



Testimony in support of House Bill 242, The True Freedom Act of 2020

Submitted by: Nancy Mcguire Choi, Interim Chief Executive Officer, Polaris.

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Polaris submits this testimony in strong support of HB242, the True Freedom Act of 2020, which would dramatically improve existing law and give more human trafficking survivors a real chance at restoring their freedom and rebuilding their lives.

Polaris is a leading organization working to eradicate both sex and labor trafficking in North America. As part of that work, since 2007 we have operated the National Human Trafficking Hotline for the U.S. Department of Health and Human Services, assisting on more than 40,000 cases of sex and labor trafficking.

That work does not necessarily end when a survivor has escaped from a trafficking situation. If survivors call us, we try to connect them to services and supports at whatever stage they are in their journey. What most want is help with finding either employment or a place to live. In either situation, a criminal record makes obtaining either incredibly difficult.

Maryland's original 2011 law providing a path for trafficking victims to have criminal convictions vacated if they were incurred during their trafficking experience was a laudable first step when the state became only the second in the nation to provide any such relief at all. But it was only a first step and, in its current form, it falls far short of the relief trafficking victims deserve.

The two major defects in the existing law that we seek to address are the limitations on what kinds of convictions can be vacated and the provision that currently requires the prosecuting agency on the original offense to consent to vacatur.

By enacting the law in the first place, even with its significant limitations, Maryland was making a significant statement about the seriousness with which the state takes the crime of trafficking. In essence, the legislature was saying that we believe this crime exists - that we believe that individuals in this situation are in fact deprived of their freedom and therefore are not culpable for all their actions - including criminal actions.

We strongly support this implied statement but know from experience that it is just as true for victims who are forced into other kinds of criminal activity. These kinds of arrests and convictions can take place in any number of circumstances. Trafficking victims are often forced or coerced into selling drugs, for example, or trespass. A drug conviction, no matter how long ago or under what circumstances, can derail your life, making it impossible to get a job or rent an apartment.

By expanding the kinds of convictions eligible for relief, the True Freedom Act provides just that - a truly clean break with a traumatic past and the true freedom to move forward with one's life.

Removing the requirement that the original prosecuting agency consent to any vacatur decision is simply common sense. In all other aspects of the law, when there is discretion in sentencing it lies with the judge - not with the prosecutor. Maryland's judges are perfectly capable, and indeed charged with, hearing the facts of a case and making decisions accordingly. A prosecutor may seek 10 years in prison for the perpetrator of a violent crime but the judge may, after hearing the facts, impose a more or less lenient sentence.

There is no reason that scenario should be any different because the facts are being presented on behalf of a trafficking survivor seeking to clear a criminal record.

I strongly urge your support for this bill.