



BILL NUMBER: HB 242

TITLE: Criminal Procedure – Motion to Vacate Judgment – Human Trafficking (True Freedom Act of 2020)

COMMITTEE: Judiciary

HEARING DATE: January 28, 2020

POSITION: SUPPORT

The Maryland Human Trafficking Task Force (“MDHTTF”) proudly supported legislation in 2011 when Maryland became one of the first states to enact a vacatur law, which recognized the dichotomy of the criminalization of victims of the heinous crime of sex trafficking as the direct result of their trafficking. This legislation was limited to the vacatur of prostitution convictions; however, survivors are forced by their traffickers to commit additional crimes. Survivors should not be criminalized for actions they are forced to commit as part of their trafficking. Expansion of vacatur protections is key to allowing survivors to heal and reclaim their lives.

Data recently obtained from a national survey of both sex and labor trafficking survivors echoes the need for access to broader relief, with ninety-one percent of survivors reporting being arrested during the time they were being trafficked, the majority for crimes other than prostitution. Of those surveyed, seventy-three percent reported barriers to employment because of their criminal records, while fifty-eight percent reported barriers to accessing housing. These consequences carry with them the additional risk of continued exploitation by a trafficker or the inability to exit the commercial sex trade.

This bill also procedurally aligns motions for vacatur with motions practice in Maryland generally. The current requirement that opposing party must consent prior to a vacatur motion is filed is an overstep. As any vacatur motion requires judicial review, this requirement is unnecessary.

For these reasons, MDHTTF respectfully requests a favorable report on House Bill 242.

About MDHTTF: Formed in 2007 by the U.S. Attorney’s Office, the Attorney General of Maryland, and the State’s Attorney for Baltimore City, MDHTTF serves as the lead investigative, prosecutorial, and victim services coordinating body for anti-human trafficking activity in the State of Maryland. MDHTTF has grown to include most law enforcement agencies in the State, all child-serving state agencies, the Federal Bureau of Investigations, Homeland Security Investigations, most local State’s Attorney’s Offices, and dozens of victim service agencies. MDHTTF is comprised of five committees – legislative, law enforcement, victim services, public awareness, and training. During this time, MDHTTF has grown a robust understanding of the issue of human trafficking in Maryland.