

<b>Bill</b>	<b>SB 215/ HB1188: Criminal Law - Human Trafficking - Victims Under Age 21</b>
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<b>Sponsors</b>	SB 215: Senators Forehand, Benson, Colburn, Dyson, Garagiola, Jones–Rodwell, Kasemeyer, Kelley, King, Manno, Montgomery, Simonaire, Stone, and Young HB 1188: Delegates Valderrama, Clippinger, Dumais, Simmons, Valentino–Smith, and Waldstreicher
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## The Issue

- Youth are particularly susceptible to traffickers who prey on their insecurities and inexperience to manipulate them into commercial sexual exploitation.
- As a result, it is extremely difficult to prove that a trafficker used force, fraud or coercion to induce young victims to engage in commercial sex acts.
- Under Maryland’s human trafficking law, proof of force, fraud or coercion is required for a felony conviction unless the victim is under 18. Where force, fraud or coercion is not proven, human trafficking is only a misdemeanor offense.
- State laws protect minors from certain vices, such as alcohol, until they reach the age of 21, and protection from commercial sexual exploitation should be no different.
- For many purposes minors are defined as under 18 and youth over the age of 18 are treated as adults. However studies show that brain development continues well past this age and the areas of the brain that control risky behavior may not develop until age 25.<sup>1</sup>
- The susceptibility of older youth to human trafficking also continues beyond the age of 18. Older youth trafficking victims are low-cost, low-risk investments for traffickers because they are easily manipulated, easily replaceable, and can be sold repeatedly.
- The lack of state laws that protect older youth from commercial sexual exploitation makes them especially vulnerable to exploitation, since they are identified as prostitutes, rather than victims. This makes it easier for traffickers to isolate and control older youth victims.
- Minors and older youth face similar long-term effects from the trauma they experience as victims of commercial sexual exploitation and sex trafficking.
- Proving force, fraud or coercion when older youth are victims of sex trafficking creates a substantial barrier to prosecutions, allowing traffickers to avoid meaningful penalties for this egregious offense.

## Legislative Solution

Ensure that traffickers of older youth face felony punishment under the human trafficking law by removing the requirement to prove force, fraud or coercion when the victim is under the age of 21.

## How These Bills Address the Issue

- Ensures felony-level penalties for all human trafficking offenses that involve a victim under the age of 21.
- Accounts for the particular vulnerability of older youth as well as minors.
- Raises the stakes for traffickers who try to avoid serious penalties under the human trafficking law by exploiting vulnerable older youth.
- Protects a broader range of victims by making human trafficking a felony when the victim is under 21, regardless of the use of force, fraud or coercion.
- Protects victims while ensuring penalties remain intact for traffickers, regardless of the trafficker’s age. This law would not shield persons under the age 21 from prosecution if they themselves are identified as traffickers.
- Allows 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, unless force, fraud or coercion is proven.

<sup>1</sup> See U.S. Department of Health and Human Services Office of Population Affairs Adolescent Brain Development Module defining adolescence spanning the ages of 10-24. Available at: [http://www.hhs.gov/opa/familylife/tech\\_assistance/etraining/adolescent\\_brain/Overview/what\\_is\\_adolescence/index.html](http://www.hhs.gov/opa/familylife/tech_assistance/etraining/adolescent_brain/Overview/what_is_adolescence/index.html); see also, “Maturation of the Prefrontal Cortex” module available at: [http://www.hhs.gov/opa/familylife/tech\\_assistance/etraining/adolescent\\_brain/Development/prefrontal\\_cortex/index.html](http://www.hhs.gov/opa/familylife/tech_assistance/etraining/adolescent_brain/Development/prefrontal_cortex/index.html)

