

HOUSE BILL 346

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CF SB 297

By: **The Speaker (By Request – Administration) and Delegates Adams, Afzali, Anderton, Arentz, Aumann, Beitzel, Buckel, Carozza, Cassilly, Ciliberti, Clark, Cluster, Corderman, Fisher, Flanagan, Folden, Ghrist, Glass, Grammer, Hornberger, S. Howard, Impallaria, Jacobs, Kipke, Kittleman, Krebs, Malone, Mautz, McComas, McConkey, McDonough, McKay, McMillan, Metzgar, Miele, Morgan, Otto, Parrott, Reilly, Rey, Rose, Saab, Shoemaker, Szeliga, Vogt, West, and Wivell**

Introduced and read first time: January 23, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Crime of Violence – Human Trafficking**

3 FOR the purpose of classifying a certain offense of human trafficking as a crime of violence
4 under a certain provision of law; and generally relating to crimes of violence.

5 BY repealing and reenacting, without amendments,
6 Article – Criminal Law
7 Section 11–303(a), (b), and (c)(2)
8 Annotated Code of Maryland
9 (2012 Replacement Volume and 2017 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 14–101(a)
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2017 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 11–303.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) take or cause another to be taken to any place for prostitution;
- 2 (ii) place, cause to be placed, or harbor another in any place for
3 prostitution;
- 4 (iii) persuade, induce, entice, or encourage another to be taken to or
5 placed in any place for prostitution;
- 6 (iv) receive consideration to procure for or place in a house of
7 prostitution or elsewhere another with the intent of causing the other to engage in
8 prostitution or assignation;
- 9 (v) engage in a device, scheme, or continuing course of conduct
10 intended to cause another to believe that if the other did not take part in a sexually explicit
11 performance, the other or a third person would suffer physical restraint or serious physical
12 harm; or
- 13 (vi) destroy, conceal, remove, confiscate, or possess an actual or
14 purported passport, immigration document, or government identification document of
15 another while otherwise violating or attempting to violate this subsection.

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

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

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

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

27 14–101.

28 (a) In this section, “crime of violence” means:

- 29 (1) abduction;
- 30 (2) arson in the first degree;
- 31 (3) kidnapping;

- 1 (4) manslaughter, except involuntary manslaughter;
- 2 (5) mayhem;
- 3 (6) maiming, as previously proscribed under former Article 27, §§ 385 and
4 386 of the Code;
- 5 (7) murder;
- 6 (8) rape;
- 7 (9) robbery under § 3–402 or § 3–403 of this article;
- 8 (10) carjacking;
- 9 (11) armed carjacking;
- 10 (12) sexual offense in the first degree;
- 11 (13) sexual offense in the second degree;
- 12 (14) use of a handgun in the commission of a felony or other crime of
13 violence;
- 14 (15) child abuse in the first degree under § 3–601 of this article;
- 15 (16) sexual abuse of a minor under § 3–602 of this article if:
 - 16 (i) the victim is under the age of 13 years and the offender is an
17 adult at the time of the offense; and
 - 18 (ii) the offense involved:
 - 19 1. vaginal intercourse, as defined in § 3–301 of this article;
 - 20 2. a sexual act, as defined in § 3–301 of this article;
 - 21 3. an act in which a part of the offender’s body penetrates,
22 however slightly, into the victim’s genital opening or anus; or
 - 23 4. the intentional touching, not through the clothing, of the
24 victim’s or the offender’s genital, anal, or other intimate area for sexual arousal,
25 gratification, or abuse;
- 26 (17) home invasion under § 6–202(b) of this article;
- 27 **(18) HUMAN TRAFFICKING UNDER § 11–303(B) OF THIS ARTICLE;**

1 ~~[(18)]~~ **(19)** an attempt to commit any of the crimes described in items (1)
2 through ~~[(17)]~~ **(18)** of this subsection;

3 ~~[(19)]~~ **(20)** continuing course of conduct with a child under § 3–315 of this
4 article;

5 ~~[(20)]~~ **(21)** assault in the first degree;

6 ~~[(21)]~~ **(22)** assault with intent to murder;

7 ~~[(22)]~~ **(23)** assault with intent to rape;

8 ~~[(23)]~~ **(24)** assault with intent to rob;

9 ~~[(24)]~~ **(25)** assault with intent to commit a sexual offense in the first degree;
10 and

11 ~~[(25)]~~ **(26)** assault with intent to commit a sexual offense in the second
12 degree.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2018.