

# HOUSE BILL 1084

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9lr2636  
CF 9lr3107

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By: **Delegates Cain, Arian, Attar, Bagnall, Bartlett, Brooks, Buckel, Cardin, Carey, Chang, Chisholm, Clark, Corderman, Cox, Cullison, Feldmark, M. Fisher, Guyton, Haynes, Healey, Holmes, Howard, Jones, Kaiser, Kerr, Lafferty, R. Lewis, Malone, Mosby, Palakovich Carr, Qi, Reznik, Rogers, Rose, Saab, Shetty, Shoemaker, Solomon, Valderrama, C. Watson, and Wilson**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Human Trafficking – Felony**

3 FOR the purpose of reclassifying, as a felony instead of a misdemeanor, a certain human  
4 trafficking offense; and generally relating to human trafficking.

5 BY repealing and reenacting, with amendments,

6 Article – Criminal Law

7 Section 11–303

8 Annotated Code of Maryland

9 (2012 Replacement Volume and 2018 Supplement)

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

### Article – Criminal Law

12 11–303.

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

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

15 (ii) place, cause to be placed, or harbor another in any place for  
16 prostitution;

17 (iii) persuade, induce, entice, or encourage another to be taken to or  
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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 placed in any place for prostitution;

2 (iv) receive consideration to procure for or place in a house of  
3 prostitution or elsewhere another with the intent of causing the other to engage in  
4 prostitution or assignation;

5 (v) engage in a device, scheme, or continuing course of conduct  
6 intended to cause another to believe that if the other did not take part in a sexually explicit  
7 performance, the other or a third person would suffer physical restraint or serious physical  
8 harm; or

9 (vi) destroy, conceal, remove, confiscate, or possess an actual or  
10 purported passport, immigration document, or government identification document of  
11 another while otherwise violating or attempting to violate this subsection.

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

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

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

20 [(c) (1) (i) Except as provided in paragraph (2) of this subsection, a person  
21 who violates subsection (a) of this section is guilty of the misdemeanor of human trafficking  
22 and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding  
23 \$5,000 or both.

24 (ii) A person who violates subsection (a) of this section is subject to §  
25 5–106(b) of the Courts Article.

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

29 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF**  
30 **HUMAN TRAFFICKING AND ON CONVICTION IS SUBJECT TO:**

31 **(1) FOR A VIOLATION OF SUBSECTION (A) OF THIS SECTION,**  
32 **IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$5,000 OR**  
33 **BOTH; AND**

34 **(2) FOR A VIOLATION OF SUBSECTION (B) OF THIS SECTION,**

1 **IMPRISONMENT NOT EXCEEDING 25 YEARS OR A FINE NOT EXCEEDING \$15,000 OR**  
2 **BOTH.**

3 (d) A person who violates this section may be charged, tried, and sentenced in any  
4 county in or through which the person transported or attempted to transport the other.

5 (e) (1) A person who knowingly benefits financially or by receiving anything of  
6 value from participation in a venture that includes an act described in subsection (a) or (b)  
7 of this section is subject to the same penalties that would apply if the person had violated  
8 that subsection.

9 (2) A person who knowingly aids, abets, or conspires with one or more other  
10 persons to violate any subsection of this section is subject to the same penalties that apply  
11 for a violation of that subsection.

12 (f) It is not a defense to a prosecution under subsection (b)(1) of this section that  
13 the person did not know the age of the victim.

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