



Maryland State's Attorneys' Association

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DATE: February 20, 2024

BILL NUMBER: HB 892

POSITION: Favorable with Amendment

The Maryland State's Attorneys' Association (MSAA) supports HB 892 with the inclusion of a minor amendment dealing the conceptualization of the offense that harmonizes the bill's language with the subjects it addresses. MSAA recommends striking "human trafficking" and replacing with "exploitation."

As written, HB 892 would establish a third modality of human trafficking – benefits trafficking – in Title Three of the Criminal Law Article, and prohibit the exploitation of another for the purpose of unlawfully obtaining government benefits to which that person is entitled. MSAA recognizes the seriousness, and increasing prevalence, of this form of aggravated public benefits fraud, but encourages this Committee to use the language of exploitation instead of trafficking, and to locate these provisions within MD. CODE ANN., CRIM. LAW § 8-501 *et seq.*

The Office to Monitor and Combat Trafficking in Persons has observed that trafficking crimes require the confluence of three elements: act, means, and purpose.¹ A trafficker recruits, harbors, transports, provides, or obtains a person to engage in some form of labor or service (the act) using fraud, force, or coercion (the means) with the purpose of financially exploiting the person (the purpose). The conduct criminalized by HB 892 includes the second and third elements, but not the first – HB 892 provides for the exploitation of the person, not the person's labor.

Human trafficking is a singularly horrific crime. While the financial exploitation of persons is a serious issue, it should be addressed on those terms, and not by analogizing it trafficking offenses. By prioritizing clarity and targeted solutions, MSAA believes we can effectively combat public benefits fraud while safeguarding the integrity of established legal concepts related to human trafficking.

¹ *Trafficking in Persons Report, June 2023*, THE UNITED STATES DEPARTMENT OF STATE, available at https://www.state.gov/wp-content/uploads/2023/09/Trafficking-in-Persons-Report-2023_Introduction-V3e.pdf.