

# HOUSE BILL 234

E1, E4

9lr0132  
CF SB 162

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By: **The Speaker (By Request – Administration) and Delegates Adams, Anderton, Arentz, Arikan, Bartlett, Beitzel, Buckel, Chisholm, Ciliberti, Clark, Corderman, Cox, M. Fisher, Grammer, Hartman, Hornberger, Jacobs, Kipke, Kittleman, Krebs, Malone, Mangione, Mautz, McComas, McKay, Metzgar, Morgan, Otto, Parrott, Reilly, Rogers, Rose, Saab, Shoemaker, and Szeliga**

Introduced and read first time: January 24, 2019

Assigned to: Judiciary

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## 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 certain provisions 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 2018 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 2018 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Public Safety  
17 Section 5–101(c)  
18 Annotated Code of Maryland  
19 (2018 Replacement Volume)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Criminal Law**

2 11–303.

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

4 (i) take or cause another to be taken to any place for prostitution;

5 (ii) place, cause to be placed, or harbor another in any place for  
6 prostitution;7 (iii) persuade, induce, entice, or encourage another to be taken to or  
8 placed in any place for prostitution;9 (iv) receive consideration to procure for or place in a house of  
10 prostitution or elsewhere another with the intent of causing the other to engage in  
11 prostitution or assignation;12 (v) engage in a device, scheme, or continuing course of conduct  
13 intended to cause another to believe that if the other did not take part in a sexually explicit  
14 performance, the other or a third person would suffer physical restraint or serious physical  
15 harm; or16 (vi) destroy, conceal, remove, confiscate, or possess an actual or  
17 purported passport, immigration document, or government identification document of  
18 another while otherwise violating or attempting to violate this subsection.19 (2) A parent, guardian, or person who has permanent or temporary care or  
20 custody or responsibility for supervision of another may not consent to the taking or  
21 detention of the other for prostitution.22 (b) (1) A person may not violate subsection (a) of this section involving a victim  
23 who is a minor.24 (2) A person may not knowingly take or detain another with the intent to  
25 use force, threat, coercion, or fraud to compel the other to marry the person or a third person  
26 or perform a sexual act, sexual contact, or vaginal intercourse.27 (c) (2) A person who violates subsection (b) of this section is guilty of the felony  
28 of human trafficking and on conviction is subject to imprisonment not exceeding 25 years  
29 or a fine not exceeding \$15,000 or both.

30 14–101.

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

32 (1) abduction;

- 1 (2) arson in the first degree;
- 2 (3) kidnapping;
- 3 (4) manslaughter, except involuntary manslaughter;
- 4 (5) mayhem;
- 5 (6) maiming, as previously proscribed under former Article 27, §§ 385 and  
6 386 of the Code;
- 7 (7) murder;
- 8 (8) rape;
- 9 (9) robbery under § 3-402 or § 3-403 of this article;
- 10 (10) carjacking;
- 11 (11) armed carjacking;
- 12 (12) sexual offense in the first degree;
- 13 (13) sexual offense in the second degree;
- 14 (14) use of a firearm in the commission of a felony except possession with  
15 intent to distribute a controlled dangerous substance under § 5-602(2) of this article, or  
16 other crime of violence;
- 17 (15) child abuse in the first degree under § 3-601 of this article,
- 18 (16) sexual abuse of a minor under § 3-602 of this article if:
  - 19 (i) the victim is under the age of 13 years and the offender is an  
20 adult at the time of the offense; and
  - 21 (ii) the offense involved:
    - 22 1. vaginal intercourse, as defined in § 3-301 of this article;
    - 23 2. a sexual act, as defined in § 3-301 of this article;
    - 24 3. an act in which a part of the offender's body penetrates,  
25 however slightly, into the victim's genital opening or anus; or
    - 26 4. the intentional touching of the victim's or the offender's

1 genital, anal, or other intimate area for sexual arousal, gratification, or abuse;

2 (17) home invasion under § 6–202(b) of this article;

3 (18) **HUMAN TRAFFICKING UNDER § 11–303(B) OF THIS ARTICLE;**

4 (19) an attempt to commit any of the crimes described in items (1) through  
5 ~~[(17)] (18)~~ of this subsection;

6 ~~[(19)] (20)~~ continuing course of conduct with a child under § 3–315 of this  
7 article;

8 ~~[(20)] (21)~~ assault in the first degree;

9 ~~[(21)] (22)~~ assault with intent to murder;

10 ~~[(22)] (23)~~ assault with intent to rape;

11 ~~[(23)] (24)~~ assault with intent to rob;

12 ~~[(24)] (25)~~ assault with intent to commit a sexual offense in the first degree;  
13 and

14 ~~[(25)] (26)~~ assault with intent to commit a sexual offense in the second  
15 degree.

#### 16 Article – Public Safety

17 5–101.

18 (c) “Crime of violence” means:

19 (1) abduction;

20 (2) arson in the first degree;

21 (3) assault in the first or second degree;

22 (4) burglary in the first, second, or third degree;

23 (5) carjacking and armed carjacking;

24 (6) escape in the first degree;

25 (7) kidnapping;

- 1 (8) voluntary manslaughter;
- 2 (9) maiming as previously proscribed under former Article 27, § 386 of the  
3 Code;
- 4 (10) mayhem as previously proscribed under former Article 27, § 384 of the  
5 Code;
- 6 (11) murder in the first or second degree;
- 7 (12) rape in the first or second degree;
- 8 (13) robbery;
- 9 (14) robbery with a dangerous weapon;
- 10 (15) sexual offense in the first, second, or third degree;
- 11 (16) home invasion under § 6–202(b) of the Criminal Law Article;
- 12 (17) **HUMAN TRAFFICKING UNDER § 11–303(B) OF THE CRIMINAL LAW**  
13 **ARTICLE;**
- 14 (18) an attempt to commit any of the crimes listed in items (1) through [(16)]  
15 (17) of this subsection; or
- 16 [(18)] (19) assault with intent to commit any of the crimes listed in items  
17 (1) through [(16)] (17) of this subsection or a crime punishable by imprisonment for more  
18 than 1 year.

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