

SENATE BILL 606

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71r1166

By: **Senators Forehand, Conway, Kelley, Kramer, Pugh, Raskin, and Rosapepe**

Introduced and read first time: February 2, 2007

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Human Trafficking 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 for prostitution or a sexually explicit performance;
7 establishing certain penalties; establishing that a business entity that
8 knowingly aids or participates in a certain violation is subject to certain
9 penalties; defining certain terms; and generally relating to trafficking of persons
10 and involuntary servitude.

11 BY adding to

12 Article – Business Occupations and Professions
13 Section 1–209
14 Annotated Code of Maryland
15 (2004 Replacement Volume and 2006 Supplement)

16 BY adding to

17 Article – Business Regulation
18 Section 1–211
19 Annotated Code of Maryland
20 (2004 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Criminal Law
3 Section 3–324
4 Annotated Code of Maryland
5 (2002 Volume and 2006 Supplement)

6 BY adding to
7 Article – Criminal Law
8 Section 3–1001 and 3–1002 to be under the new subtitle “Subtitle 10.
9 Trafficking of Persons and Involuntary Servitude”
10 Annotated Code of Maryland
11 (2002 Volume and 2006 Supplement)

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

14 **Article – Business Occupations and Professions**

15 **1–209.**

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

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

21 **(2) DISSOLUTION OR REORGANIZATION;**

22 **(3) THE SURRENDER OF THE ENTITY’S CHARTER IF IT IS A**
23 **CORPORATION ORGANIZED UNDER STATE LAW; OR**

24 **(4) THE REVOCATION OF THE ENTITY’S CERTIFICATE TO**
25 **CONDUCT BUSINESS IF IT IS A CORPORATION NOT ORGANIZED UNDER STATE**
26 **LAW.**

1 **Article – Business Regulation**

2 **1-211.**

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

5 **(1) THE SUSPENSION OR REVOCATION OF ANY BUSINESS**
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7 **STATE;**

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9 **(3) THE SURRENDER OF THE ENTITY’S CHARTER IF IT IS A**
10 **CORPORATION ORGANIZED UNDER STATE LAW; OR**

11 **(4) THE REVOCATION OF THE ENTITY’S CERTIFICATE TO**
12 **CONDUCT BUSINESS IF IT IS A CORPORATION NOT ORGANIZED UNDER STATE**
13 **LAW.**

14 **Article – Criminal Law**

15 **3-324.**

16 **(a) In this section, “solicit” means to command, authorize, urge, entice,**
17 **request, or advise a person by any means, including:**

18 **(1) in person;**

19 **(2) through an agent or agency;**

20 **(3) over the telephone;**

21 **(4) through any print medium;**

22 **(5) by mail;**

1 (6) by computer or Internet; or

2 (7) by any other electronic means.

3 (b) A person may not, with the intent to commit a violation of § 3–304, §
4 3–306, or § 3–307 of this subtitle, knowingly solicit a minor, or a law enforcement
5 officer posing as a minor, to engage in activities that would be unlawful for the person
6 to engage in under § 3–304, § 3–306, or § 3–307 of this subtitle.

7 **(B–1) (1) A PERSON MAY NOT KNOWINGLY SOLICIT OR ATTEMPT TO**
8 **SOLICIT A MINOR FOR THE PURPOSE OF PROSTITUTION, AS DEFINED IN §**
9 **11–301 OF THIS ARTICLE, OR A SEXUALLY EXPLICIT PERFORMANCE, AS**
10 **DEFINED IN § 3–1001 OF THIS TITLE.**

11 **(2) A PERSON MAY NOT BENEFIT FINANCIALLY, OR RECEIVE**
12 **ANYTHING OF VALUE, FROM KNOWINGLY PARTICIPATING IN A VENTURE THAT**
13 **HAS ENGAGED IN A VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION.**

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

16 (1) originated in the State; or

17 (2) is received in the State.

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

21 **SUBTITLE 10. TRAFFICKING OF PERSONS AND INVOLUNTARY SERVITUDE.**

22 **3–1001.**

23 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
24 **INDICATED.**

1 **(B) “EXTORTION” MEANS AN OFFENSE UNDER §§ 3-701, 3-704, AND**
2 **3-705 OF THIS TITLE.**

3 **(C) “LABOR” MEANS WORK OF ECONOMIC OR FINANCIAL VALUE.**

4 **(D) “PROSTITUTION” HAS THE SAME MEANING STATED IN § 11-301 OF**
5 **THIS ARTICLE.**

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

12 **3-1002.**

13 **(A) A PERSON MAY NOT KNOWINGLY SOLICIT, AS DEFINED IN §**
14 **11-301(F) OF THIS ARTICLE, OR ATTEMPT TO SOLICIT ANOTHER PERSON FOR**
15 **THE PURPOSE OF ENGAGING THAT PERSON IN PROSTITUTION, A SEXUALLY**
16 **EXPLICIT PERFORMANCE, LABOR, OR SERVICES BY:**

17 **(1) CAUSING OR THREATENING TO CAUSE HARM TO ANY PERSON;**

18 **(2) PHYSICALLY RESTRAINING OR THREATENING TO PHYSICALLY**
19 **RESTRAIN ANY PERSON;**

20 **(3) ABUSING OR THREATENING TO ABUSE LEGAL PROCESSES;**

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

25 **(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 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2007.