

# SENATE BILL 78

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SB 215/13 – JPR

(PRE-FILED)

4lr0926

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By: ~~Senator Forehand~~ Senators Forehand, Brochin, Frosh, Hershey, Jacobs, Muse, Shank, Stone, Zirkin, and Kittleman

Requested: November 13, 2013  
Introduced and read first time: January 8, 2014  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: February 11, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law – Human Trafficking – Victims Under Age 21**

3 FOR the purpose of altering a certain provision concerning the age of a victim for  
4 purposes of certain prohibitions against felony human trafficking; and generally  
5 relating to human trafficking.

6 BY repealing and reenacting, with amendments,  
7 Article – Criminal Law  
8 Section 11–303  
9 Annotated Code of Maryland  
10 (2012 Replacement Volume and 2013 Supplement)

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

13 **Article – Criminal Law**

14 11–303.

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

16 (i) take or cause another to be taken to any place for  
17 prostitution;

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

3 (iii) persuade, induce, entice, or encourage another to be taken to  
4 or placed in any place for prostitution;

5 (iv) receive consideration to procure for or place in a house of  
6 prostitution or elsewhere another with the intent of causing the other to engage in  
7 prostitution or assignation;

8 (v) engage in a device, scheme, or continuing course of conduct  
9 intended to cause another to believe that if the other did not take part in a sexually  
10 explicit performance, the other or a third person would suffer physical restraint or  
11 serious physical harm; or

12 (vi) destroy, conceal, remove, confiscate, or possess an actual or  
13 purported passport, immigration document, or government identification document of  
14 another while otherwise violating or attempting to violate this subsection.

15 (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) (1) A person may not violate subsection (a) of this section involving a  
19 victim who is [a minor] **UNDER THE AGE OF 21 YEARS.**

20 (2) A person may not knowingly take or detain another with the intent  
21 to use force, threat, coercion, or fraud to compel the other to marry the person or a  
22 third person or perform a sexual act, sexual contact, or vaginal intercourse.

23 (c) (1) (i) Except as provided in paragraph (2) of this subsection, a  
24 person who violates subsection (a) of this section is guilty of the misdemeanor of  
25 human trafficking and on conviction is subject to imprisonment not exceeding 10 years  
26 or a fine not exceeding \$5,000 or both.

27 (ii) A person who violates subsection (a) of this section is subject  
28 to § 5–106(b) of the Courts Article.

29 (2) A person who violates subsection (b) of this section is guilty of the  
30 felony of human trafficking and on conviction is subject to imprisonment not exceeding  
31 25 years or a fine not exceeding \$15,000 or both.

32 (d) A person who violates this section may be charged, tried, and sentenced  
33 in any county in or through which the person transported or attempted to transport  
34 the other.

1           (e)   (1)   A person who knowingly benefits financially or by receiving  
2 anything of value from participation in a venture that includes an act described in  
3 subsection (a) or (b) of this section is subject to the same penalties that would apply if  
4 the person had violated that subsection.

5           (2)   A person who knowingly aids, abets, or conspires with one or more  
6 other persons to violate any subsection of this section is subject to the same penalties  
7 that apply for a violation of that subsection.

8           (f)   It is not a defense to a prosecution under subsection (b)(1) of this section  
9 that the person did not know the age of the victim.

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2014.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.