

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 863

(Senator Lee, *et al.*)

Judicial Proceedings

Judiciary

Workgroup to Study Safe Harbor Policy for Youth Victims of Human
Trafficking - Sunset Extension

This bill extends the termination date for the Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking from June 30, 2016, to June 30, 2017. The workgroup must submit a supplemental report on its findings and recommendations by December 1, 2016.

The bill takes effect June 1, 2016.

Fiscal Summary

State Effect: Any continued expense reimbursements for workgroup members and staffing costs for the Governor's Office of Crime Control and Prevention are assumed to be minimal and absorbable with existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Chapter 91 of 2015 established the workgroup to study legal protections and the provision of services for youth victims of human trafficking. The workgroup was required to report its findings and recommendations to the Governor and the General Assembly by December 1, 2015. Chapter 91 terminates June 30, 2016.

Background: The workgroup's 23 members met 5 times over the course of 2 months to discuss and develop recommendations to restore victims and bring traffickers to justice. As required under Chapter 91, the workgroup issued a [final report](#) in December 2015, which included the following recommendations:

- provide immunity for youth age 17 and younger who are charged with prostitution or prostitution-related charges with immediate referral to services;
- establish statewide protocols for dealing with missing or runaway children;
- expand the use of the Department of Juvenile Services' risk assessment tool to all community and detention locations within the State;
- require human trafficking awareness training for all entry-level law enforcement, followed up by mandated in-service training;
- identify and apply for appropriate federal funding to support funding priorities;
- separate solicitation for prostitution out of § 11-306 of the Criminal Law Article and increase the fine for solicitation of prostitution;
- amend § 19-103 of the Business Regulation Article to include adult entertainment establishments as entities required to post National Human Trafficking Resource Center Hotline information signs;
- strengthen protections for human trafficking victims solicited on the Internet;
- expand the definition of child abuse to include sex trafficking; and
- form a workgroup of appropriate State agencies and nongovernmental organizations to design and implement a three-year plan to develop a victim-centered, statewide response for youth victims of human trafficking.

According to the National Conference of State Legislatures, at least 28 states have enacted legislation addressing safe harbor issues for youth victims of human trafficking. Common goals of safe harbor laws include treatment of youth as victims instead of subjecting them to prosecution as prostitutes, diversion of youth victims away from the justice system and toward appropriate services, protective responses by states to prevent further victimization of youth victims, and appropriate punishment for individuals who fund, profit from, or pay for sex with children.

Additional Information

Prior Introductions: None.

Cross File: HB 786 (Delegate Morales, *et al.*) - Judiciary.

Information Source(s): Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking, National Conference of State Legislatures, Department of Legislative Services

Fiscal Note History: First Reader - March 4, 2016
md/kdm

Analysis by: Jennifer B. Chasse

Direct Inquiries to:
(410) 946-5510
(301) 970-5510