

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 1311
Judiciary

(Delegate Carter)

Crimes - Trafficking of Human Organs - Penalties

This bill prohibits a person from recruiting, transporting, transferring, harboring, or receiving an individual, either living or deceased, for the purpose of removing one or more of the individual's organs by means of coercion, abduction, deception, abuse of power or a position of vulnerability, or transfer of payments or benefits to achieve the consent of a person having control over the individual. The bill also prohibits a person from transporting or transplanting an organ obtained through these means to one or more persons for profit or any other purpose. Violators are guilty of a misdemeanor, punishable by imprisonment for up to five years and/or a \$10,000 maximum fine.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provisions.

Local Effect: Potential minimal increase in local revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: None.

Analysis

Current Law/Background: Under the National Organ Transplant Act, it is illegal to buy or sell a human organ. While data on the extent of the organ trafficking market is incomplete, the World Health Organization estimates that approximately 10,000 black market operations involving purchased human organs take place each year. Kidneys are the most popular organ on the market, with many donors in developing nations selling

their kidneys to get out of debt. Reports have also emerged of individuals being abducted, forced, or duped into relinquishing their organs.

Many of the recipients of organs obtained through these channels travel internationally to undergo transplants. In May 2012, Israeli police arrested 10 people, including a doctor, suspected of participating in an international organ trafficking ring.

In May 2011, a New Jersey man who was arrested as part of a wider corruption sting admitted in federal court that he brokered three illegal kidney transplants involving donors from Israel for fees of at least \$120,000 each.

On average, according to the U.S. Department of Health and Human Services, 18 individuals die each day waiting for transplants that do not take place due to a shortage of donated organs. As of February 2012, more than 110,000 candidates are on the waiting list for an organ transplant. Of these candidates, more than 90,000 are on the waiting list for a kidney transplant and more than 16,000 are waiting for a liver; some candidates need multiple organs. About 20% of the transplants performed in 2011 involved organs from living donors.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Office of the Public Defender, Department of Public Safety and Correctional Services, University of Maryland Medical System, CNN.com, TIME.com, *The New York Times*, *The Guardian (UK)*, CBSNews.com, Department of Legislative Services

Fiscal Note History: First Reader - March 14, 2013
mm/kdm

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