

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 827
Judiciary

(Delegate Lierman, *et al.*)

Judicial Proceedings

Child Abuse and Neglect – Sex Trafficking – Services and Investigations (Child
Sex Trafficking Screening and Services Act of 2019)

This bill establishes the Safe Harbor Regional Navigator Grant Program to support services for youth victims of sex trafficking. The Governor’s Office of Crime Control and Prevention (GOCCP) must provide grant funding for services provided by the program; the Governor may appropriate up to \$3.0 million for grant funding.

Fiscal Summary

State Effect: It is anticipated that GOCCP can use existing grant funding, as discussed below, to implement the bill’s requirements. The Department of Human Services (DHS) can use existing resources to submit the required report. The bill does not otherwise materially affect State government operations or finances.

Local Effect: Potential increase in revenues and expenditures for local jurisdictions that fund child advocacy centers and are awarded grant funding. Otherwise, the bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: The Safe Harbor Regional Navigator Grant Program must support services for youth victims of sex trafficking by (1) creating and sustaining projects to provide services for youth victims of sex trafficking that are victim centered and trauma informed; (2) facilitating and coordinating among specified entities that respond to youth victims of sex trafficking; (3) ensuring that youth victims of sex trafficking have access to specified

services; (4) increasing the State’s capacity to respond to youth sex trafficking; and (5) training providers to appropriately identify and serve youth victims of sex trafficking. Grantees under the program may include, as specified, child advocacy centers, sexual assault crisis programs, or qualified community-based services providers. Grants must 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. “Youth” is defined as an individual younger than age 24.

Services coordinated and provided by a grantee must include safety planning, emergency response, basic living needs, trauma counseling and mental health services, drug and alcohol abuse treatment, legal services, victim advocacy, case management, and designation of regional navigators. A “regional navigator” is a provider of services designated by a grantee of the program.

The bill requires a joint investigation procedure for reported cases of suspected abuse and neglect to include screening to determine whether a child is a victim of sex trafficking. The bill also requires a law enforcement officer who has reason to believe that a child who has been detained is a victim of sex trafficking to notify any appropriate regional navigator, as specified. A local department of social services that receives a report of suspected abuse or neglect involving a child who is a suspected victim of sex trafficking must refer the child to any appropriate regional navigator.

Beginning December 1, 2019, and every two years thereafter, the Executive Director of GOCCP must submit an independent evaluation report, as specified, regarding whether services coordinated and provided by grantees are available, adequate, and successfully serving children and youth who are victims of sex trafficking. The executive director may adopt related regulations.

Beginning December 1, 2019, DHS must submit an annual report to the Governor and the General Assembly on (1) the number of reports of child sex trafficking made in the State in the preceding year; (2) the outcome or disposition of the reports; and (3) the number of referrals made to regional navigators in the preceding year.

Current Law: Statutory provisions set forth a process by which individuals are required to report suspected child abuse and neglect, including “sex trafficking.” “Sex trafficking” is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a child for the purpose of a commercial sex act.

Child Abuse and Neglect Investigations

After receiving a report of suspected abuse or neglect of a child who lives in Maryland that is alleged to have occurred in the State, the local department of social services and/or the appropriate law enforcement agency must promptly investigate the report to protect the health, safety, and welfare of the child or children. Within 24 hours after receiving a report of suspected physical or sexual child abuse, and within five days after receiving a report of suspected child neglect or mental injury, the local department or law enforcement agency must (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 and of other children in the household; and (4) decide on the safety of the other children in the care or custody of the alleged abuser. The determinations and assessments that are required during an abuse or neglect investigation are specified in statute.

The local State's Attorney must assist in a child abuse or neglect investigation if requested to do so by a local department of social services. The local departments, appropriate law enforcement agencies, the State's Attorneys in the counties and Baltimore City, and the local health officers must enter into a written agreement pertaining to standard operating procedures for investigations of suspected abuse or neglect. A joint investigation procedure must be implemented for conducting investigations of sexual abuse, which must include techniques for expediting validation of sexual abuse complaints and other techniques to decrease trauma to the child. Statutory provisions specify timeframes by which investigations and reports must be completed.

Background: Chapter 91 of 2015 established the Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking. The workgroup, chaired by the Secretary of State, was tasked with various responsibilities relating to human trafficking, including making recommendations regarding legislation to address the provision of services and legal protections for youth victims of human trafficking in the State. Specifically, the workgroup recommended the replication of Minnesota's regional navigators model for the coordination of services for victims of child sex trafficking.

According to the GOCCP, VOCA (Victims of Crime Act) is the federally funded grant program that is funded by the fines assessed in federal criminal convictions. It is intended to assist state programs that compensate victims of crime. The Crime Victims Fund, which is part of VOCA, is a major funding source for victim services nationwide. The fund consists of millions of dollars from criminal fines, forfeited bail bonds, penalties, and special assessments collected by the U.S. Department of Justice, the federal courts, and the Federal Bureau of Prisons. Since 1986, over \$4 billion in VOCA grants have been awarded.

State Expenditures: GOCCP anticipates that expenditures associated with the bill's requirements total at least \$1.5 million annually, or a minimum of \$1,148,250 in

fiscal 2020, which accounts for the bill's October 1, 2019 effective date. GOCCP advises that it intends to use federal Crime Victims funds (*i.e.*, VOCA funds) to implement and support the program. VOCA allocations to states are multi-year awards and available for expenditure throughout the fiscal year of the award, plus the next three fiscal years.

In federal fiscal 2018 (the most recent funding data available), the State was awarded \$61.1 million in VOCA funds. The fiscal 2020 budget includes \$29.7 million in VOCA funds, based on anticipated grant award amounts. Although the amount of VOCA funding fluctuates annually, the 2018 *Joint Chairmen's Report* noted a repeated concern about the failure to fully expend these grant funds and the Department of Legislative Services has noted in past years that actual VOCA spending has not matched anticipated budgeted amounts. Therefore, for purposes of this fiscal and policy note, it is assumed that federal fund expenditures do not increase, as GOCCP can meet the bill's requirements by specifically designating a portion of available VOCA funding to use for this purpose. However, GOCCP also advises that annual VOCA funding fluctuates significantly; in the past five federal fiscal years, the State has received funding ranging from \$8.0 million to \$61.1 million. To the extent that the amount of VOCA funding available for the functions specified in the bill decreases significantly in future years, general funds may be required to continue the bill's requirements; any such impact is not accounted for in this analysis, but the bill authorizes the Governor to include up to \$3.0 million annually for these purposes.

The notification, investigation, and referral requirements of the bill can be handled with existing resources.

Additional Information

Prior Introductions: None.

Cross File: SB 688 (Senator Lee, *et al.*) - Judicial Proceedings.

Information Source(s): Harford and Montgomery counties; City of College Park; Maryland Association of Counties; Governor's Office of Crime Control and Prevention; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Human Services; Department of Juvenile Services; Department of State Police; National Conference of State Legislatures; Department of Legislative Services

Fiscal Note History:
mm/kdm

First Reader - February 20, 2019

Third Reader - April 1, 2019

Revised - Amendment(s) - April 1, 2019

Revised - Updated Information - April 1, 2019

Revised - Budget Information - April 1, 2019

Analysis by: Jennifer K. Botts

Direct Inquiries to:

(410) 946-5510

(301) 970-5510