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MAJORITY WHIP

Judicial Proceedings Committee

Joint Committee on
Cybersecurity, Information Technology,
and Biotechnology

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

January 29, 2020

Senate Judicial Proceedings Committee

**Senate Bill 206 – Criminal Procedure – Motion to Vacate Judgement –
Human Trafficking (True Freedom Act of 2020)**

SB 206, the “True Freedom Act of 2020,” expands Maryland’s existing “vacating convictions” law so that survivors of human trafficking can be truly free of the cycle of abuse, poverty and exploitation that ravages trafficking victims and can continue to harm survivors even as they begin their post-trafficking lives.

In 2011, Maryland became the second state in the country to enact “vacating convictions” legislation – the law, as it currently stands, allows victims of human trafficking to vacate prostitution convictions if the offense was committed under the duress of a trafficker. This was landmark legislation that promised to significantly improve the lives of trafficking survivors in Maryland and inspired similar legislation across the country.

But the 2011 law hasn’t enabled the freedom that we hoped because trafficking victims are not just forced into prostitution by their traffickers; in fact, victims are often used as human shield by their traffickers, who force victims to carry weapons, sell drugs and engage in other criminal conduct on the traffickers’ behalf. Inevitably, some trafficking victims are charged and convicted for crimes other than prostitution that they committed under coercion and duress of human and labor trafficking. These convictions prevent a pathway out of bondage.

Maryland’s current vacatur law doesn’t meet these victims’ needs because non-prostitution convictions are not eligible for vacatur. These convictions stick with trafficking victims and prevent them from accessing the housing, social services, employment and education they need to rise from their trafficking experience and thrive.

This bill expands the list of *nonviolent* offenses that can be vacated if the offense was committed under the duress of trafficking. This list has been carefully created and vetted by the Maryland States Attorney's Association and the Maryland Coalition Against Sexual Assault. The modification made over the past few years provide significant safeguards to the prosecutors and victims of crime.

This bill passed the House last year but stalled in this committee. We have addressed many of the concerns that this committee raised last session, and this language is ready to go. This legislation fills an important gap in our criminal justice system and will enable many trafficking victims to begin to rebuild their lives in earnest.

For these reasons, we respectfully request a favorable report on SB 212.