

Maryland Catholic Conference_FAV_HB963.pdf

Uploaded by: Diane Arias

Position: FAV



MARYLAND
CATHOLIC
CONFERENCE

February 20, 2024

House Bill 963
Criminal Law – Sexual Solicitation of a Minor, Human Trafficking, and Drug
Distribution – Sensitive Locations
House Judiciary 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.

House Bill 963 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 House Bill 963 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

House Bill 963 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.

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

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 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 **HB 963**.

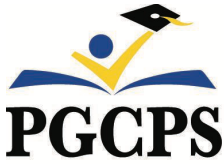
Thank you for your consideration.

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

Letter to Delegate Taveras 2.16.24.pdf

Uploaded by: Robin Welsh

Position: FAV



OFFICE OF THE SUPERINTENDENT

Millard House II, Superintendent | superintendent@pgcps.org
14201 School Lane | Upper Marlboro, MD 20772 | 301-952-6008 | www.pgcps.org/superintendent

February 16, 2024

Delegate Deni Taveras
Low House Building
6 Bladen Street
Annapolis, MD 21401

**Re: HB 395/PG504-24 – Prince George’s County – Early Childhood Education Program and High School Child Care Centers; and
HB 963/SB 719 – Criminal Law – Sexual Solicitation of a minor, Human Trafficking, and Drug Distribution – Sensitive Location**

Dear Delegate Taveras:

I appreciate the intention behind the proposed HB 395/PG 504-24, however, I am writing to share my perspective and express my reservation regarding the proposed legislation, which mandates that each Prince George’s County Public Schools (PGCPS) high school with a pregnancy rate of greater than 1% establish a childcare center and offer a career and technical (CTE) program in early childhood education. PGCPS currently offers the Early Childhood Education (ECE) CTE in six (6) high schools which have been approved by the Maryland State Department of Education (MSDE). If the criterion for offering this program is 1% pregnancy rate as proposed by HB 395, PGCPS could possibly need to change the sites offering the ECE program annually which would significantly impact the students currently enrolled in the program and would have significant fiscal and operational impact for PGCPS. Additionally, to receive MSDE approvals for new sites, PGCPS would need to meet the Demand, Wage, and Skills criteria and it is unlikely that MSDE would approve the addition of multiple new sites given the number PGCPS currently offers.

Simultaneously, I want to emphasize my wholehearted support for HB 963/SB 719 which prohibits a person from committing sexual solicitation of a minor, human trafficking, and drug distribution within five (5) miles from a public school. These crimes require urgent attention and comprehensive measures to protect our students. It is crucial that we prioritize addressing immediate concerns related to sexual offenses and drug offenses to ensure that our schools are safe spaces for all our students.

I appreciate that you have made the safety of our students a priority and have given it the attention it deserves.

Sincerely,

Millard House, II
Superintendent

House Bill 963 Unfav MOPD.docx.pdf

Uploaded by: Natasha Khalfani

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: House Bill 963 – – Sexual Solicitation of a Minor, Human Trafficking, and Drug Distribution – Sensitive Locations

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: February 16, 2024

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on House Bill 963.

House Bill 963 makes it illegal to commit certain sex crimes within five miles of a public or private elementary, secondary or vocational school; college or universities; school activities; youth centers; as well as public housing, parks, swimming pools, playgrounds and arcades. This bill also changes the distance upon which a person is prohibited from distributing a controlled dangerous substance (CDS) from 1000 feet to 5 miles from a school.

This bill poses a number of problems. First, each of the acts proposed in HB 963 are already crimes. If violated, a person can already be charged with a felony and incarcerated between but not exceeding five to twenty years depending on the offense. Passing this bill would only allow for increased and harsher penalties for acts that are already crimes with penalties of incarceration.

Second, this bill makes no reference to the intent of the person being charged with a crime. Five miles is a significant distance. Where it relates to the change in the distance from which a person cannot distribute CDS from 1000 feet to 5 miles from a school, a person can easily identify a school 1000 feet away. A person is unlikely to know his or her location in relation to a school that is five miles away, or the number of schools that may be within the five mile radius and yet can still be prosecuted under this law.

As it relates to sex crimes, the five mile distance to schools, universities, youth centers, public housing, parks, swimming pools, playgrounds and arcades are equally problematic. Within urban areas there is no place a person can be or reside that is not within five miles of one of the locations listed in HB963. Similarly, in rural jurisdictions there isn't much ground that isn't covered by the current distance requirements for "school zones" given the definition of a school

in the statute. This again means that the only significance of this bill is to make it easier to expose people in violation of sex and drug provisions to harsher and increased penalties whether or not they intended the commission of the act to be within the prohibited five mile radius.

This bill is further problematic in that there is no effort to connect the crimes listed in HB 963 committed within the five mile radius to some increased danger to children at or on those properties. As written, this bill will allow offenses committed within someone's home, and especially those that live in public housing to be subject to an additional penalty. Since the language of the bill specifically includes public housing, it absolutely makes the penalty higher for anyone poor that lives in subsidized housing, with no actual aggravating circumstances required. This bill makes intentional the targeting of and disproportionately increased criminalization of poor marginalized people of color that the Office of the Public Defender works so tirelessly to prevent.

Lastly, HB 963 would allow the State the discretion of charging this for a solicitation that occurs solely online just because the person either sending or receiving the message is within the five mile area, again with no increase of harm or danger, Many sexual solicitation cases are centered around text messages or internet chats and emails. Clearly the location has no significance to the crime, but yet the person could be subject to an enhanced penalty.

For the above reasons, the Maryland Office of the Public Defender urges the committee to issue an unfavorable report on House Bill 963.