

HB0876/972517/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 876

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Trafficking” insert “, Extortion,”; strike beginning with “or” in line 3 down through “minor” in line 6 and substitute “certain persons”; in line 6, strike “or a sexually explicit performance” and substitute “; prohibiting a person from obtaining or attempting to obtain labor or services by certain means; establishing that a certain penalty is based on the value of certain labor or services; prohibiting a person from making certain verbal threats with the intent to unlawfully extort labor or services; providing that the District Court has jurisdiction that is concurrent with a circuit court in certain criminal cases involving human trafficking”; strike beginning with the second “establishing” in line 7 down through “terms;” in line 9 and substitute “providing an increased penalty for a certain violation involving a minor victim;”; and in line 9, after “persons” insert “, extortion,”.

On pages 1 and 2, strike in their entirety the lines beginning with line 11 on page 1 through line 1 on page 2, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 4–301(b)(21) and (22) and 4–302(a) and (d)(1)

Annotated Code of Maryland

(2006 Replacement Volume)

BY adding to

Article – Courts and Judicial Proceedings

Section 4–301(b)(23)

Annotated Code of Maryland

(2006 Replacement Volume)”.

(Over)

On page 2, in line 4, after “3–324” insert “, 3–701, 3–704, 3–705, and 11–303”; and strike in their entirety lines 7 through 12, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 15 on page 2 through line 11 on page 3, inclusive, and substitute:

“Article – Courts and Judicial Proceedings

4–301.

(b) Except as provided in § 4–302 of this subtitle, the District Court also has exclusive original jurisdiction in a criminal case in which a person at least 18 years old or a corporation is charged with:

(21) Violation of §§ 16–801 through 16–804 of the Election Law Article;

[or]

(22) Violation of § 3–203(c) of the Criminal Law Article; OR

(23) VIOLATION OF § 11–303(B) OF THE CRIMINAL LAW ARTICLE.

4–302.

(a) Except as provided in § 4–301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), [and] (22), AND (23) of this subtitle, the District Court does not have jurisdiction to try a criminal case charging the commission of a felony.

(d) (1) Except as provided in paragraph (2) of this subsection, the jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case:

(i) In which the penalty may be confinement for 3 years or more or a fine of \$2,500 or more; or

(ii) That is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), [and] (22), AND (23) of this subtitle.”.

On page 3, in line 24, after “subtitle” insert “**OR § 11-304, § 11-305, OR § 11-306 OF THIS ARTICLE**”.

On page 4, in line 2, after “subtitle” insert “**OR § 11-304, § 11-305, OR § 11-306 OF THIS ARTICLE**”; and strike in their entirety lines 3 through 9, inclusive.

On pages 4 through 6, strike in their entirety the lines beginning with line 17 on page 4 through line 6 on page 6, inclusive, and substitute:

“3-701.

(a) This section does not apply to legitimate efforts by employees or their representatives to obtain certain wages, hours, or working conditions.

(b) A person may not obtain [or], attempt to obtain, **OR CONSPIRE TO OBTAIN** money, property, **LABOR, SERVICES,** or anything of value from another person with the person’s consent, if the consent is induced by wrongful use of actual or threatened:

(1) force or violence[, or by];

(2) [wrongful threat of] economic injury; **OR**

(Over)

(3) DESTRUCTION, CONCEALMENT, REMOVAL, CONFISCATION, OR POSSESSION OF ANY IMMIGRATION OR GOVERNMENT IDENTIFICATION DOCUMENT WITH INTENT TO HARM THE IMMIGRATION STATUS OF ANOTHER PERSON.

(c) If the value of the property, LABOR, OR SERVICES is \$500 or more, a person who violates this section is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

(d) If the value of the property, LABOR, OR SERVICES is less than \$500, a person who violates this section is guilty of the misdemeanor of extortion and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding \$500 or both.

(e) A prosecution for a felony under this section shall be instituted within 5 years after the crime was committed.

3-704.

(a) A person, with the intent to unlawfully extort money, property, LABOR, SERVICES, or anything of value from another, may not falsely accuse or threaten to falsely accuse another of a crime or of anything that, if the accusation were true, would tend to bring the other into contempt or disrepute.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

3-705.

(a) A person, with the intent to unlawfully extort money, property, LABOR, SERVICES, or anything of value from another, may not verbally threaten to:

(1) accuse any person of a crime or of anything that, if true, would bring the person into contempt or disrepute; or

(2) (i) cause physical injury to a person;

(ii) inflict emotional distress on a person;

(iii) cause economic damage to a person; or

(iv) cause damage to the property of a person.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

11-303.

(a) (1) A person may not knowingly:

[(1)] (I) take or cause another to be taken to any place for prostitution;

[(2)] (II) place, cause to be placed, or harbor another in any place for prostitution;

[(3)] (III) persuade or encourage by threat or promise another to be taken to or placed in any place for prostitution;

(Over)

[(4)] (IV) unlawfully take or detain another with the intent to use force, threat, or persuasion to compel the other to marry the person or a third person or perform a sexual act, sexual contact, or vaginal intercourse; or

[(5)] (V) receive consideration to procure for or place in a house of prostitution or elsewhere another with the intent of causing the other to engage in prostitution or assignation.

[(b)] (2) A parent, guardian, or person who has permanent or temporary care or custody or responsibility for supervision of another may not consent to the taking or detention of the other for prostitution.

(B) A PERSON MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION INVOLVING A VICTIM WHO IS A MINOR.

(c) (1) (I) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A person who violates SUBSECTION (A) OF this section is guilty of the misdemeanor of [pandering] HUMAN TRAFFICKING and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

[(d)] (II) A person who violates SUBSECTION (A) OF this section is subject to § 5-106(b) of the Courts Article.

(2) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF THE FELONY OF HUMAN TRAFFICKING AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 25 YEARS OR A FINE NOT EXCEEDING \$15,000 OR BOTH.

[(e)] (D) A person who violates this section may be charged, tried, and sentenced in any county in or through which the person transported or attempted to transport the other.”.