Doe v. Department of Public Safety and Correctional Services*, 430 Md. 535 (2013) and *Department of Public Safety and Correctional Services v. Doe*, 439 Md. 201 (2014).

Registration by Persons Who Committed Offense as a Juvenile

Registration on the sex offender registry is limited to people who are convicted of an applicable offense in adult court, with one exception. A person who has been adjudicated delinquent for an act that, if committed by an adult, would constitute first- or second-degree rape or first- or second-degree sexual offense (as those offenses existed before October 1, 2017) must register with a supervising authority at the time the juvenile court's jurisdiction terminates (usually at age 21) for inclusion on the State's sex offender registry if (1) the person was at least 13 years old at the time the qualifying delinquent act was committed; (2) the State's Attorney or the Department of Juvenile Services (DJS) requests that the person be required to register; (3) the court determines by clear and convincing evidence, after a hearing conducted 90 days prior to the time the juvenile court's jurisdiction is terminated, that the person is at significant risk of committing a sexually

violent offense or an offense for which registration as a Tier II or Tier III sexual offender is required; and (4) the person is at least 18 years old. The registration term for such registrants is up to five years, subject to reduction by the juvenile court on the filing of a petition by the registrant for a reduction in the term of registration. (CP § 11-704(c))

Registry of Juvenile Sex Offenders

DPSCS maintains a separate registry of juvenile sex offenders that is accessible only by law enforcement personnel for law enforcement purposes. A person must register for inclusion in the registry of juvenile sex offenders if the person was adjudicated delinquent for an act committed when the person was a minor at least 14 years old and that, if committed by an adult, would constitute first-degree rape, second-degree rape, specified circumstances of third-degree sexual offense, or first-degree sexual offense or second-degree sexual offense, as those offenses existed before October 1, 2017. The juvenile registrant is removed from the registry when the juvenile court's jurisdiction over the juvenile registrant terminates. A juvenile registrant must appear in person at a location designated by DJS every three months to update and verify the information included in the registry and allow DJS to take a digital image of the juvenile registrant. (CP §11-704.1)

Juvenile registrants are prohibited from entry onto school or child care facility property. (CP §11-722 – Chapter 735 of 2024)

Lifetime Sexual Offender Supervision

Lifetime sexual offender supervision is required for a crime committed on or after October 1, 2010 by the following sexual offenders:

- a sexually violent predator;
- a person convicted of first- or second-degree rape or attempted first or second-degree rape;
- a person convicted of first- or second-degree sexual offense or attempted first or second-degree sexual offense, as those offenses existed before October 1, 2017;
- a person convicted of sexual abuse of a minor if the person was an adult and the victim was under 13 years old at the time of the offense or if the person was at least age 21 and the victim was under 16 years old at the time of the offense;
- a registrant whose offense was committed as a juvenile, as specified (CP § 11-704(c)); or
- a person convicted more than once arising out of separate incidents of a crime that requires registration. (CP §11-723)

A court is also authorized to sentence a person convicted of a third-degree sex offense involving an aggravating factor or with a mentally disabled victim to lifetime supervision and must require that a risk assessment be conducted before that sentence is imposed.

In general, the term for lifetime sexual offender supervision is for life (although a person may file a petition for discharge after being under supervision for five years, as discussed below) and commences on the expiration of the later of any term of imprisonment, probation, parole, or mandatory supervision. After considering a presentence investigation report, the court must impose special conditions of lifetime sexual offender supervision at the time of sentencing, which may include (1) GPS monitoring; (2) residency, employment, activity, or personal contact restrictions; (3) sex offender treatment; (4) drug or alcohol use prohibitions; (5) regular polygraph examinations; and (6) computer access restrictions.

A person under lifetime sexual offender supervision is supervised by a sexual offender management team consisting of a specially trained parole and probation agent and a representative of a sexual offender treatment program or provider. The team may also include victim advocates or victim service providers with recognized expertise in sexual abuse and victimization, faith counselors, employment counselors, community leaders, a polygraph examiner with recognized expertise in sexual offender-specific polygraph examination, a law enforcement officer, a State's Attorney, an assistant public defender, and a foreign or sign language interpreter. A sexual offender management team must submit a progress report on each supervisee to the court every six months.

A person subject to lifetime supervision is prohibited from knowingly or willfully violating the conditions of the supervision. A first offense is a misdemeanor subject to maximum penalties of 5 years imprisonment and/or a \$5,000 fine. A subsequent offense is a felony subject to maximum penalties of 10 years imprisonment and/or a \$10,000 fine.

A person may file a petition for discharge after serving five years under lifetime sexual offender supervision. If a petition is denied, the person must wait at least one year before filing another petition. A petition must include a risk assessment recently conducted by a sex offender treatment provider and a recommendation regarding discharge of the person from the sexual offender management team. The court may not discharge a person from lifetime sexual offender supervision unless the court makes a finding on the record that the person is no longer a danger to others.

Sexual Offender Advisory Board

The Sexual Offender Advisory Board is a unit separate DPSCS. Of the board's 17 members, the Governor appoints 8 members to four-year terms. Nine members serve *ex officio*. (PS §1-401)

The board reviews Maryland's laws and those of other states and jurisdictions that concern sexual offenders, as well as the practices and procedures for supervising and monitoring sexual offenders that currently are used by the Maryland Parole Commission and the Division of Parole and Probation (DPP). The board also evaluates technology that tracks offenders, reviews developments in assessing and treating sexual offenders, formulates standards for such treatment based on current and evolving best practices, and certifies treatment programs that comply with the standards. In addition, the board also works in collaboration with DPP to develop criteria to measure an individual's risk for re-offending. Further, the board considers how to increase interstate cooperation in registering and monitoring sexual offenders and makes recommendations for training sexual offender management teams within DPSCS.

The board is required to submit a report to the Governor and the General Assembly by December 31 annually.

Removal from the Registry

An offender will be removed from the registry when the term of registration expires. In addition, an offender can be removed from the registry if the offender dies, is pardoned for the crime, or relocates to another state, or if the underlying conviction requiring registration is reversed, vacated, set aside, or expunged. If a person is removed from the registry due to relocation, the person's name is forwarded to the authorities in the new state.

Diminution Credits Applicable to Sexual Offenses

Generally, incarcerated individuals are entitled to earn diminution of confinement credits to reduce the lengths of their incarcerations. Diminution credits are given for good conduct, work tasks, education, and special projects or programs.

In the State correctional system, individuals sentenced for a "crime of violence" or drug distribution earn good conduct diminution credits at the rate of 5 days per month whereas other incarcerated individuals earn good conduct diminution credits at the rate of 10 days per month. "Crime of violence," as defined in § 14-101 of the Criminal Law Article, includes, among other crimes, the sexual offenses of kidnapping, rape, the former crimes of first- and second-degree sexual offense, sexual abuse of a minor under certain circumstances, felony human trafficking, and continuing course of conduct with a child.

The maximum total number of diminution credits that an incarcerated individual may earn in one month is 20 days for a person serving a sentence for a crime of violence or drug distribution and 30 days for other crimes.(CS § 3-704)

The following types of incarcerated individuals may not earn any diminution credits:

- an incarcerated individual who is serving a sentence for first- or second-degree rape against a victim younger than 16 years;

- an incarcerated individual who is serving a sentence for first- or second-degree sexual offense, as the offenses existed before October 1, 2017, against a victim younger than 16 years old;
- an incarcerated individual who is serving a sentence for a subsequent conviction of third-degree sexual offense against a victim younger than 16 years old; and
- an incarcerated individual imprisoned for a lifetime sexual offender supervision violation. (CS §3-702)

In addition, an incarcerated individual who is serving a sentence for first-degree rape that occurred on or after October 1, 2024, is not entitled to earn any diminution credits. (Chapter 712 of 2024)

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Appendix 1. Maryland Sexual Crimes

(Effective October 1, 2024)

Statute	Offense	Description	Penalty	Registration Tier	Applicability of Lifetime Supervision
CR § 2-201(a)(4) (vii), (x), or (xi)	Murder – sexual <i>Felony</i>	Murder committed in the perpetration of or attempt to perpetrate rape or the former crimes of sexual offense in the first- or second-degree or sodomy.	Life or life without the possibility of parole.	Tier III	No
CR § 3-303 Note: the former CR §§ 3-305 (first-degree sexual offense) and 3-306 (second-degree sexual offense) were subsumed in this crime effective October 1, 2017 (Chs. 161 and 162 of 2017)	Rape in the first degree <i>Felony</i>	Vaginal intercourse or a sexual act by force or threat, with use or display of weapon, with infliction or threat of serious physical injury or disfigurement, while aided and abetted, or in connection with a burglary.	In general, up to life. Up to life imprisonment without possibility of parole if victim is child under 16 and is kidnapped or if prior conviction of rape in the first degree or the former crime of sexual offense in the first degree. Imprisonment from 25 years to life without possibility of parole if offender is 18 years or older and victim is child under 13.	Tier III	Yes
CR § 3-304	Rape in the second degree <i>Felony</i>	Vaginal intercourse or sexual act without consent, if victim is mentally or physically incapacitated, or if the victim is under 14 years old and the offender is at least 4 years older than victim.	In general, up to 20 years imprisonment. Imprisonment from 15 years to life if the offender is 18 years or older and the victim is a child under 13 years old	Tier III	Yes

Statute	Offense	Description	Penalty	Registration Tier	Applicability of Lifetime Supervision
		<i>Chapter 761 of 2024 repealed force or threat of force as an element</i>			
CR § 3-307	Sexual offense in the third degree <i>Felony</i>	(1) Sexual contact without consent with use or display of weapon, with infliction or threat of serious physical injury or disfigurement, or while aided and abetted; (2) sexual contact with victim who is mentally or physically incapacitated; (3) sexual contact with victim who is under 14 years old and offender is at least 4 years older than victim; or (4) sexual act or vaginal intercourse with victim who is 14 or 15 and the offender is at least 21 years old.	Up to 10 years imprisonment.	Tier III if situation (1), (2), or (3) in column 3. Tier II if situation 4) in column 3.	Optional for situation (1) or (2) in column 3.
CR § 3-308	Sexual offense in the fourth degree <i>Misdemeanor</i>	(1) Sexual contact without consent; (2) sexual act or vaginal intercourse if victim is 14 or 15 years old and the offender is at least 4 years older than victim; or (3) sexual contact, sexual act, or vaginal intercourse by person in a position of authority with a specified minor.	In general, up to one year imprisonment and/or maximum fine of \$1,000. Up to 3 years imprisonment and/or \$1,000 if prior conviction of sexual offense.	Tier I	No

Statute	Offense	Description	Penalty	Registration Tier	Applicability of Lifetime Supervision
CR § 3-309 Note: the former CR § 3-311 (attempted first-degree sexual offense) was subsumed in this crime effective October 1, 2017 (Chs. 161 and 162 of 2017)	Attempted rape in the first degree <i>Felony</i>		Up to life imprisonment.	Tier III	Yes
CR § 3-310 Note: the former CR § 3-312 (attempted second-degree sexual offense) was subsumed in this crime effective October 1, 2017 (Chs. 161 and 162 of 2017)	Attempted rape in the second degree <i>Felony</i>		Up to 20 years imprisonment.	Tier III	Yes
CR § 3-314	Sexual conduct between correctional employee or law enforcement officer and specified individuals <i>Misdemeanor</i>	Correctional employee or contractor engaging in sexual contact, vaginal intercourse, or sexual act with incarcerated individual; law enforcement officer engaging in sexual contact, vaginal intercourse, or sexual act with victim, witness, suspect, person requesting assistance, or person in custody.	Up to 3 years imprisonment and/or maximum fine of \$3,000.	Tier III, if the victim is under 14 years old. Tier II, if the victim is a minor who is at least 14 years old.	No
CR § 3-315	Continuing course of	The commission of three or more acts of rape in the first- or	Up to 30 years imprisonment.	Tier III	No

Statute	Offense	Description	Penalty	Registration Tier	Applicability of Lifetime Supervision
	conduct with child <i>Felony</i>	second-degree or sexual offense in the third degree over a period of 90 days or more with a victim under 14 years old.			
CR § 3-321 repealed effective October 1, 2020 (Ch. 45 of 2020)	Sodomy <i>Felony</i>	As defined in common law.	Up to 10 years imprisonment.	Tier III, if committed with force or threat of force.	No
CR § 3-322 repealed effective October 1, 2023 (Chs. 796 and 797 of 2023)	Unnatural or perverted sexual practice <i>Misdemeanor</i>	Taking the sexual organ of another or an animal in the person's mouth, placing the person's sexual organ in the mouth of another or an animal, or committing another unnatural or perverted sexual practice with another or an animal.	Imprisonment for up to 10 years and/or a maximum fine of \$1,000.	III, if committed with force or threat of force	No
CR § 3-323	Incest <i>Felony</i>	To knowingly engage in vaginal intercourse with anyone that the offender would be prohibited from marrying under State law.	Imprisonment from one to 10 years	Tier III	No
CR § 3-324	Sexual solicitation of a minor <i>Felony</i>	To knowingly solicit a minor or law enforcement officer posing as a minor to engage in specified activities with the intent to commit a specified crime.	First offense: up to 10 years imprisonment and/or maximum fine of \$25,000. Subsequent offense – up to 20 years imprisonment and/or maximum fine of \$50,000.	Tier II	No

Statute	Offense	Description	Penalty	Registration Tier	Applicability of Lifetime Supervision
CR § 3-325	Use of personal identifying information or the identity of another <i>Felony</i>	Using the personal identifying information or identity of an individual without consent to invite, encourage, or solicit another to commit a sexual crime against the individual.	Up to 20 years imprisonment and/or a maximum fine of \$25,000.	n/a	No
CR § 3-502	Kidnapping <i>Felony</i>	By force or fraud, carrying or causing a person to be carried in or outside the State with the intent to have the person carried or concealed in or outside the State.	Up to 30 years imprisonment.	Tier III, if the victim is a minor or if the court has ordered the person to register	No
CR § 3-503	Child kidnapping <i>Felony</i>	(1) To abduct, entice, or harbor a child under 12 away from home or parent or guardian. (2) By force or fraud, to kidnap or carry away a child under 16 years old.	(1) Up to 20 years imprisonment. (2) In general, up to 30 years imprisonment. Up to life imprisonment without possibility of parole if person also convicted of rape or a first-degree sexual offense in same proceeding.	Tier III, if the victim is under 14 years old.	No
CR § 3-602	Sexual abuse of a minor <i>Felony</i>	Parent, household member, family member, or other person who has care, custody, or supervision of a minor causing sexual abuse to the minor.	Up to 25 years imprisonment.	Tier III	Yes, if the violation was committed when (1) the person was an adult and the victim was

Statute	Offense	Description	Penalty	Registration Tier	Applicability of Lifetime Supervision
					under 13 years old; or (2) the person was at least 21 years old and the victim was under 16 years old.
CR § 3-603	Sale of a minor <i>Felony</i>	Selling or trading or offering to sell or trade a minor for money or value.	Up to 5 years imprisonment and/or a maximum fine of \$5,000.	Tier II, if the victim is at least 14 years old. Tier III, if the victim is under 14 years old.	No
CR § 3-604	Abuse or neglect of a vulnerable adult in the first degree <i>Felony</i>	Parent, household member, family member, or other person who has care, custody, or supervision of a vulnerable adult causing sexual abuse to the vulnerable adult.	Up to 10 years imprisonment and/or a maximum fine of \$10,000.	n/a	No
CR § 3-709	Sextortion <i>Misdemeanor</i>	Causing another to engage in sexual activity or be a subject of a sexual visual representation or performance by making specified threats.	Up to 10 years imprisonment and/or a maximum fine of \$10,000.	n/a	No

Statute	Offense	Description	Penalty	Registration Tier	Applicability of Lifetime Supervision
CR § 3-809	Revenge pornography <i>Misdemeanor</i>	Knowingly distributing a visual representation of another identifiable person that displays the other person in a specified manner with the intent to harm or threaten the other person and under specified circumstances.	Up to 2 years imprisonment and/or a maximum fine of \$5,000.	n/a	No
CR § 3-902	Visual surveillance with prurient intent <i>Misdemeanor</i>	With prurient intent, conducting or procuring another to conduct visual surveillance of 1) an individual in a private place without consent; or 2) the private area of an individual with a camera without consent under specified circumstances.	Up to 1 year imprisonment and/or a maximum fine of \$2,500.	Tier I	No
CR § 3-1102	Sex trafficking <i>Felony if the victim is a minor or if use or intent to use force, threat, coercion, or fraud; otherwise, misdemeanor.</i>	Taking or causing another to be taken to any place for prostitution, and related actions.	Felony: up to 25 years imprisonment and/or a maximum fine of \$15,000. Misdemeanor: up to 10 years imprisonment and/or a maximum fine of \$5,000.	Tier II, if the victim is a minor	No

Statute	Offense	Description	Penalty	Registration Tier	Applicability of Lifetime Supervision
CR § 3-1103	Forced marriage <i>Felony</i>	Taking or detaining another with the intent to use force, threat, coercion, or fraud to compel the other to marry any person, and related actions.	Up to 25 years imprisonment and/or a maximum fine of \$15,000.	Tier II	No
CR § 11-102	Adult sexual display – selling or offering to sell to minor <i>Misdemeanor</i>	Selling or offering to sell to a minor pictures, images, or other visual representations of an individual involved in sadomasochistic abuse, sexual conduct, or sexual excitement, or printed matter or a sound recording that contains obscene or explicit material.	Up to six months imprisonment and/or a maximum fine of \$1,000.	n/a	No
CR § 11-103	Adult sexual display – exhibition to minors <i>Misdemeanor</i>	For money or other value, knowingly exhibiting or selling to a minor a motion picture or other presentation that displays sadomasochistic abuse, sexual conduct, or sexual excitement.	Up to six months imprisonment and/or a maximum fine of \$1,000	n/a	No
CR § 11-104	Adult sexual display – allowing minors to enter or remain on premises <i>Misdemeanor</i>	To operate or be employed by a retail establishment and to knowingly allow a minor without a parent or guardian to enter or remain on premises where sadomasochistic abuse, sexual conduct, sexual excitement, or obscene or explicit material is displayed.	Up to six months imprisonment and/or a maximum fine of \$1,000.	n/a	No

Statute	Offense	Description	Penalty	Registration Tier	Applicability of Lifetime Supervision
CR § 11-107	Indecent exposure <i>Misdemeanor</i>	As defined in common law.	In general, up to 3 years imprisonment and/or a maximum fine of \$1,000. In the presence of a minor, up to 5 years imprisonment and/or a maximum fine of \$10,000.	n/a	No
CR § 11-202	Obscene matter – distribution, exhibition, importation, or publication <i>Misdemeanor</i>	Knowingly sending or causing to be sent any obscene matter into the State for sale or distribution, and related actions.	First violation: up to 1 year imprisonment and/or a maximum fine of \$1,000. Subsequent violation: up to 3 years imprisonment and/or a maximum fine of \$5,000.	n/a	No
CR § 11-203	Sale or display of obscene item to minor <i>Misdemeanor</i>	To willfully or knowingly display, exhibit, sell, or distribute to minor obscene material or material depicting illicit sex.	First violation: up to 1 year imprisonment and/or a maximum fine of \$1,000. Subsequent violation: up to 3 years imprisonment and/or a maximum fine of \$5,000.	n/a	No
CR § 11-204	Obscene performance in certain counties: (Allegany, Anne Arundel, Charles, Howard, Somerset, Wicomico, and Worcester) <i>Misdemeanor</i>	To give or participate in an obscene performance in which individuals perform live in an obscene manner in the presence of individuals who have paid consideration to observe the performance.	First violation: up to 1 year imprisonment and/or a maximum fine of \$1,000. Subsequent violation: up to 3 years imprisonment and/or a maximum fine of \$5,000.	n/a	No

Statute	Offense	Description	Penalty	Registration Tier	Applicability of Lifetime Supervision
CR § 11-205	Obscene matter – advertising	Knowingly creating advertising of matter the person represents to be obscene.	First violation: up to 1 year imprisonment and/or a maximum fine of \$1,000. Subsequent violation: up to 3 years imprisonment and/or a maximum fine of \$5,000.	n/a	No
CR § 11-206	Obscene matter – requiring acceptance	Knowingly requiring a purchaser or consignee to receive obscene matter as a condition to a sale or consignment of merchandise, and related actions.	First violation: up to 1 year imprisonment and/or a maximum fine of \$1,000. Subsequent violation: up to 3 years imprisonment and/or a maximum fine of \$5,000.	n/a	No
CR § 11-207	Production or distribution of child pornography <i>Felony</i>	To cause, induce, solicit, or knowingly allow a minor to be the subject in the production of obscene matter or a visual representation or performance that depicts a minor engaged as a subject in sadomasochistic abuse or sexual conduct, or to create, promote, distribute, or possess with intent to distribute such material, and related actions.	First violation: up to 10 years imprisonment and/or a maximum fine of \$25,000. Each subsequent violation: up to 20 years imprisonment and/or a maximum fine of \$50,000.	Tier II	No
CR § 11-208	Possession of child pornography <i>Misdemeanor/felony</i>	To knowingly possess and intentionally retain a film, videotape, photograph, or other visual representation showing an actual child or a computer-generated image	First violation: up to 5 years imprisonment and/or a maximum fine of \$2,500 (misdemeanor). Subsequent violation: up to 10 years imprisonment and/or a	Tier I	No

Statute	Offense	Description	Penalty	Registration Tier	Applicability of Lifetime Supervision
		that is indistinguishable from an actual and identifiable child under 16 as subject of sadomasochistic abuse, sexual conduct, or in a state of excitement.	maximum fine of \$10,000 (felony).		
CR § 11-209	Hiring minor for prohibited purpose <i>Misdemeanor</i>	To hire, employ, or use an individual that the person knows or reasonably should know is a minor to engage in illicit sex or assist with illicit sex acts.	First violation: up to 1 year imprisonment and/or a maximum fine of \$1,000. Subsequent violation: up to 3 years imprisonment and/or a maximum fine of \$5,000.	Tier II	No
CR § 11-303	House of prostitution <i>Misdemeanor/ Felony</i>	To take, place, threaten, unlawfully detain, or receive consideration for placement of another in a place for prostitution.	In general, up to 10 years imprisonment and/or a maximum fine of \$5,000 (misdemeanor). Minor victim: up to 25 years imprisonment and/or a maximum fine of \$15,000 (felony).	Tier II, if the victim is a minor.	No
CR § 11-304	Receiving earnings of prostitution <i>Misdemeanor</i>	To receive money from the earnings of a person engaged in prostitution with a specified intent.	Up to 10 years imprisonment and/or a maximum fine of \$10,000.	n/a	No
CR § 11-305	Abduction of child under 16 years old <i>Felony</i>	To persuade, entice, or aid in such or knowingly secrete, harbor, or aid in such of an individual under 16 years old for the purpose of committing a sexual crime.	Up to 25 years imprisonment and/or a maximum fine of \$5,000.	Tier II	No

Statute	Offense	Description	Penalty	Registration Tier	Applicability of Lifetime Supervision
CR § 11-306	Procuring or soliciting prostitution or assignation <i>Misdemeanor</i>	Knowingly procuring or soliciting or offering to procure or solicit prostitution or assignation.	Up to 1 year imprisonment and/or a maximum fine of \$500.	Tier II, if the victim is a minor.	No
CR § 11-307	Using building, structure, or conveyance for prostitution or assignation <i>Misdemeanor</i>	To knowingly keep, occupy, operate, or allow a building or conveyance under the person's control to be used for prostitution or assignation.	Up to 1 year imprisonment and/or a maximum fine of \$500.	Tier II, if the victim is a minor.	No
Common Law	False imprisonment <i>Misdemeanor</i>	As defined in common law.		Tier III, if the victim is a minor.	No

Note: Tier II includes conspiring to commit, attempting to commit, or committing an offense that would require the person to register as a Tier I sex offender after the person was already registered as a tier I sex offender. Tier III includes conspiring to commit, attempting to commit, or committing an offense that would require the person to register as a tier I or tier II sex offender after the person was already registered as a Tier II sex offender.

Definitions:

Criminal Law Article § 3-301:

- (e) (1) "Sexual act" means any of the following acts, regardless of whether semen is emitted:
 - (i) analingus;
 - (ii) cunnilingus;
 - (iii) fellatio;
 - (iv) anal intercourse, including penetration, however slight, of the anus; or
 - (v) an act:
 - 1. in which an object or part of an individual's body penetrates, however slightly, into another individual's genital opening or anus; and
 - 2. that can reasonably be construed to be for sexual arousal or gratification, or for the abuse of either party.

- (2) “Sexual act” does not include:
 - (i) vaginal intercourse; or
 - (ii) an act in which an object penetrates an individual’s genital opening or anus for an accepted medical purpose.
- (f)
 - (1) “Sexual contact”, as used in §§ 3-307, 3-308, and 3-314 of this subtitle, means an intentional touching of the victim’s or actor’s genital, anal, or other intimate area for sexual arousal or gratification, or for the abuse of either party.
 - (2) “Sexual contact” does not include:
 - (i) a common expression of familial or friendly affection; or
 - (ii) an act for an accepted medical purpose.

Criminal Law Article, § 11-301:

- (b) “Assignment” means the making of an appointment or engagement for prostitution or any act in furtherance of the appointment or engagement.

CR: Criminal Law Article