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Legislative District 24
Prince George's County

MAJORITY WHIP

Budget and Taxation Committee

Education, Business and
Administration Subcommittee

Pensions Subcommittee

Joint Committees

Audit and Evaluation Committee

Children, Youth, and Families

Ending Homelessness

Fair Practices and
State Personnel Oversight



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony-SB719
Senator Joanne C. Benson
Criminal Law - Crimes Against Minors - Sensitive Locations

Good afternoon, Chairman Smith and Vice Chairman Waldstreicker, and the esteemed members.

I am honored to be before this esteemed body once again. I am here to ask for your favorable report on SB719 Criminal Law - Crimes Against Minors - Sensitive Locations.

The critical issue of human trafficking and/or sexual offenses involving "minors", demands our immediate attention and action. Maryland, due to its strategic location near major transportation routes and its proximity to Washington D.C., and Virginia, has unfortunately become a focal point for these atrocious acts. It is both alarming and heartbreaking to acknowledge that many victims of this crime are students from our schools, often targeted and exploited right under the protective guise of our educational system.

The data presents a grim picture, indicating that a considerable portion of minors entangled in human trafficking and/or sexual assault are found within our schools, with recruitment efforts taking place in what should be safe learning environments. This situation is further aggravated by the vulnerabilities associated with specific demographics. Globally, children constitute 27% of all human trafficking victims, with girls representing a substantial majority. Locally, in Maryland, over half of the juvenile victims of sex trafficking are Black youth, emphasizing the disproportionate impact on certain communities. Furthermore, the fact that the average age of entry into sex trafficking is only 12 years old underscores the urgent need for intervention.

To combat this crisis, SB719 proposes stringent penalties for trafficking and/or sexual offenses committed in proximity to schools and other child-centric areas. This legislation aims not just to penalize but to prevent, serving as a strong deterrent to those who would prey on our young. By imposing additional sentences of up to 5 years for juvenile offenders and up to 15 years for adults, SB719 seeks to transform our educational environments into havens of safety rather than zones of risk.

The introduction of SB719 marks a significant stride towards eradicating human trafficking and protecting our youth from exploitation. It amplifies our legal framework to shield the most vulnerable members of our society—our children—from unthinkable harm. In closing, I ask this esteemed committee for your favorable report on SB719, reinforcing our shared dedication to the security and well-being of our children.

This bill is being amended to House Bill 719. On page 1, in line 24 strike "5" and substitute "3".

On page 2, strike beginning with the colon in line 15 down through "(2)" in line 18, and strike beginning with the comma in line 18 down through "Minor" in line 19.

On page 3. In lines 3 and 28, in each instance, strike "5" and substitute "3"

I respectfully urge you to give this bill a favorable response to SB719.



SB0719/273624/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

19 FEB 24
16:20:41

BY: Senator Benson

(To be offered in the Judicial Proceedings Committee)

AMENDMENTS TO SENATE BILL 719

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Crimes Against Minors**” and substitute “**Sexual Solicitation of a Minor, Human Trafficking, and Drug Distribution**”; in line 3, strike “a felony against a victim who is” and substitute “sexual solicitation of”; in line 4, after “minor” insert “or human trafficking”; in the same line, after “locations,” insert “altering the distance surrounding certain school property within which a person is prohibited from committing a certain crime relating to drug distribution;”; in line 5, strike “crimes against minors” and substitute “sexual solicitation of a minor, human trafficking, and drug distribution”; and after line 10, insert:

“BY repealing and reenacting, with amendments,

Article - Criminal Law

Section 5-627

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)”.

AMENDMENT NO. 2

On page 1, in lines 15 and 16, strike “**FELONY AGAINST A VICTIM WHO IS A MINOR**” and substitute “**VIOLATION OF § 3-324 OR SUBTITLE 11 OF THIS TITLE**”; and in line 16, strike “**5**” and substitute “**3**”.

On page 2, strike beginning with the colon in line 11 down through “**(2)**” in line 14; strike beginning with the comma in line 14 down through “**MINOR**” in line 15; and after line 19, insert:

“5-627.

(a) A person may not manufacture, distribute, dispense, or possess with intent to distribute a controlled dangerous substance in violation of § 5-602 of this subtitle or conspire to commit any of these crimes:

(1) in a school vehicle, as defined under § 11-154 of the Transportation Article; or

(2) in, on, or within [1,000 feet] 3 MILES of real property owned by or leased to an elementary school, secondary school, or county board and used for elementary or secondary education.

(b) Subsection (a) of this section applies whether or not:

(1) school was in session at the time of the crime; or

(2) the real property was being used for purposes other than school purposes at the time of the crime.

(c) (1) A person who violates this section is guilty of a felony and on conviction is subject to:

(i) for a first violation, imprisonment not exceeding 20 years or a fine not exceeding \$20,000 or both; or

(ii) for each subsequent violation, imprisonment not less than 5 years and not exceeding 40 years or a fine not exceeding \$40,000 or both.

(2) (i) The court may not suspend the 5-year minimum sentence required by paragraph (1)(ii) of this subsection.

(ii) Except as otherwise provided in § 4-305 of the Correctional Services Article, a person sentenced under paragraph (1)(ii) of this subsection is not eligible for parole during this period of the 5-year minimum sentence.

(3) A sentence imposed under paragraph (1) of this subsection shall be consecutive to any other sentence imposed.

(d) Notwithstanding any other law, a conviction under this section may not merge with a conviction under § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, § 5-607, § 5-608, § 5-609, § 5-612, § 5-613, or § 5-628 of this subtitle.

(e) (1) In a prosecution under this section, a map or certified copy of a map made by a county or municipal unit to depict the location and boundaries of the area within [1,000 feet] 3 MILES of real property owned by or leased to an elementary school, secondary school, or county board and used for school purposes is admissible as prima facie evidence of the location and boundaries of the depicted area, if the governing body of the county or municipal corporation approves the map or certified copy of the map as an official record of the location and boundaries of the depicted area.

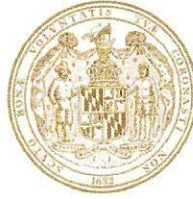
(2) The map or a certified copy of the map shall be filed with the county or municipal corporation, which shall maintain the map or the certified copy of the map as an official record.

(3) The governing body of the county or municipal corporation may revise periodically the map or certified copy of the map.

(4) This subsection does not preclude the prosecution from introducing other evidence to establish an element of a crime under this section.

(5) This subsection does not preclude the use or admissibility of maps or diagrams other than those approved by the county or municipal corporation.”.

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HB 963/ SB 719

By: Delegate Taveras

AMENDMENTS TO HOUSE BILL 963

Hearing: Judiciary; 2/20/2024

MD Crim. Law, §3-324 Sexual Solicitation of Minors

(E) A person who commits a violation of 3-324 within 3 miles of:

- (1) A PUBLIC OR PRIVATE ELEMENTARY, VOCATIONAL, OR SECONDARY SCHOOL;
- (2) A PUBLIC OR PRIVATE COLLEGE, COMMUNITY COLLEGE, OR UNIVERSITY;
- (3) A SITE WHERE A SCHOOL-SPONSORED ACTIVITY IS BEING CONDUCTED
- (4) A PLAYGROUND OR HOUSING FACILITY OWNED BY A PUBLIC AUTHORITY;
- (5) A PUBLIC OR PRIVATE YOUTH CENTER
- (6) A PUBLIC PARK
- (7) A PUBLIC PLAYGROUND
- (8) A PUBLIC SWIMMING POOL; OR
- (9) A VIDEO ARCADE.

is guilty of a felony, and upon conviction is subject to an enhanced penalty of imprisonment not exceeding 5 years in addition to any other sentence imposed.

MD Crim. Law § 5-627 Controlled Dangerous Substance near School

- Reduce distance from "5" miles to "3" miles.