

Although Maryland's sex trafficking law makes it a crime to exploit a minor under 18 through commercial sex without requiring use of force, fraud, or coercion, buyers are not included as offenders under that law. Further, state law does not prohibit the criminalization of minors for prostitution offenses, but Maryland has established a statewide system for providing specialized services to commercially sexually exploited youth.

Final Score	82
Final Grade	B

10	18.5	15	7.5	16	15
10	25	15	10	27.5	15

Criminalization of Domestic Minor Sex Trafficking

Maryland's sex trafficking law clearly defines a minor under the age of 18 used in a commercial sex act as a sex trafficking victim without regard to use of force, fraud, or coercion. Maryland's commercial sexual exploitation of children (CSEC) laws include: "child kidnapping for the purpose of committing a sexual crime," "sexual solicitation of minor," and "child pornography." Maryland's prostitution law refers to the sex trafficking law by providing sex trafficking victims with an affirmative defense. Maryland's criminal gang law includes sex trafficking, certain prostitution-related offenses, and abduction as predicate offenses, allowing use of this law to prosecute sex trafficking enterprises.

Criminal Provisions for Demand



The state sex trafficking law does not criminalize purchasing sex acts with a minor, leaving buyers subject only to the CSEC offense of "sexual solicitation of minor." "Sexual solicitation of minor" distinguishes between solicitation of minors versus adults for prostitution by providing for an enhanced penalty when the person solicited is a minor. Buyers convicted of this offense face up to 10 years imprisonment and a fine up to \$25,000. Offenders prosecuted for "sexual solicitation of minor" are not expressly prohibited from asserting an age mistake. Using the Internet or electronic communications to solicit a minor for commercial sex is prohibited. Asset forfeiture is limited in application for offenses committed by buyers. Buyers of sex with minors are required to register as sex offenders if convicted of possessing child sexual abuse material (CSAM), "sexual solicitation of minor," or sex trafficking under federal law.

Criminal Provisions for Traffickers



If the victim is a minor, "sex trafficking" is a felony punishable by imprisonment up to 25 years and a fine up to \$15,000. "Child kidnapping for the purpose of committing a sexual crime" is a felony punishable by imprisonment up to 25 years and a fine up to \$5,000, while "sexual solicitation of a minor" is a felony punishable by imprisonment up to 10 years and a fine up to \$25,000. Creating and promoting CSAM is punishable by imprisonment up to 10 years and a fine up to \$25,000. Using the Internet or electronic communications to entice or command a minor to engage in prostitution-related activity is prohibited. Although not mandatory, the court may order a trafficker to pay restitution when the victim has suffered pecuniary loss, including loss of earnings, incurred medical expenses, and other expenses. Asset forfeiture is available for trafficking and CSEC offenses. Traffickers must register as sex offenders for convictions of sex trafficking, CSEC offenses, and prostitution offenses involving a minor. Child sex trafficking is included as a ground for terminating parental rights based on the definitions of "abuse," "sexual abuse," and "crime of violence."

Criminal Provisions for Facilitators

“Sex trafficking,” which includes the crime of benefitting from sex trafficking, is punishable by imprisonment up to 25 years and a fine up to \$15,000. Using a computer to disseminate information and facilitate unlawful sexual conduct with a minor is a felony punishable by imprisonment up to 10 years and a fine up to \$25,000. Promoting or selling CSAM is a felony punishable by imprisonment up to 10 years and a fine up to \$25,000. Providing online storage of graphics, images, or videos and failing to

report or remove CSAM found on the server is a misdemeanor punishable by a fine up to \$5,000 for a first conviction, \$20,000 for a second conviction, or \$30,000 for each subsequent conviction. Although not mandatory, the court may order a facilitator to pay restitution when the victim has suffered pecuniary loss, including loss of earnings, incurred medical expenses, and other expenses. Facilitators are subject to asset forfeiture. No laws in Maryland specifically address child sex tourism.



Protective Provisions for the Child Victims

Not all commercially sexually exploited children are defined as juvenile sex trafficking victims because the sex trafficking law does not apply to buyers, thereby requiring identification of a trafficker or controlling third party. The sex trafficking law is silent regarding the availability of a defense based on the willingness of the minor to engage in the commercial sex act, so a defendant may seek to assert such a defense. Prostitution laws apply to minors under 18, meaning juvenile sex trafficking victims may face criminalization for commercial sex acts resulting from their victimization. However, Maryland law established a statewide system for providing specialized services to commercially sexually exploited youth. For purposes of child welfare intervention, the definition of sexual abuse includes “sex trafficking of a child by any individual.” CSEC victims who have suffered physical injury, or psychological injury if a victim of “sexual solicitation of a minor” or “child pornography,” are eligible for crime victims’ compensation; however, if determined to have knowingly participated in the conduct giving rise to the injury and if uncooperative with law enforcement investigating the crime, a child sex trafficking vic-

tim could be barred from receiving an award. Victim-friendly trial procedures, including the ability to testify through closed circuit television and a “rape shield” law protecting witnesses from the trauma of cross examination, apply only in child abuse and sexual offense proceedings, potentially foreclosing these options to testifying sex trafficking victims. Maryland law does not provide a mechanism for minors to vacate delinquency adjudications related to trafficking victimization, and juvenile records may only be expunged after a waiting period. Although not mandatory, a court may order convicted offenders to pay restitution if the victim has suffered pecuniary loss, including loss of earnings, incurred medical expenses, and other expenses. No statute of limitations applies to felony offenses, but prosecutions for misdemeanors generally must be brought within 1 year. Civil actions for sexual abuse of a minor must be commenced within 20 years of the minor turning 18 or within 3 years of the offender’s conviction; otherwise, the general 3 year statute of limitations on civil actions applies.



Criminal Justice Tools for Investigation and Prosecution

Maryland law mandates law enforcement training on sex trafficking. Single party consent to audiotaping is permitted when an officer’s safety is in jeopardy; however, such communications cannot be recorded or used in a criminal proceeding. Wiretapping is allowed for investigations of sex trafficking, “kidnapping,” CSAM, and “sexual solicitation of a minor,” giving law enforcement powerful tools to investigate and collect actionable evidence for prosecutions. Use of a decoy and use of the Internet are permitted in

an investigation of “sexual solicitation of a minor,” which is violated when a defendant solicits by any means, including the computer or Internet, a law enforcement officer posing as a minor; accordingly, a defendant would be prohibited from asserting a defense based on the fact that an actual minor was not involved in the investigation. State law requires reporting of missing and located missing children.



The Report Card is based on the Protected Innocence Challenge Legislative Framework, an analysis of state laws performed by Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Challenge Legislative Framework Methodology, all state Report Cards, and foundational analysis and recommendations, please visit: www.sharedhope.org/reportcards.