

# 2013 Legislative Session

## Maryland Human Trafficking Task Force-supported Bills

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### **HB713: Asset Forfeiture for Human Trafficking**

**Sponsor: Delegate Dumais; 80 cosponsors**

**Judiciary Committee Hearing (House): 2/19 @ 1:00**

HB 713 authorizes asset forfeiture of vehicles, books, records, money, weapons, or property used or intended to be used in violation of Md. Code Ann., Crim. Law § 11-303 (Human trafficking), § 11-304 (Receiving earnings of prostitute), § 11-305 (Abduction of child under 16), §11-207(a) (Child pornography), and § 3-324 (Sexual solicitation of minor). The bill establishes an Anti-Human Trafficking Fund to provide aid to victims, funding to law enforcement, and funding to nonprofit or private organizations that work on the issue of human trafficking.

The primary reason traffickers exploit children is profit. Children are low cost products able to be sold multiple times for the enrichment and benefit of their trafficker. Asset forfeiture is a critical means of prohibiting a criminal from keeping the proceeds or instrumentalities of the crime and provides a means to pay for victim services and law enforcement investigation.

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### **HB 943: Abduction Penalty**

**Sponsor: Delegate Lee**

**Judiciary Committee Hearing (House) 2/26 @ 1:00**

Md. Code Ann., Crim. Law § 11-305 (Abduction of child under 16) is currently a misdemeanor offense punishable by up to 10 years of imprisonment, a fine not to exceed \$5,000, or both. This bill raises the offense to a felony and raises the fine to \$10,000–\$15,000, an amount equal to the human trafficking fine.

An enumerated purpose of the crime of abduction is for prostitution—prostitution of a child is sex trafficking and therefore should be penalized at the same severity level as the offense of human trafficking. Human trafficking is currently a felony level offense in Maryland.

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### **HB 933: Mistake of Age Defense Prohibited**

**Sponsor: Delegate Lee**

**Judiciary Committee Hearing (House) 2/26 @ 1:00**

This bill prevents a defendant from asserting a defense that the offender did not know the age of the minor victim. However, it is a defense that the person made “a reasonable bona fide attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate, or other governmental or educational identification card or paper and did not rely solely on the oral allegations or apparent age of the minor.” Permitting a defense to prosecution based on mistake of age subverts the intention of protecting children from exploitation and creates a weakness in the laws needed to deter this crime and to protect our children.

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### **SB 215/HB 1188: Human Trafficking of 18-20 year olds a felony**

**Sponsors: Senator Forehand; Delegate Kris Valderrama**

**Judicial Proceedings Committee Hearing (Senate) 2/12 @ 1:00; Judiciary Committee (House) 2/26 @ 1:00**

This bill expands a human trafficking felony offense to include the trafficking of 18-20 year olds, even in the absence of any force, fraud or coercion. This would allow more felony cases to be pursued that are not typically pursued under the current law that identifies the crime of human trafficking involving victims over the age of 18 as only a misdemeanor offense. This law would not shield persons under the age 21 from liability if they themselves are identified as traffickers.

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**HB 1056: Police Training—Human Trafficking—Sensitivity and Awareness**  
**Sponsors: Delegates Robinson, Anderson, Conaway, Glenn**  
**Judiciary Committee Hearing (House) 2/26 @ 1:00**

Authorizing the Police Training Commission to require, for entrance-level training and at least every 3 years for in-service training, specified training on the criminal laws related to human trafficking, including sensitivity and awareness training to recognize victims of human trafficking.