

SENATE BILL 78

E1
SB 215/13 – JPR

(PRE-FILED)

4lr0926

By: **Senator Forehand**

Requested: November 13, 2013

Introduced and read first time: January 8, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

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;

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

11 (2) A parent, guardian, or person who has permanent or temporary
12 care or custody or responsibility for supervision of another may not consent to the
13 taking or detention of the other for prostitution.

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

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

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

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

25 (2) A person who violates subsection (b) of this section is guilty of the
26 felony of human trafficking and on conviction is subject to imprisonment not exceeding
27 25 years or a fine not exceeding \$15,000 or both.

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

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

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

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

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