

# HOUSE BILL 827

D4, E3

9lr1378  
CF SB 688

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By: **Delegates Lierman, Attar, Atterbeary, Cain, Chang, W. Fisher, Hettleman, Kelly, Korman, Lopez, Love, Mosby, Sample–Hughes, and Solomon**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Sex Trafficking – Immunity, Services, and Investigations**  
3 **(Child Sex Trafficking Screening and Services Act of 2019)**

4 FOR the purpose of requiring a law enforcement officer who has reason to believe that a  
5 certain child is a victim of sex trafficking to notify a certain regional navigator;  
6 declaring a certain intent of the General Assembly; providing certain immunity for  
7 a minor who engages in certain prostitution–related conduct; requiring a local  
8 department of social services that receives a report of suspected abuse or neglect  
9 involving a certain child to refer the child to a certain regional navigator for services;  
10 requiring the Executive Director of the Governor’s Office of Crime Control and  
11 Prevention to designate certain jurisdictions, with each to be served by a regional  
12 navigator; requiring the Executive Director to select a certain number of regional  
13 navigators to coordinate and provide certain services to children who are victims of  
14 sex trafficking; requiring the Governor’s Office of Crime Control and Prevention to  
15 provide certain grant funding notwithstanding a certain appropriation by the  
16 Governor; requiring the Governor’s Office of Crime Control and Prevention to submit  
17 a certain evaluation report to the Governor and the General Assembly once every 2  
18 years; requiring the Department of Human Resources to submit a certain report to  
19 the Governor and the General Assembly annually; authorizing the Governor to make  
20 a certain annual appropriation; authorizing the Executive Director to adopt certain  
21 regulations; requiring the Department of Juvenile Services to enter into a certain  
22 agreement; requiring a certain joint investigation procedure to include screening to  
23 determine whether a child is a victim of sex trafficking; prohibiting a certain joint  
24 investigation from resulting in a certain criminal prosecution or proceeding alleging  
25 a delinquent act; defining certain terms; and generally relating to child abuse and  
26 neglect and sex trafficking of minors.

27 BY adding to  
28 Article – Courts and Judicial Proceedings  
29 Section 3–8A–14(d) and 5–809

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2013 Replacement Volume and 2018 Supplement)

3 BY repealing and reenacting, without amendments,  
4 Article – Criminal Law  
5 Section 11–301(a), (b), and (c) and 11–306  
6 Annotated Code of Maryland  
7 (2012 Replacement Volume and 2018 Supplement)

8 BY repealing and reenacting, without amendments,  
9 Article – Family Law  
10 Section 1–101(a) and (h), 5–701(a), (b), and (e), and 5–706(c) and (d)  
11 Annotated Code of Maryland  
12 (2012 Replacement Volume and 2018 Supplement)

13 BY adding to  
14 Article – Family Law  
15 Section 5–701(v), 5–704.3, and 5–704.4  
16 Annotated Code of Maryland  
17 (2012 Replacement Volume and 2018 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – Family Law  
20 Section 5–701(v) through (aa) and 5–706(f), (g), and (h)  
21 Annotated Code of Maryland  
22 (2012 Replacement Volume and 2018 Supplement)

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

25 **Article – Courts and Judicial Proceedings**

26 3–8A–14.

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

35 **5–809.**

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

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

12   **Article – Criminal Law**

13           11-301.

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

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

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

19           11-306.

20           (a)     A person may not knowingly:

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

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

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

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

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

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

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

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

## 8 Article – Family Law

9 1–101.

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

11 (h) “Local department” means:

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

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

15 5–701.

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

18 (b) (1) “Abuse” means:

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

22 1. a parent;

23 2. a household member or family member;

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

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

28 5. a person who, because of the person’s position or  
29 occupation, exercises authority over the child; or

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

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

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

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

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

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

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

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

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

19 (i) a parent;

20 (ii) a household member or family member;

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

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

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

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

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

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

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

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

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

10 **5-704.3.**

11 **A LOCAL DEPARTMENT THAT RECEIVES A REPORT OF SUSPECTED ABUSE OR**  
12 **NEGLECT UNDER THIS SUBTITLE INVOLVING A CHILD WHO IS A SUSPECTED VICTIM**  
13 **OF SEX TRAFFICKING SHALL REFER THE CHILD TO THE REGIONAL NAVIGATOR FOR**  
14 **THE JURISDICTION WHERE THE TRAFFICKING OCCURRED OR WHERE THE CHILD IS**  
15 **A RESIDENT FOR SERVICES.**

16 **5-704.4.**

17 **(A) IN THIS SECTION, “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE**  
18 **DIRECTOR OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.**

19 **(B) THE EXECUTIVE DIRECTOR SHALL:**

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

23 **(2) SELECT UP TO SIX REGIONAL NAVIGATORS BASED ON**  
24 **EXPERIENCE WORKING WITH SEX TRAFFICKING SURVIVORS TO COORDINATE AND**  
25 **PROVIDE SERVICES TO CHILDREN WHO ARE VICTIMS OF SEX TRAFFICKING.**

26 **(C) SERVICES COORDINATED AND PROVIDED BY A REGIONAL NAVIGATOR**  
27 **SHALL INCLUDE:**

28 **(1) SAFETY PLANNING;**

- 1           **(2) EMERGENCY RESPONSE;**
- 2           **(3) BASIC LIVING NEEDS, NOT INCLUDING HOUSING;**
- 3           **(4) TRAUMA COUNSELING AND MENTAL HEALTH SERVICES;**
- 4           **(5) DRUG AND ALCOHOL ABUSE TREATMENT; AND**
- 5           **(6) LEGAL SERVICES.**

6           **(D) NOTWITHSTANDING ANY APPROPRIATION MADE UNDER SUBSECTION**  
7 **(F) OF THIS SECTION, NOT LATER THAN OCTOBER 1, 2019, THE GOVERNOR'S**  
8 **OFFICE OF CRIME CONTROL AND PREVENTION SHALL PROVIDE GRANT FUNDING**  
9 **FOR SERVICES PROVIDED BY REGIONAL NAVIGATORS UNDER THIS SECTION.**

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

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

21                   **(I) THE NUMBER OF REPORTS OF CHILD SEX TRAFFICKING**  
22 **MADE IN THE STATE IN THE PRECEDING YEAR;**

23                   **(II) THE OUTCOME OR DISPOSITION OF REPORTS OF CHILD SEX**  
24 **TRAFFICKING MADE IN THE STATE IN THE PRECEDING YEAR; AND**

25                   **(III) THE NUMBER OF REFERRALS MADE TO REGIONAL**  
26 **NAVIGATORS UNDER THIS SECTION IN THE PRECEDING YEAR.**

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

29           **(G) THE EXECUTIVE DIRECTOR MAY ADOPT REGULATIONS TO CARRY OUT**  
30 **THIS SECTION.**

1 5-706.

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

7 (1) see the child;

8 (2) attempt to have an on-site interview with the child's caretaker;

9 (3) decide on the safety of the child, wherever the child is, and of other  
10 children in the household; and

11 (4) decide on the safety of other children in the care or custody of the  
12 alleged abuser.

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

14 (1) a determination of the nature, extent, and cause of the abuse or neglect,  
15 if any;

16 (2) if mental injury is suspected, an assessment by two of the following:

17 (i) a licensed physician, as defined in § 14-101 of the Health  
18 Occupations Article;

19 (ii) a licensed psychologist, as defined in § 18-101 of the Health  
20 Occupations Article; or

21 (iii) a licensed social worker, as defined in § 19-101 of the Health  
22 Occupations Article; and

23 (3) if the suspected abuse or neglect is verified:

24 (i) a determination of the identity of the person or persons  
25 responsible for the abuse or neglect;

26 (ii) a determination of the name, age, and condition of any other  
27 child in the household;

28 (iii) an evaluation of the parents and the home environment;

29 (iv) a determination of any other pertinent facts or matters; and



1 (v) a determination of any needed services.

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

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

12 (2) The joint investigation procedure shall:

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

15 (ii) include investigation techniques designed to:

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

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

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

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

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

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

29 **(3) AN INVESTIGATION UNDER SUBSECTIONS (C) AND (D) OF THIS**  
30 **SECTION MAY NOT RESULT IN A CRIMINAL PROSECUTION OR A PROCEEDING**  
31 **ALLEGING A DELINQUENT ACT UNDER TITLE 3, SUBTITLE 8A OF THE COURTS**  
32 **ARTICLE AGAINST THE CHILD WHO IS THE SUBJECT OF THE INVESTIGATION.**

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