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By: **Delegates Parrott, Aumann, Bates, Benson, Boschert, Boteler, Burns, Cadden, Carter, G. Clagett, Conroy, Cryor, DeBoy, Doory, Dumais, Dwyer, Eckardt, Edwards, Elliott, Feldman, Frank, Frush, Gilleland, Glassman, Goldwater, Gutierrez, Haddaway, Healey, Hixson, Howard, Impallaria, James, Jameson, Jennings, Kach, Kaiser, King, Kirk, Krebs, Krysiak, Kullen, Lee, Leopold, Levy, Love, Malone, Mandel, Marriott, Mayer, McComas, McDonough, McIntosh, Menes, Miller, Minnick, Moe, Montgomery, Nathan-Pulliam, Niemann, Parker, Patterson, Pendergrass, Petzold, Ramirez, Shewell, Simmons, Stern, Stocksdale, Taylor, Trueschler, V. Turner, Vaughn, Walkup, Weir, and Wood**

Introduced and read first time: February 23, 2005

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Trafficking of Persons and Involuntary Servitude - Penalties**

3 FOR the purpose of prohibiting a person from knowingly subjecting, or attempting to  
 4 subject, another person to perform forced labor or services by certain means;  
 5 prohibiting a person from knowingly recruiting, enticing, harboring,  
 6 transporting, providing, or obtaining, or attempting to recruit, entice, harbor,  
 7 transport, provide, or obtain a minor, knowing that the minor will engage in  
 8 commercial sexual activity, a sexually-explicit performance, or the production of  
 9 certain obscene matter; prohibiting a person from knowingly recruiting,  
 10 enticing, harboring, transporting, providing, or obtaining, or attempting to  
 11 recruit, entice, harbor, transport, provide, or obtain, another person, intending  
 12 or knowing that the other person will be subjected to certain forced labor or  
 13 services; prohibiting a person from knowingly benefitting financially or  
 14 receiving anything of value from participation in an activity in violation of this  
 15 Act; providing penalties for violations of this Act; defining certain terms; and  
 16 generally relating to the trafficking of persons and involuntary servitude.

17 BY adding to

18 Article - Criminal Law

19 Section 3-1001 through 3-1004, inclusive, to be under the new subtitle

20 "Subtitle 10. Trafficking of Persons and Involuntary Servitude"

21 Annotated Code of Maryland

22 (2002 Volume and 2004 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

24 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Criminal Law**

## 2 SUBTITLE 10. TRAFFICKING OF PERSONS AND INVOLUNTARY SERVITUDE.

3 3-1001.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.6 (B) "BLACKMAIL" INCLUDES A THREAT TO EXPOSE A SECRET TENDING TO  
7 SUBJECT A PERSON TO HATRED, CONTEMPT, OR RIDICULE.8 (C) "COMMERCIAL SEXUAL ACTIVITY" MEANS A SEX ACT FOR WHICH A THING  
9 OF VALUE IS GIVEN OR PROMISED TO A PERSON BY ANOTHER IN EXCHANGE FOR  
10 ENGAGING IN THE SEX ACT.11 (D) "FORCED LABOR OR SERVICES" MEANS LABOR OR SERVICES THAT ARE  
12 PERFORMED OR PROVIDED BY ANOTHER THAT ARE OBTAINED OR MAINTAINED BY:13 (1) CAUSING OR THREATENING TO CAUSE SERIOUS HARM TO THE  
14 OTHER PERSON;15 (2) PHYSICALLY RESTRAINING OR THREATENING TO PHYSICALLY  
16 RESTRAIN THE OTHER PERSON;17 (3) ABUSING OR THREATENING TO ABUSE THE LAW OR LEGAL PROCESS  
18 TO THE DETRIMENT OF THE OTHER PERSON;19 (4) KNOWINGLY DESTROYING, CONCEALING, REMOVING,  
20 CONFISCATING, OR POSSESSING AN ACTUAL OR PURPORTED PASSPORT OR OTHER  
21 IMMIGRATION DOCUMENT, OR ANOTHER ACTUAL OR PURPORTED GOVERNMENT  
22 IDENTIFICATION DOCUMENT, OF THE OTHER PERSON;

23 (5) BLACKMAIL OF THE OTHER PERSON; OR

24 (6) CAUSING OR THREATENING TO CAUSE FINANCIAL HARM TO THE  
25 OTHER PERSON.

26 (E) "LABOR" MEANS WORK OF ECONOMIC OR FINANCIAL VALUE.

27 (F) "SERVICES" INCLUDE COMMERCIAL SEXUAL ACTIVITY AND  
28 SEXUALLY-EXPLICIT PERFORMANCES.29 (G) "SEXUALLY-EXPLICIT PERFORMANCE" MEANS A LIVE OR PUBLIC ACT OR  
30 SHOW INTENDED TO AROUSE OR SATISFY THE SEXUAL DESIRES OR APPEAL TO THE  
31 PRURIENT INTERESTS OF PATRONS.

32 3-1002.

33 (A) A PERSON MAY NOT KNOWINGLY SUBJECT, OR ATTEMPT TO SUBJECT,  
34 ANOTHER PERSON TO PERFORM FORCED LABOR OR SERVICES.

1 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
2 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A  
3 FINE NOT EXCEEDING \$5,000 OR BOTH.

4 3-1003.

5 (A) A PERSON MAY NOT KNOWINGLY:

6 (1) RECRUIT, ENTICE, HARBOR, TRANSPORT, PROVIDE, OR OBTAIN, OR  
7 ATTEMPT TO RECRUIT, ENTICE, HARBOR, TRANSPORT, PROVIDE, OR OBTAIN, A  
8 MINOR, KNOWING THAT THE MINOR WILL ENGAGE IN COMMERCIAL SEXUAL  
9 ACTIVITY, A SEXUALLY-EXPLICIT PERFORMANCE, OR THE PRODUCTION OF OBSCENE  
10 MATTER PROHIBITED UNDER § 11-202 OF THIS ARTICLE; OR

11 (2) CAUSE OR ATTEMPT TO CAUSE A MINOR TO ENGAGE IN  
12 COMMERCIAL SEXUAL ACTIVITY, A SEXUALLY-EXPLICIT PERFORMANCE, OR THE  
13 PRODUCTION OF OBSCENE MATTER PROHIBITED UNDER § 11-202 OF THIS ARTICLE.

14 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
15 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS OR A  
16 FINE NOT EXCEEDING \$10,000 OR BOTH.

17 3-1004.

18 (A) A PERSON MAY NOT KNOWINGLY:

19 (1) RECRUIT, ENTICE, HARBOR, TRANSPORT, PROVIDE, OR OBTAIN, OR  
20 ATTEMPT TO RECRUIT, ENTICE, HARBOR, TRANSPORT, PROVIDE, OR OBTAIN  
21 ANOTHER PERSON, INTENDING OR KNOWING THAT THE OTHER PERSON WILL BE  
22 SUBJECTED TO FORCED LABOR OR SERVICES; OR

23 (2) BENEFIT FINANCIALLY OR RECEIVE ANYTHING OF VALUE FROM  
24 PARTICIPATION IN AN ACTIVITY IN VIOLATION OF THIS SUBTITLE.

25 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
26 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A  
27 FINE NOT EXCEEDING \$5,000 OR BOTH.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
29 effect October 1, 2005.