

SB0606/832715/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 606
(Third 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 3 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 6, after “3–324” insert “, 3–701, 3–704, 3–705, and 11–303”; and strike in their entirety lines 9 through 14, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 17 on page 2 through line 12 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 25, 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];

(Over)

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

(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.”.