

SENATE BILL 520

E1

5lr2059

By: **Senators Lee, Montgomery, Nathan–Pulliam, Raskin, Ready, and Simonaire**

Introduced and read first time: February 6, 2015

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2015

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Human Trafficking – Affirmative Defense**

3 FOR the purpose of providing that, in a prosecution for a certain charge relating to
4 prostitution, it is an affirmative defense of duress if the defendant committed the act
5 as a result of being a victim of an act of another committed in violation of the human
6 trafficking law; providing that a defendant intending on asserting a certain
7 affirmative defense is required to provide the State’s Attorney with a certain notice
8 at least a certain time period prior to trial; and generally relating to human
9 trafficking.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 11–306
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2014 Supplement)

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

17 **Article – Criminal Law**

18 11–306.

19 (a) A person may not knowingly:

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 (1) engage in prostitution or assignation by any means;

2 (2) keep, set up, occupy, maintain, or operate a building, structure, or
3 conveyance for prostitution or assignation;

4 (3) allow a building, structure, or conveyance owned or under the person's
5 control to be used for prostitution or assignation;

6 (4) allow or agree to allow a person into a building, structure, or conveyance
7 for prostitution or assignation; or

8 (5) procure or solicit or offer to procure or solicit for prostitution or
9 assignation.

10 (b) A person who violates this section is guilty of a misdemeanor and on conviction
11 is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

12 **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN A**
13 **PROSECUTION UNDER THIS SECTION, IT IS AN AFFIRMATIVE DEFENSE OF DURESS IF**
14 **THE DEFENDANT COMMITTED THE ACT AS A RESULT OF BEING A VICTIM OF AN ACT**
15 **OF ANOTHER COMMITTED IN VIOLATION OF THE PROHIBITION AGAINST HUMAN**
16 **TRAFFICKING UNDER § 11-303 OF THE CRIMINAL LAW ARTICLE OR UNDER**
17 **FEDERAL LAW.**

18 **(2) A DEFENDANT MAY NOT ASSERT THE AFFIRMATIVE DEFENSE**
19 **PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE DEFENDANT**
20 **NOTIFIES THE STATE'S ATTORNEY OF THE DEFENDANT'S INTENTION TO ASSERT**
21 **THE DEFENSE AT LEAST 10 DAYS PRIOR TO TRIAL.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2015.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.