

# HOUSE BILL 45

E2, O1

8lr0387

(PRE-FILED)

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By: **Delegate Benson**

Requested: July 6, 2007

Introduced and read first time: January 9, 2008

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Human Trafficking – Services for Victims**

3 FOR the purpose of providing services for victims of human trafficking; requiring the  
4 names and identifying information of victims of human trafficking and their  
5 families to be kept confidential; requiring certain persons to keep a victim  
6 informed of the victim’s legal rights and the progress of certain proceedings;  
7 requiring certain efforts to be made to provide protection to victims of human  
8 trafficking and their families; requiring the State’s Attorney to ensure that the  
9 victim and the victim’s family are provided with certain relocation services  
10 under certain circumstances; requiring the Department of Human Resources to  
11 establish certain support services programs for victims of human trafficking;  
12 establishing certain requirements for the programs; authorizing the  
13 Department of Human Resources to enter into certain contracts; requiring that  
14 each victim be provided with a certain caseworker for certain purposes;  
15 establishing that communication between a victim and a caseworker is  
16 confidential; requiring that money for certain support services programs be as  
17 provided in the State budget and be used to supplement certain other money;  
18 requiring the Secretary of Human Resources to include a report on certain  
19 support services programs in a certain annual report; authorizing certain  
20 programs to include certain services; establishing certain requirements for  
21 victims who are provided certain shelter; and generally relating to services for  
22 victims of human trafficking.

23 BY adding to

24 Article – Criminal Procedure

25 Section 11–928 through 11–933 to be under the new part “Part IV. Help for  
26 Victims of Human Trafficking”

27 Annotated Code of Maryland

28 (2001 Volume and 2007 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Criminal Procedure**

4 **11-926. RESERVED.**

5 **11-927. RESERVED.**

6 **PART IV. HELP FOR VICTIMS OF HUMAN TRAFFICKING.**

7 **11-928.**

8 **IN THIS PART, “HUMAN TRAFFICKING” MEANS A VIOLATION OF § 11-303**  
9 **OF THE CRIMINAL LAW ARTICLE.**

10 **11-929.**

11 **THE VICTIMS’ SERVICES DESCRIBED IN THIS PART ARE IN ADDITION TO**  
12 **THE SERVICES DESCRIBED IN OTHER PROVISIONS OF THIS TITLE.**

13 **11-930.**

14 **AT EACH STAGE OF AN INVESTIGATION AND PROSECUTION OF THE CRIME**  
15 **OF HUMAN TRAFFICKING:**

16 **(1) THE NAMES AND IDENTIFYING INFORMATION OF THE VICTIM**  
17 **AND THE VICTIM’S FAMILY SHALL BE KEPT CONFIDENTIAL FROM THE PUBLIC;**  
18 **AND**

19 **(2) A LAW ENFORCEMENT OFFICER, THE STATE’S ATTORNEY, OR**  
20 **ANY OTHER OFFICIAL INVOLVED IN THE PROCEEDINGS, AS APPROPRIATE,**  
21 **SHALL KEEP THE VICTIM INFORMED OF THE VICTIM’S LEGAL RIGHTS AND THE**  
22 **PROGRESS OF RELEVANT COURT AND ADMINISTRATIVE PROCEEDINGS,**  
23 **INCLUDING:**

24 **(I) PROSECUTION OF THE CRIMINAL OFFENDERS;**

25 **(II) PROCEEDINGS FOR THE RETURN OF THE VICTIM TO THE**  
26 **VICTIM’S COUNTRY OF CITIZENSHIP; AND**

27 **(III) PROCEEDINGS TO ASSIST THE VICTIM IN SEEKING**  
28 **LEGAL IMMIGRATION STATUS.**

29 **11-931.**

1           **(A) DURING AN INVESTIGATION AND PROSECUTION OF THE CRIME OF**  
2 **HUMAN TRAFFICKING, EVERY REASONABLE EFFORT SHALL BE MADE TO**  
3 **PROVIDE PROTECTION TO THE VICTIM AND THE VICTIM’S FAMILY TO:**

4                   **(1) PREVENT RECAPTURE BY THE PERSON WHO COMMITTED THE**  
5 **CRIME OR ASSOCIATES OF THE PERSON WHO COMMITTED THE CRIME; AND**

6                   **(2) PREVENT THREATS, REPRISALS, OR INTIMIDATION FROM THE**  
7 **PERSON WHO COMMITTED THE CRIME OR ASSOCIATES OF THE PERSON WHO**  
8 **COMMITTED THE CRIME.**

9           **(B) (1) THE STATE’S ATTORNEY SHALL ENSURE THAT THE VICTIM**  
10 **AND THE VICTIM’S FAMILY ARE PROVIDED RELOCATION SERVICES IF:**

11                   **(I) PROTECTION CANNOT BE ADEQUATELY PROVIDED TO**  
12 **THE VICTIM AND THE VICTIM’S FAMILY; AND**

13                   **(II) IT IS DETERMINED THAT THERE IS A LIKELIHOOD THAT**  
14 **A CRIME OF VIOLENCE WILL BE DIRECTED TOWARD THE VICTIM OR THE**  
15 **VICTIM’S FAMILY.**

16                   **(2) RELOCATION SERVICES MAY INCLUDE:**

17                   **(I) PROVIDING THE VICTIM AND THE VICTIM’S FAMILY**  
18 **WITH ASSISTANCE IN OBTAINING:**

19                           **1. NEW IDENTIFICATION DOCUMENTS;**

20                           **2. A NEW RESIDENCE; AND**

21                           **3. EMPLOYMENT OR WORK PERMITS; AND**

22                   **(II) PROTECTING THE CONFIDENTIALITY OF THE IDENTITY**  
23 **AND LOCATION OF THE VICTIM AND THE VICTIM’S FAMILY.**

24 **11-932.**

25           **(A) THE PURPOSE OF THIS SECTION IS TO PROVIDE FOR SUPPORT**  
26 **SERVICES PROGRAMS TO ADDRESS THE SPECIAL NEEDS OF VICTIMS OF HUMAN**  
27 **TRAFFICKING.**

1           **(B) (1) THE DEPARTMENT OF HUMAN RESOURCES SHALL**  
2 **ESTABLISH SUPPORT SERVICES PROGRAMS FOR VICTIMS OF HUMAN**  
3 **TRAFFICKING.**

4           **(2) THE PROGRAMS SHALL:**

5                   **(I) BE DEVELOPED AND LOCATED TO FACILITATE THEIR**  
6 **USE BY VICTIMS RESIDING IN SURROUNDING AREAS;**

7                   **(II) PROVIDE SPECIALIZED SUPPORT SERVICES TO ADULT**  
8 **AND MINOR VICTIMS OF HUMAN TRAFFICKING; AND**

9                   **(III) TAKE INTO ACCOUNT THE AGE, GENDER, AND SPECIAL**  
10 **NEEDS OF THE VICTIMS AND THE VICTIMS' DEPENDENT CHILDREN.**

11           **(3) THE PROGRAMS SHALL INCLUDE:**

12                   **(I) A CONFIDENTIAL TELEPHONE HOTLINE FOR THE VICTIM**  
13 **OR THE VICTIM'S FAMILY TO USE TO SEEK ASSISTANCE OR REPORT HUMAN**  
14 **TRAFFICKING WITHOUT JEOPARDIZING THE SAFETY OF THE VICTIM OR THE**  
15 **VICTIM'S FAMILY; AND**

16                   **(II) SUPPORT SERVICES DESCRIBED IN § 11-933 OF THIS**  
17 **SUBTITLE.**

18           **(C) THE DEPARTMENT OF HUMAN RESOURCES MAY CONTRACT WITH**  
19 **PUBLIC OR PRIVATE NONPROFIT ORGANIZATIONS TO OPERATE THE SUPPORT**  
20 **SERVICES PROGRAMS FOR VICTIMS OF HUMAN TRAFFICKING.**

21           **(D) (1) THE DEPARTMENT OF HUMAN RESOURCES, OR AN**  
22 **ORGANIZATION UNDER CONTRACT WITH THE DEPARTMENT UNDER**  
23 **SUBSECTION (C) OF THIS SECTION SHALL PROVIDE EACH VICTIM WITH A**  
24 **CASEWORKER TO ASSIST THE VICTIM WITH ACCESSING THE SERVICES**  
25 **PROVIDED BY THE PROGRAMS ESTABLISHED UNDER THIS SECTION.**

26                   **(2) COMMUNICATION BETWEEN A VICTIM AND A CASEWORKER IS**  
27 **CONFIDENTIAL.**

28           **(E) MONEY FOR THE SUPPORT SERVICES PROGRAMS FOR VICTIMS OF**  
29 **HUMAN TRAFFICKING SHALL BE AS PROVIDED IN THE ANNUAL STATE BUDGET**  
30 **AND SHALL BE USED TO SUPPLEMENT, BUT NOT SUPPLANT, MONEY THAT THE**  
31 **PROGRAMS RECEIVE FROM OTHER SOURCES.**

1           **(F) THE SECRETARY OF HUMAN RESOURCES SHALL INCLUDE A**  
2 **REPORT ON THE SUPPORT SERVICES PROGRAMS FOR VICTIMS OF HUMAN**  
3 **TRAFFICKING IN THE DEPARTMENT OF HUMAN RESOURCES ANNUAL REPORT**  
4 **TO THE GENERAL ASSEMBLY.**

5 **11-933.**

6           **(A) THE SUPPORT SERVICES PROGRAMS FOR VICTIMS OF HUMAN**  
7 **TRAFFICKING MAY INCLUDE:**

8                   **(1) APPROPRIATE HOUSING FOR THE VICTIMS AND THEIR**  
9 **DEPENDENT CHILDREN;**

10                   **(2) PSYCHOLOGICAL COUNSELING WITH AN APPROPRIATE**  
11 **LANGUAGE INTERPRETER PROVIDED IF NECESSARY;**

12                   **(3) MEDICAL ASSISTANCE WITH AN APPROPRIATE LANGUAGE**  
13 **INTERPRETER PROVIDED IF NECESSARY;**

14                   **(4) LEGAL ASSISTANCE WITH AN APPROPRIATE LANGUAGE**  
15 **INTERPRETER PROVIDED IF NECESSARY;**

16                   **(5) MATERIAL ASSISTANCE AS APPROPRIATE; AND**

17                   **(6) EMPLOYMENT, EDUCATIONAL, AND TRAINING**  
18 **OPPORTUNITIES.**

19           **(B) VICTIMS WHO ARE PROVIDED SHELTER UNDER THIS SECTION:**

20                   **(1) MAY NOT BE HOUSED IN PRISONS OR OTHER DETENTION**  
21 **FACILITIES FOR CONVICTED OR ACCUSED OFFENDERS; AND**

22                   **(2) SHALL BE PROVIDED WITH THE OPPORTUNITY TO**  
23 **COMMUNICATE WITH AND RECEIVE VISITS FROM FAMILY, FRIENDS, ATTORNEYS,**  
24 **AND ADVOCATES.**

25           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2008.