

HOUSE BILL 876

E1

71r2291

By: **Delegates Lawton, Dumais, Ali, Barkley, Beidle, Bronrott, Dwyer, Frank, Frush, Gilchrist, Gutierrez, Healey, Hecht, Hixson, Hucker, James, Kaiser, Kelly, N. King, Kullen, Lee, Love, Manno, McComas, McConkey, Mizeur, Montgomery, Nathan-Pulliam, Pena-Melnyk, Ramirez, Ross, Shank, Shewell, Simmons, Stein, Tarrant, Valderrama, and Waldstreicher**

Introduced and read first time: February 9, 2007

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 2007

CHAPTER _____

1 AN ACT concerning

2 **Human Trafficking, Extortion, and Involuntary Servitude**

3 FOR the purpose of prohibiting a person from knowingly soliciting ~~or attempting to~~
4 ~~solicit another person for prostitution, a sexually explicit performance, labor, or~~
5 ~~services by certain means; prohibiting a person from knowingly soliciting or~~
6 ~~attempting to solicit a minor~~ certain persons for prostitution ~~or a sexually~~
7 ~~explicit performance; prohibiting a person from obtaining or attempting to~~
8 obtain labor or services by certain means; establishing that a certain penalty is
9 based on the value of certain labor or services; prohibiting a person from
10 making certain verbal threats with the intent to unlawfully extort labor or
11 services; providing that the District Court has jurisdiction that is concurrent
12 with a circuit court in certain criminal cases involving human trafficking;
13 establishing certain penalties; establishing that a business entity that
14 knowingly aids or participates in a certain violation is subject to certain
15 penalties; defining certain terms; providing an increased penalty for a certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 violation involving a minor victim; and generally relating to trafficking of
 2 persons, extortion, and involuntary servitude.

3 ~~BY adding to~~
 4 ~~Article – Business Occupations and Professions~~
 5 ~~Section 1-209~~
 6 ~~Annotated Code of Maryland~~
 7 ~~(2004 Replacement Volume and 2006 Supplement)~~

8 ~~BY adding to~~
 9 ~~Article – Business Regulation~~
 10 ~~Section 1-211~~
 11 ~~Annotated Code of Maryland~~
 12 ~~(2004 Replacement Volume and 2006 Supplement)~~

13 BY repealing and reenacting, with amendments,
 14 Article – Courts and Judicial Proceedings
 15 Section 4-301(b)(21) and (22) and 4-302(a) and (d)(1)
 16 Annotated Code of Maryland
 17 (2006 Replacement Volume)

18 BY adding to
 19 Article – Courts and Judicial Proceedings
 20 Section 4-301(b)(23)
 21 Annotated Code of Maryland
 22 (2006 Replacement Volume)

23 BY repealing and reenacting, with amendments,
 24 Article – Criminal Law
 25 Section 3-324, 3-701, 3-704, 3-705, and 11-303
 26 Annotated Code of Maryland
 27 (2002 Volume and 2006 Supplement)

28 ~~BY adding to~~
 29 ~~Article – Criminal Law~~
 30 ~~Section 3-1001 and 3-1002 to be under the new subtitle “Subtitle 10.~~
 31 ~~Trafficking of Persons and Involuntary Servitude”~~
 32 ~~Annotated Code of Maryland~~
 33 ~~(2002 Volume and 2006 Supplement)~~

34 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 35 MARYLAND, That the Laws of Maryland read as follows:

~~Article Business Occupations and Professions~~

~~1-209.~~

~~A PERSON THAT KNOWINGLY AIDS OR PARTICIPATES IN A VIOLATION OF TITLE 3, SUBTITLE 10 OF THE CRIMINAL LAW ARTICLE IS SUBJECT TO:~~

~~(1) THE SUSPENSION OR REVOCATION OF ANY BUSINESS LICENSE, PERMIT, OR APPROVAL TO OPERATE GRANTED TO THE ENTITY BY THE STATE;~~

~~(2) DISSOLUTION OR REORGANIZATION;~~

~~(3) THE SURRENDER OF THE ENTITY'S CHARTER IF IT IS A CORPORATION ORGANIZED UNDER STATE LAW; OR~~

~~(4) THE REVOCATION OF THE ENTITY'S CERTIFICATE TO CONDUCT BUSINESS IF IT IS A CORPORATION NOT ORGANIZED UNDER STATE LAW.~~

~~Article Business Regulation~~

~~1-211.~~

~~A PERSON THAT KNOWINGLY AIDS OR PARTICIPATES IN A VIOLATION OF TITLE 3, SUBTITLE 10 OF THE CRIMINAL LAW ARTICLE IS SUBJECT TO:~~

~~(1) THE SUSPENSION OR REVOCATION OF ANY BUSINESS LICENSE, PERMIT, OR APPROVAL TO OPERATE GRANTED TO THE ENTITY BY THE STATE;~~

~~(2) DISSOLUTION OR REORGANIZATION;~~

~~(3) THE SURRENDER OF THE ENTITY'S CHARTER IF IT IS A CORPORATION ORGANIZED UNDER STATE LAW; OR~~

~~(4) THE REVOCATION OF THE ENTITY'S CERTIFICATE TO CONDUCT BUSINESS IF IT IS A CORPORATION NOT ORGANIZED UNDER STATE LAW.~~

Article - Courts and Judicial Proceedings

1 4-301.

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

5 (21) Violation of §§ 16-801 through 16-804 of the Election Law Article;
 6 [or]

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

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

9 4-302.

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

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

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

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

22 **Article - Criminal Law**

23 3-324.

24 (a) In this section, "solicit" means to command, authorize, urge, entice,
 25 request, or advise a person by any means, including:

26 (1) in person;

27 (2) through an agent or agency;

- 1 (3) over the telephone;
- 2 (4) through any print medium;
- 3 (5) by mail;
- 4 (6) by computer or Internet; or
- 5 (7) by any other electronic means.

6 (b) A person may not, with the intent to commit a violation of § 3-304, §
 7 3-306, or § 3-307 of this subtitle OR § 11-304, § 11-305, OR § 11-306 OF THIS
 8 ARTICLE, knowingly solicit a minor, or a law enforcement officer posing as a minor, to
 9 engage in activities that would be unlawful for the person to engage in under § 3-304,
 10 § 3-306, or § 3-307 of this subtitle OR § 11-304, § 11-305, OR § 11-306 OF THIS
 11 ARTICLE.

12 ~~(B-1) (1) A PERSON MAY NOT KNOWINGLY SOLICIT OR ATTEMPT TO~~
 13 ~~SOLICIT A MINOR FOR THE PURPOSE OF PROSTITUTION, AS DEFINED IN §~~
 14 ~~11-301 OF THIS ARTICLE, OR A SEXUALLY EXPLICIT PERFORMANCE, AS~~
 15 ~~DEFINED IN § 3-1001 OF THIS TITLE.~~

16 ~~(2) A PERSON MAY NOT BENEFIT FINANCIALLY, OR RECEIVE~~
 17 ~~ANYTHING OF VALUE, FROM KNOWINGLY PARTICIPATING IN A VENTURE THAT~~
 18 ~~HAS ENGAGED IN A VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION.~~

19 (c) A violation of this section is considered to be committed in the State for
 20 purposes of determining jurisdiction if the solicitation:

- 21 (1) originated in the State; or
- 22 (2) is received in the State.

23 (d) A person who violates this section is guilty of a felony and on conviction is
 24 subject to imprisonment not exceeding 10 years or a fine not exceeding \$25,000 or
 25 both.

26 ~~SUBTITLE 10. TRAFFICKING OF PERSONS AND INVOLUNTARY SERVITUDE.~~

27 ~~3-1001.~~

1 ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
2 ~~INDICATED.~~

3 ~~(B) "EXTORTION" MEANS AN OFFENSE UNDER §§ 3-701, 3-704, AND~~
4 ~~3-705 OF THIS TITLE.~~

5 ~~(C) "LABOR" MEANS WORK OF ECONOMIC OR FINANCIAL VALUE.~~

6 ~~(D) "PROSTITUTION" HAS THE SAME MEANING STATED IN § 11-301 OF~~
7 ~~THIS ARTICLE.~~

8 ~~(E) "SEXUALLY EXPLICIT PERFORMANCE" MEANS AN OBSCENE~~
9 ~~PERFORMANCE, EXHIBITION, DRAMA PLAY, SHOW, DANCING EXHIBITION,~~
10 ~~TABLEAU, OR OTHER ENTERTAINMENT IN WHICH INDIVIDUALS PERFORM OR~~
11 ~~PARTICIPATE LIVE IN AN OBSCENE MANNER IN THE PRESENCE OF INDIVIDUALS~~
12 ~~WHO HAVE PAID ANY KIND OF CONSIDERATION TO OBSERVE THE EXHIBITION OR~~
13 ~~PERFORMANCE.~~

14 ~~3-1002.~~

15 ~~(A) A PERSON MAY NOT KNOWINGLY SOLICIT, AS DEFINED IN §~~
16 ~~11-301(F) OF THIS ARTICLE, OR ATTEMPT TO SOLICIT ANOTHER PERSON FOR~~
17 ~~THE PURPOSE OF ENGAGING THAT PERSON IN PROSTITUTION, A SEXUALLY~~
18 ~~EXPLICIT PERFORMANCE, LABOR, OR SERVICES BY:~~

19 ~~(1) CAUSING OR THREATENING TO CAUSE HARM TO ANY PERSON;~~

20 ~~(2) PHYSICALLY RESTRAINING OR THREATENING TO PHYSICALLY~~
21 ~~RESTRAIN ANY PERSON;~~

22 ~~(3) ABUSING OR THREATENING TO ABUSE LEGAL PROCESSES;~~

23 ~~(4) KNOWINGLY DESTROYING, CONCEALING, REMOVING,~~
24 ~~CONFISCATING, OR POSSESSING ANY ACTUAL OR PURPORTED PASSPORT OR~~
25 ~~OTHER IMMIGRATION DOCUMENT OR ANY OTHER ACTUAL OR PURPORTED~~
26 ~~GOVERNMENT IDENTIFICATION DOCUMENT OF ANOTHER PERSON;~~

27 ~~(5) EXTORTION;~~

1 ~~(6) DECEPTION;~~

2 ~~(7) FRAUD;~~

3 ~~(8) REQUIRING A PERSON TO PERFORM SERVICES IN EXCESS OF~~
4 ~~THOSE REQUIRED TO PAY THE UNPAID PRINCIPAL BALANCE OF A LOAN OR~~
5 ~~OTHER FINANCIAL OBLIGATION;~~

6 ~~(9) CAUSING OR THREATENING TO CAUSE FINANCIAL HARM TO~~
7 ~~ANY PERSON; OR~~

8 ~~(10) FACILITATING OR CONTROLLING A PERSON'S ACCESS TO~~
9 ~~ADDICTIVE CONTROLLED SUBSTANCES.~~

10 ~~(B) A PERSON MAY NOT BENEFIT FINANCIALLY, OR RECEIVE ANYTHING~~
11 ~~OF VALUE, FROM KNOWINGLY PARTICIPATING IN A VENTURE THAT HAS~~
12 ~~ENGAGED IN A VIOLATION OF SUBSECTION (A) OF THIS SECTION.~~

13 ~~(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY~~
14 ~~AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS~~
15 ~~OR A FINE NOT EXCEEDING \$15,000 OR BOTH.~~

16 3-701.

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

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

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

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

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

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

4 (d) If the value of the property, LABOR, OR SERVICES is less than \$500, a
5 person who violates this section is guilty of the misdemeanor of extortion and on
6 conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding
7 \$500 or both.

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

10 3-704.

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

15 (b) A person who violates this section is guilty of a misdemeanor and on
16 conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding
17 \$10,000 or both.

18 3-705.

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

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

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

24 (ii) inflict emotional distress on a person;

25 (iii) cause economic damage to a person; or

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

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

1 11-303.

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

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

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

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

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

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

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

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

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

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

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

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.