

Chapter 559

(House Bill 827)

AN ACT concerning

~~Juvenile Law~~ Child Abuse and Neglect – Sex Trafficking – Immunity, Services, Services and Investigations
 (Child Sex Trafficking Screening and Services Act of 2019)

FOR the purpose of requiring a law enforcement officer who has reason to believe that a certain child is a victim of sex trafficking to notify a certain regional navigator; ~~declaring a certain intent of the General Assembly; providing certain immunity for a minor who engages in certain prostitution-related conduct;~~ requiring a local department of social services that receives a report of suspected abuse or neglect involving a certain child to refer the child to a certain regional navigator for services; ~~requiring the Executive Director of the Governor's Office of Crime Control and Prevention to designate certain jurisdictions, with each to be served by a regional navigator; requiring the Executive Director to select a certain number of regional navigators to coordinate and provide certain services to children who are victims of sex trafficking~~ establishing the Safe Harbor Regional Navigator Grant Program; specifying the purpose of the program; specifying certain grantees under the program; requiring grants to be awarded in a certain manner; specifying the services coordinated and provided by a grantee; requiring the Governor's Office of Crime Control and Prevention to provide certain grant funding notwithstanding a certain appropriation by the Governor; requiring the Governor's Office of Crime Control and Prevention to submit a certain evaluation report to the Governor and the General Assembly once every 2 years; requiring the Department of Human Resources to submit a certain report to the Governor and the General Assembly annually; authorizing the Governor to make a certain annual appropriation; authorizing the Executive Director to adopt certain regulations; ~~requiring the Department of Juvenile Services to enter into a certain agreement;~~ requiring a certain joint investigation procedure to include screening to determine whether a child is a victim of sex trafficking; ~~prohibiting a certain joint investigation from resulting in a certain criminal prosecution or proceeding alleging a delinquent act;~~ defining certain terms; and generally relating to child abuse and neglect and sex trafficking of minors.

BY adding to

Article – Courts and Judicial Proceedings
 Section 3–8A–14(d) ~~and 5–809~~
 Annotated Code of Maryland
 (2013 Replacement Volume and 2018 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article – Criminal Law
 Section 11–301(a), (b), and (c) and 11–306
 Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2018 Supplement)~~

~~BY repealing and reenacting, without amendments,~~

~~Article – Family Law~~

~~Section 1–101(a) and (h), 5–701(a), (b), and (c), and 5–706(c) and (d)~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2018 Supplement)~~

BY adding to

Article – Family Law

Section ~~5–701(v)~~, 5–704.3, and 5–704.4

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Family Law

Section 5–706(c), (d), (f), and (h)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law

~~Section 5–701(v) through (aa) and 5–706(f), (g), and (h)~~ Section 5–706(g)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

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

Article – Courts and Judicial Proceedings

3–8A–14.

(D) IN ADDITION TO THE REQUIREMENTS FOR REPORTING CHILD ABUSE AND NEGLECT UNDER § 5–704 OF THE FAMILY LAW ARTICLE, IF A LAW ENFORCEMENT OFFICER HAS REASON TO BELIEVE THAT A CHILD WHO HAS BEEN DETAINED IS A VICTIM OF SEX TRAFFICKING, AS DEFINED IN § 5–701 OF THE FAMILY LAW ARTICLE, THE LAW ENFORCEMENT OFFICER SHALL NOTIFY ~~THE~~ ANY APPROPRIATE REGIONAL NAVIGATOR, AS DEFINED IN ~~§ 5–701~~ § 5–704.4 OF THE FAMILY LAW ARTICLE, FOR THE JURISDICTION WHERE THE CHILD WAS TAKEN INTO CUSTODY OR WHERE THE CHILD IS A RESIDENT THAT THE CHILD IS A SUSPECTED VICTIM OF SEX TRAFFICKING.

~~5–809.~~

~~(A) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT A MINOR WHO IS REASONABLY BELIEVED TO HAVE ENGAGED IN PROSTITUTION SHALL BE TREATED AS A VICTIM OF SEXUAL ABUSE, AS DEFINED UNDER § 5-701 OF THE FAMILY LAW ARTICLE, AND SHALL HAVE ACCESS TO IMMEDIATE CHILD-CENTERED AND TRAUMA-INFORMED SERVICES.~~

~~(B) A MINOR IS IMMUNE FROM CRIMINAL PROSECUTION OR FROM BEING PROCEEDED AGAINST AS A DELINQUENT CHILD UNDER TITLE 3, SUBTITLE 8A OF THIS ARTICLE FOR ENGAGING IN PROSTITUTION IN VIOLATION OF § 11-306(A)(1) OF THE CRIMINAL LAW ARTICLE OR FOR OCCUPYING A BUILDING, STRUCTURE, OR CONVEYANCE FOR PROSTITUTION IN VIOLATION OF § 11-306(A)(2) OF THE CRIMINAL LAW ARTICLE.~~

~~Article — Criminal Law~~

~~11-301.~~

~~(a) In this subtitle the following words have the meanings indicated.~~

~~(b) “Assignment” means the making of an appointment or engagement for prostitution or any act in furtherance of the appointment or engagement.~~

~~(c) “Prostitution” means the performance of a sexual act, sexual contact, or vaginal intercourse for hire.~~

~~11-306.~~

~~(a) A person may not knowingly:~~

~~(1) engage in prostitution or assignment by any means;~~

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

~~(3) allow a building, structure, or conveyance owned or under the person’s control to be used for prostitution or assignment;~~

~~(4) allow or agree to allow a person into a building, structure, or conveyance for prostitution or assignment; or~~

~~(5) procure or solicit or offer to procure or solicit for prostitution or assignment.~~

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

~~(e) (1) Subject to paragraph (2) of this subsection, in a prosecution under this section, it is an affirmative defense of duress if the defendant committed the act as a result of being a victim of an act of another who was charged with violating the prohibition against human trafficking under § 11-303 of this subtitle or under federal law.~~

~~(2) A defendant may not assert the affirmative defense provided in paragraph (1) of this subsection unless the defendant notifies the State's Attorney of the defendant's intention to assert the defense at least 10 days prior to trial.~~

~~Article — Family Law~~

~~1-101.~~

~~(a) In this article the following words have the meanings indicated.~~

~~(h) "Local department" means:~~

~~(1) a local department of social services; or~~

~~(2) in Montgomery County, the county department of health and human services.~~

~~5-701.~~

~~(a) Except as otherwise provided in § 5-705.1 of this subtitle, in this subtitle the following words have the meanings indicated.~~

~~(b) (1) "Abuse" means:~~

~~(i) the physical or mental injury of a child under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed by:~~

~~1. a parent;~~

~~2. a household member or family member;~~

~~3. a person who has permanent or temporary care or custody of the child;~~

~~4. a person who has responsibility for supervision of the child; or~~

~~5. a person who, because of the person's position or occupation, exercises authority over the child; or~~

~~(ii) sexual abuse of a child, whether physical injuries are sustained or not.~~

~~(2) "Abuse" does not include the physical injury of a child by accidental means.~~

~~(e) "Child" means any individual under the age of 18 years.~~

~~(v) "REGIONAL NAVIGATOR" MEANS A COMMUNITY BASED VICTIM SERVICES AGENCY THAT PROVIDES AND COORDINATES CHILD CENTERED AND TRAUMA INFORMED SERVICES TO VICTIMS OF CHILD SEX TRAFFICKING IN THE REGION IN WHICH IT IS LOCATED.~~

~~[(v)] (w) "Report" means an allegation of abuse or neglect, made or received under this subtitle.~~

~~[(w)] (x) "Ruled out" means a finding that abuse, neglect, or sexual abuse did not occur.~~

~~[(x)] (y) "Sex trafficking" means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a child for the purpose of a commercial sex act.~~

~~[(y)] (z) "Sexual abuse" means any act that involves:~~

~~(1) sexual molestation or exploitation of a child by:~~

~~(i) a parent;~~

~~(ii) a household member or family member;~~

~~(iii) a person who has permanent or temporary care or custody of the child;~~

~~(iv) a person who has responsibility for supervision of the child; or~~

~~(v) a person who, because of the person's position or occupation, exercises authority over the child; or~~

~~(2) sex trafficking of a child by any individual.~~

~~[(z)] (AA) "Sexual molestation or exploitation" includes:~~

~~(1) allowing or encouraging a child to engage in:~~

~~(i) obscene photography, films, poses, or similar activity;~~

- ~~(ii) pornographic photography, films, poses, or similar activity; or~~
- ~~(iii) prostitution;~~
- ~~(2) incest;~~
- ~~(3) rape;~~
- ~~(4) sexual offense in any degree;~~
- ~~(5) sodomy; and~~
- ~~(6) unnatural or perverted sexual practices.~~

~~[(aa)] (BB) "Unsubstantiated" means a finding that there is an insufficient amount of evidence to support a finding of indicated or ruled out.~~

Article – Family Law

5-704.3.

A LOCAL DEPARTMENT THAT RECEIVES A REPORT OF SUSPECTED ABUSE OR NEGLECT UNDER THIS SUBTITLE INVOLVING A CHILD WHO IS A SUSPECTED VICTIM OF SEX TRAFFICKING SHALL REFER THE CHILD TO ~~THE~~ ANY APPROPRIATE REGIONAL NAVIGATOR, AS DEFINED IN § 5-704.4 OF THIS SUBTITLE, FOR THE JURISDICTION WHERE THE TRAFFICKING OCCURRED OR WHERE THE CHILD IS A RESIDENT FOR SERVICES.

5-704.4.

(A) ~~(1) IN THIS SECTION, "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.~~

~~(B) THE EXECUTIVE DIRECTOR SHALL:~~

~~(1) DESIGNATE SIX REGIONAL JURISDICTIONS BASED ON POPULATION AND GEOGRAPHY IN THE STATE, WITH EACH DESIGNATED JURISDICTION TO BE SERVED BY A REGIONAL NAVIGATOR; AND~~

~~(2) SELECT UP TO SIX REGIONAL NAVIGATORS BASED ON EXPERIENCE WORKING WITH SEX TRAFFICKING SURVIVORS TO COORDINATE AND~~

~~PROVIDE SERVICES TO CHILDREN WHO ARE VICTIMS OF SEX TRAFFICKING~~ THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CHILD ADVOCACY CENTER” HAS THE MEANING STATED IN § 13-2201 OF THE HEALTH – GENERAL ARTICLE.

(3) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

(4) “QUALIFIED COMMUNITY-BASED VICTIM SERVICES PROVIDER” MEANS A NONPROFIT ORGANIZATION WITH:

(I) DEMONSTRATED EXPERTISE PROVIDING DIRECT SERVICES TO VICTIMS OF SEX TRAFFICKING OR SEXUALLY EXPLOITED YOUTH;

(II) THE CAPACITY TO PROVIDE VICTIM-CENTERED, TRAUMA-INFORMED CASE MANAGEMENT FOR YOUTH VICTIMS OF SEX TRAFFICKING;

(III) A DEMONSTRATED HISTORY OF WORKING IN THE COMMUNITY WHERE SERVICES WILL BE PROVIDED; AND

(IV) THE ABILITY TO COLLABORATE WITH OTHER AGENCIES, INCLUDING LAW ENFORCEMENT, SEXUAL ASSAULT CRISIS PROGRAMS, CHILD ADVOCACY CENTERS, AND OTHER DIRECT SERVICES PROVIDERS.

(5) “REGIONAL NAVIGATOR” MEANS A PROVIDER OF SERVICES DESIGNATED BY A GRANTEE OF THE SAFE HARBOR REGIONAL NAVIGATOR GRANT PROGRAM ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.

(6) “SEX TRAFFICKING” HAS THE MEANING STATED IN § 5-701 OF THIS SUBTITLE.

(7) “SEXUAL ASSAULT CRISIS PROGRAM” MEANS A PROGRAM CERTIFIED BY THE FEDERALLY RECOGNIZED STATE SEXUAL ASSAULT COALITION.

(8) “YOUTH” MEANS AN INDIVIDUAL UNDER THE AGE OF 24 YEARS.

(B) (1) THERE IS A SAFE HARBOR REGIONAL NAVIGATOR GRANT PROGRAM.

(2) THE PURPOSE OF THE PROGRAM IS TO SUPPORT SERVICES FOR YOUTH VICTIMS OF SEX TRAFFICKING BY:

(I) CREATING AND SUSTAINING PROJECTS TO PROVIDE SERVICES FOR YOUTH VICTIMS OF SEX TRAFFICKING THAT ARE VICTIM-CENTERED AND TRAUMA-INFORMED;

(II) FACILITATING AND COORDINATING AMONG LOCAL DEPARTMENTS, THE DEPARTMENT OF JUVENILE SERVICES, SEXUAL ASSAULT CRISIS PROGRAMS, CHILD ADVOCACY PROGRAMS, LOCAL OFFICES OF THE OFFICE OF THE PUBLIC DEFENDER, AND OTHER STATE AND LOCAL AGENCIES RESPONDING TO YOUTH VICTIMS OF SEX TRAFFICKING;

(III) ENSURING THAT YOUTH VICTIMS OF SEX TRAFFICKING HAVE ACCESS TO SERVICES DESCRIBED UNDER SUBSECTION (E) OF THIS SECTION;

(IV) INCREASING THE STATE'S CAPACITY TO RESPOND TO YOUTH SEX TRAFFICKING; AND

(V) TRAINING PROVIDERS TO APPROPRIATELY IDENTIFY AND SERVE YOUTH VICTIMS OF SEX TRAFFICKING.

(C) A GRANTEE UNDER THE PROGRAM MAY INCLUDE:

(1) A CHILD ADVOCACY CENTER;

(2) A SEXUAL ASSAULT CRISIS PROGRAM; OR

(3) A QUALIFIED COMMUNITY-BASED VICTIM SERVICES PROVIDER.

(D) GRANTS UNDER THIS SECTION SHALL BE AWARDED:

(1) TO ENSURE THAT EMERGENCY AND LONG-TERM SERVICES ARE AVAILABLE FOR YOUTH VICTIMS OF SEX TRAFFICKING IN EVERY JURISDICTION IN THE STATE BY JANUARY 1, 2022; AND

(2) TO PROVIDE SERVICES IN ONE JURISDICTION OR IN MORE THAN ONE SIMILAR JURISDICTION IN THE SAME REGION.

~~(C)~~ (E) SERVICES COORDINATED AND PROVIDED BY A ~~REGIONAL NAVIGATOR~~ GRANTEE UNDER THIS SECTION SHALL INCLUDE:

(1) SAFETY PLANNING;

(2) EMERGENCY RESPONSE;

(3) BASIC LIVING NEEDS, NOT INCLUDING HOUSING;

- (4) TRAUMA COUNSELING AND MENTAL HEALTH SERVICES;
- (5) DRUG AND ALCOHOL ABUSE TREATMENT; ~~AND~~
- (6) LEGAL SERVICES;
- (7) VICTIM ADVOCACY;
- (8) CASE MANAGEMENT; AND
- (9) DESIGNATION OF REGIONAL NAVIGATORS.

~~(D)~~ (F) NOTWITHSTANDING ANY APPROPRIATION MADE UNDER SUBSECTION ~~(F)~~ (H) OF THIS SECTION, NOT LATER THAN OCTOBER 1, 2019, THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION SHALL PROVIDE GRANT FUNDING FOR SERVICES PROVIDED BY ~~REGIONAL NAVIGATORS UNDER THIS SECTION~~ THE SAFE HARBOR REGIONAL NAVIGATOR GRANT PROGRAM.

~~(E)~~ (G) (1) EVERY 2 YEARS, BEGINNING DECEMBER 1, 2019, THE EXECUTIVE DIRECTOR SHALL SUBMIT AN INDEPENDENT EVALUATION REPORT WITH QUALITATIVE AND QUANTITATIVE DATA TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY REGARDING WHETHER SERVICES COORDINATED AND PROVIDED BY ~~REGIONAL NAVIGATORS~~ GRANTEES UNDER THIS SECTION ARE AVAILABLE, ADEQUATE, AND SUCCESSFULLY SERVING CHILDREN AND YOUTH WHO ARE VICTIMS OF SEX TRAFFICKING.

(2) BEGINNING DECEMBER 1, 2019, THE DEPARTMENT OF HUMAN SERVICES SHALL ANNUALLY REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON:

- (I) THE NUMBER OF REPORTS OF CHILD SEX TRAFFICKING MADE IN THE STATE IN THE PRECEDING YEAR;
- (II) THE OUTCOME OR DISPOSITION OF REPORTS OF CHILD SEX TRAFFICKING MADE IN THE STATE IN THE PRECEDING YEAR; AND
- (III) THE NUMBER OF REFERRALS MADE TO REGIONAL NAVIGATORS UNDER THIS SECTION IN THE PRECEDING YEAR.

~~(F)~~ (H) THE GOVERNOR MAY ANNUALLY APPROPRIATE UP TO \$3,000,000 FOR GRANT FUNDING PROVIDED UNDER THIS SECTION.

~~(c)~~ **(1) THE EXECUTIVE DIRECTOR MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

5-706.

(c) Within 24 hours after receiving a report of suspected physical or sexual abuse of a child who lives in this State that is alleged to have occurred in this State, and within 5 days after receiving a report of suspected neglect or suspected mental injury of a child who lives in this State that is alleged to have occurred in this State, the local department or the appropriate law enforcement agency shall:

- (1) see the child;
- (2) attempt to have an on-site interview with the child's caretaker;
- (3) decide on the safety of the child, wherever the child is, and of other children in the household; and
- (4) decide on the safety of other children in the care or custody of the alleged abuser.

(d) The investigation under subsection (c) of this section shall include:

- (1) a determination of the nature, extent, and cause of the abuse or neglect, if any;
- (2) if mental injury is suspected, an assessment by two of the following:
 - (i) a licensed physician, as defined in § 14-101 of the Health Occupations Article;
 - (ii) a licensed psychologist, as defined in § 18-101 of the Health Occupations Article; or
 - (iii) a licensed social worker, as defined in § 19-101 of the Health Occupations Article; and
- (3) if the suspected abuse or neglect is verified:
 - (i) a determination of the identity of the person or persons responsible for the abuse or neglect;
 - (ii) a determination of the name, age, and condition of any other child in the household;

- (iii) an evaluation of the parents and the home environment;
- (iv) a determination of any other pertinent facts or matters; and
- (v) a determination of any needed services.

(f) The local department, the appropriate law enforcement agencies, ~~THE DEPARTMENT OF JUVENILE SERVICES,~~ the State’s Attorney within each county and Baltimore City, the local department’s office responsible for child care regulation, and the local health officer shall enter into a written agreement that specifies standard operating procedures for the investigation under subsections (c) and (d) of this section and prosecution of reported cases of suspected abuse or neglect.

(g) (1) The agencies responsible for investigating reported cases of suspected sexual abuse, including the local department, the appropriate law enforcement agencies, and the local State’s Attorney, shall implement a joint investigation procedure for conducting joint investigations of sexual abuse under subsections (c) and (d) of this section.

(2) The joint investigation procedure shall:

(i) include appropriate techniques for expediting validation of sexual abuse complaints;

(ii) include investigation techniques designed to:

1. decrease the potential for physical harm to the child; and

2. decrease any trauma experienced by the child in the investigation and prosecution of the case; [and]

(iii) establish an ongoing training program for personnel involved in the investigation or prosecution of sexual abuse cases; **AND**

(IV) INCLUDE SCREENING TO DETERMINE WHETHER A CHILD IS A VICTIM OF SEX TRAFFICKING.

(h) (1) To the extent possible, an investigation under subsections (c) and (d) of this section shall be completed within 10 days after receipt of the first notice of the suspected abuse or neglect by the local department or law enforcement agencies.

(2) An investigation under subsections (c) and (d) of this section that is not completed within 30 days shall be completed within 60 days of receipt of the first notice of the suspected abuse or neglect.

~~(3) AN INVESTIGATION UNDER SUBSECTIONS (C) AND (D) OF THIS SECTION MAY NOT RESULT IN A CRIMINAL PROSECUTION OR A PROCEEDING~~

~~ALLEGING A DELINQUENT ACT UNDER TITLE 3, SUBTITLE 8A OF THE COURTS
ARTICLE AGAINST THE CHILD WHO IS THE SUBJECT OF THE INVESTIGATION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2019.

Approved by the Governor, May 13, 2019.