

Maryland Catholic Conference_FAV_SB719.pdf

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Position: FAV



MARYLAND
CATHOLIC
CONFERENCE

February 21, 2024

**Senate Bill 719
Criminal Law – Crimes Against Minors – Sensitive Locations
Senate Judicial Proceedings Committee**

Position: Favorable

The Maryland Catholic Conference (MCC) is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals, and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Senate Bill 719 prohibits a person from committing sexual solicitation of a minor or human trafficking within 5 miles of certain locations; and increasing the distance surrounding certain school property within which a person is prohibited from committing a certain crime relating to drug distribution from 1,000 feet to 5 miles.

The proposed Senate Bill 719 focuses on safeguarding minors in locations deemed safe for them, such as schools, parks, arcades, playgrounds, and swimming pools, to prevent their exploitation. These specific sites outlined in the bill are identified as areas where traffickers may target potential victims due to the likelihood of minors being present. Notably, the average age of entry into the commercial sex trade is around 12-14 years old.¹

Senate Bill 719 aims to enhance the safety of minors and deter illicit activities, particularly in locations considered safe for them. Traffickers commonly employ tactics involving the initiation of harmful activities by building relationships with victims to establish trust. Taking advantage of the familiarity and trust that minors have in these locations, traffickers may masquerade as authority figures or friends. The strategic use of crowded settings in these sensitive locations allows traffickers to blend into large groups, complicating identification by minors if they report an interaction. Furthermore, areas like public spaces or school-sponsored activities, due to potentially lower supervision levels, create opportunities for traffickers to isolate minors.

Recognizing the tactics employed by human traffickers, this bill seeks to enhance the security of public spaces frequented by minors. The Catholic Conference actively supports measures that protect vulnerable populations, especially children. Pope Francis frequently condemns the

¹ https://safesupportivelearning.ed.gov/sites/default/files/USDOE_UseCase_HT_2017.pdf

horror of trafficking in persons, declaring, “human trafficking is an open wound on the body of contemporary society, a scourge upon the body of Christ.”² Safeguarding minors from exploitation, particularly in public spaces, underscores the inherent value of every person created in the image and likeness of God.

For these reasons, the MCC asks for a favorable report on **SB 719**.

Thank you for your consideration.

² https://www.vatican.va/content/francesco/en/speeches/2014/april/documents/papa-francesco_20140410_tratta-persone-umane.html

SB719 FAIR UNFAV.pdf

Uploaded by: Brenda Jones

Position: UNF

Unfavorable Response to SB719

Criminal Law—Sexual Solicitation of a Minor, Human Trafficking, and Drug Distribution—Sensitive Locations

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. We urge the rejection of SB719 for three very critical reasons.

The Bill would establish a new criminal law Section 3-602.3, relating to criminal solicitation of a minor and human trafficking, which would create a new criminal offense if a violation of solicitation of a minor or human trafficking statutes occurs within 5 miles of a “sensitive area” (e.g., school, park, playground, public housing facility, etc). This new offense would be a felony with a penalty of up to 15 years in prison. The sentence imposed for the offense being within 5 miles of a “sensitive area” would be independent from, and consecutive to, the penalty imposed for violation of the underlying solicitation or trafficking offense. This bill also would extend the penalty enhancement for distribution of controlled substances in “sensitive areas” from the current 1,000 feet (~0.2 miles) to 5 miles.

First, to suggest that **a 5-mile radius** from an offense is within a “sensitive area” due to its proximity to a school, park or otherwise **strains credulity to the breaking point**. Here are two examples:

- A drug deal takes place at a fast-food restaurant north of Gaithersburg, MD. Richard Montgomery High School, Rockville, MD is 4.7 miles from the fast-food restaurant and thus would be designated a sensitive area resulting in enhancement of penalties for the drug offense.ⁱⁱ
- A solicitation offense takes place near a home in Brooklyn Park, MD. The penalty for the offense would be enhanced because the home is 4.4 miles from Patterson Park (a public park) in Fells Point, even though between the two locations are two branches of the Patapsco River and the Fort McHenry National Monument.

Second, this bill would **create felonies out of misdemeanor activity** without any nexus between the offense and a “sensitive area” up to five miles away. Adult prostitution (sex trafficking of an adult) is a misdemeanor and, under the bill, would now have a separate felony penalty if the act takes place within 5 miles of a public park or pool.

Third, with a five-mile radius around all the locations in the bill, **the penalty enhancement would effectively apply to EVERY solicitation, trafficking, or distribution offense in the state**. The map on page two shows a 5 mile radius around ONLY elementary and secondary schools plus colleges and universities in Baltimore, as an example.

The creation of a new felony with an independent and consecutive punishment for activities that take place 5 miles from a “sensitive area” is arbitrary and FAIR urges rejection of SB719.

Sincerely,



Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries

ⁱ The Title of the Controlled Dangerous Substances law sought to be amended here is Criminal Law Section 5-627 – “Controlled Dangerous Substance Near School.” (Emphasis Added)

ⁱⁱ Existing law calls for a “sensitive area” enhancement if the drug offense takes place within 1,000 feet of a school.

Map of Baltimore Showing a 5-mile radius around Elementary and Secondary Schools, Colleges and Universities

