

Testimony of the Human Trafficking Prevention Project

BILL NO: House Bill 892
TITLE: Criminal Law – Benefits Trafficking
COMMITTEE: Judiciary
HEARING DATE: February 20, 2024
POSITION: **FAVORABLE WITH AMENDMENTS**

House Bill 892 would establish the criminal offense of “benefits trafficking” in Maryland. This horrific crime is a serious violation of human rights that often occurs in the context of larger human trafficking schemes, and, as a result, [The Human Trafficking Prevention Project](#) supports this bill, with amendments as detailed below.

While the majority of victims of human trafficking are children and younger adults, [adults with disabilities](#) and [older adults](#) are also made vulnerable to being trafficked, particularly in forced labor settings. As in all cases of human trafficking, perpetrators use force, fraud, and/or coercion to induce their victims to engage in some form of labor for the trafficker’s illegal financial gain. However, because older adults and adults with disabilities often receive some form of governmental benefits, this provides added incentive for a perpetrator to target them for victimization.

HB 892 would establish that, in addition to the trafficking of persons for labor and/or commercial sex, the exploitation of their benefits is also an illegal act in Maryland. The legislation would establish that “a person may not, through deception, coercion, exploitation, isolation, or any other means, knowingly recruit, harbor, transport, or obtain an individual for the purpose of appropriating the government benefits of an individual for personal benefit,” and that the person doing so “is guilty of a felony and [] subject to imprisonment not exceeding 25 years or a [\$15,000 fine.]”

The Human Trafficking Prevention Project supports this bill because benefits exploitation often leads to serious human rights violations, as victims may endure physical and emotional abuse, deprivation of basic needs, and other forms of horrific maltreatment. However, the HTPP respectfully seeks two amendments to the bill. First, we request an amendment striking the word “trafficking” from the legislation in favor of “exploitation.” [The Office to Monitor and Combat Trafficking in Persons](#) describes the elements of a trafficking crime using a three-pronged framework focused on the trafficker’s acts, means, and purpose, and notes that all three elements must be met in order to form a human trafficking violation. The “acts” element of human trafficking is met when a trafficker recruits, harbors, transports, provides, obtains, patronizes, or solicits another person to engage in commercial sex or some other form of labor or service. The “means” element of human trafficking occurs through the use of force, fraud, or coercion, while the “purpose” element is to financially exploit the victim. While the prohibited conduct as defined in HB 892 meets the second and third elements of the framework, it is missing the crucial first element of labor, sexual or otherwise.

While it may be tempting to argue that the *labor* prong of the framework is satisfied in a “benefits trafficking” scenario because the individuals themselves are the commodities sold for profit. However, consistent with the framework described above, it is the person’s labor that is the commodity being exploited for financial gain, not the person themselves. Additionally, the perspective that the *person* is being bought or sold as opposed to the person’s *labor* prioritizes the individual’s victimization over their agency and autonomy. Just like the anti-trafficking movement has rightly moved away from saying that [trafficking victims need “rescue” or “saving”](#) because of the unequal power dynamic this implies, so too must we not subscribe to the notion that human beings themselves are commodities that may be bought and sold for profit. Victims are so much more than what has happened to them, and the language we use to describe this is crucial in supporting their recovery.

Secondly, we respectfully request that the definition of “government benefits” as defined on page 3, line 6-12 of the bill be expanded to include Social Security, Supplemental Security Income (SSI), and Social Security Disability Insurance (SSDI) benefits, as well as Veteran’s and pension benefits, as this more fully encompasses the range of government benefits a perpetrator may seek to exploit when preying on a person with disabilities or an older adult.

Human trafficking is a singularly horrific crime. While the financial exploitation of persons, especially older adults and those with disabilities is a serious issue, it should be addressed on those terms, and not by conflating or analogizing it with human trafficking offenses. By prioritizing clarity and targeted solutions rather than giving rise to additional fallacies and ambiguity around what actually constitutes trafficking, we can effectively combat benefits exploitation while safeguarding the integrity of established legal concepts related to human trafficking. For these reasons, the Human Trafficking Prevention Project respectfully urges a favorable report with amendments on House Bill 892.

The Human Trafficking Prevention Project is dedicated to ending the criminalization of sex workers and survivors of human trafficking through access to civil legal services and support for policies that dismantle harmful systems and increase access to basic human rights and legal relief.

***For more information, please contact:
Jessica Emerson, LMSW, Esq.
Director, Human Trafficking Prevention Project
(E): jemerson@ubalt.edu***