

SENATE BILL 527

E1
SB 904/15 – JPR

6lr2619
CF HB 219

By: **Senators Bates and Ready**
Introduced and read first time: February 4, 2016
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Human Trafficking – Adult Victim – Penalty**

3 FOR the purpose of making the crime of human trafficking in a case in which the victim of
4 the crime is an adult a felony, rather than a misdemeanor; making a conforming
5 change; and generally 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 2015 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 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 prostitution;

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

19 (iii) persuade, induce, entice, or encourage another to be taken to or
20 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 explicit
6 performance, the other or a third person would suffer physical restraint or serious physical
7 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 care or
12 custody or responsibility for supervision of another may not consent to the taking or
13 detention of the other for prostitution.

14 (b) (1) A person may not violate subsection (a) of this section involving a victim
15 who is a minor.

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

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

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

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

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

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

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

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

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2016.