

Senate File 2311

H-8117

1 Amend Senate File 2311, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 232.2, subsection 6, Code 2014,
6 is amended by adding the following new paragraph:

7 NEW PARAGRAPH. r. Who is allowed, permitted, or
8 encouraged by an adult having influence or control of
9 the child to engage in acts prohibited pursuant to
10 section 725.1.

11 Sec. 2. Section 710.10, Code 2014, is amended by
12 adding the following new subsection:

13 NEW SUBSECTION. 7. For purposes of this section,
14 methods of enticement include but are not limited
15 to personal contact and communication by any means
16 including through the mail, telephone, internet, or
17 any social media, and include text messages, instant
18 messages, and electronic mail.

19 Sec. 3. Section 725.1, Code 2014, is amended to
20 read as follows:

21 725.1 Prostitution.

22 1. a. A Except as provided in paragraph "b",
23 a person who sells or offers for sale the person's
24 services as a partner in a sex act commits an
25 aggravated misdemeanor. ~~or~~

26 b. If the person who sells or offers for sale the
27 person's services as a partner in a sex act is under
28 the age of eighteen and reasonable grounds exist to
29 believe that the influence or control of an adult
30 contributed to the commission of the offense, the
31 county attorney may elect, in lieu of prosecution, to
32 refer the person to the department of human services
33 alleging that the person is a child in need of
34 assistance pursuant to section 232.2, subsection 6.

35 c. If the person who sells or offers for sale the
36 person's services as a partner in a sex act is under
37 the age of eighteen, upon the expiration of two years
38 following the person's conviction for a violation
39 of paragraph "a" or of a similar local ordinance,
40 the person may petition the court to expunge the
41 conviction, and if the person has had no other criminal
42 convictions, other than local traffic violations or
43 simple misdemeanor violations of chapter 321 during the
44 two-year period, the conviction shall be expunged as
45 a matter of law. The court shall enter an order that
46 the record of the conviction be expunged by the clerk
47 of the district court. Notwithstanding section 692.2,
48 after receipt of notice from the clerk of the district
49 court that a record of conviction has been expunged for
50 a violation of paragraph "a", the record of conviction

1 shall be removed from the criminal history data files
2 maintained by the department of public safety.

3 2. a. Except as provided in paragraph "b", a
4 person who purchases or offers to purchase such another
5 person's services, as a partner in a sex act commits
6 an aggravated misdemeanor.

7 b. A person who purchases or offers to purchase
8 services as a partner in a sex act from a person
9 fifteen years of age or younger commits a class "D"
10 felony.

11 Sec. 4. Section 725.2, Code 2014, is amended to
12 read as follows:

13 **725.2 Pimping.**

14 1. A person who solicits a patron for a prostitute,
15 or who knowingly takes or shares in the earnings of
16 a prostitute, or who knowingly furnishes a room or
17 other place to be used for the purpose of prostitution,
18 whether for compensation or not, commits a class "D"
19 felony.

20 2. A person who solicits a patron for a prostitute
21 who is under the age of eighteen, or who knowingly
22 takes or shares in the earnings of a prostitute who is
23 under the age of eighteen, or who knowingly furnishes
24 a room or other place to be used for the purposes of
25 prostitution of a prostitute who is under the age of
26 eighteen, whether for compensation or not, commits a
27 class "C" felony.

28 Sec. 5. **NEW SECTION. 802.2B Sexual exploitation**
29 of a minor.

30 An information or indictment for sexual exploitation
31 of a minor under section 728.12 committed on or with
32 a person who is under the age of eighteen years shall
33 be found within ten years after the person upon whom
34 the offense is committed attains eighteen years of
35 age, or if the person against whom the information or
36 indictment is sought is identified through the use of
37 a DNA profile, an information or indictment shall be
38 found within three years from the date the person is
39 identified by the person's DNA profile, whichever is
40 later.

41 Sec. 6. Section 802.3, Code 2014, is amended to
42 read as follows:

43 **802.3 Felony — aggravated or serious misdemeanor.**

44 In all cases, except those enumerated in section
45 802.1, 802.2, 802.2A, 802.2B, or 802.10, an indictment
46 or information for a felony or aggravated or serious
47 misdemeanor shall be found within three years after its
48 commission.

49 Sec. 7. Section 808B.3, Code 2014, is amended by
50 adding the following new subsection:

1 NEW SUBSECTION. 6. A felony offense involving
2 human trafficking in violation of chapter 710A.>
3 2. Title page, line 2, after <prostitution> by
4 inserting <pimping,>
5 3. Title page, by striking lines 3 and 4 and
6 inserting <trafficking, and providing penalties.>

COMMITTEE ON JUDICIARY
BALTIMORE of Boone, Chairperson