

**Department of Legislative Services**  
Maryland General Assembly  
2008 Session

**FISCAL AND POLICY NOTE**

House Bill 45  
Judiciary

(Delegate Benson)

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**Human Trafficking - Services for Victims**

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This bill requires the establishment of support services programs for victims of human trafficking and provides for the confidentiality of victim identification information during any investigation or prosecution of a human trafficking offense.

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**Fiscal Summary**

**State Effect:** Minimal. Because the number of human trafficking cases in the State is assumed to be relatively small, informational services and confidentiality of victim identification information responsibilities for any affected units of State government (including the courts) could be handled with existing budgeted resources.

**Local Effect:** Minimal. Assuming a relatively small number of cases, informational services, confidentiality of victim identification information, and victim relocation responsibilities could be handled with the existing budgeted resources of investigative, prosecutorial, and judicial units of local government.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The bill provides that, at each stage of an investigation and prosecution of the crime of human trafficking • all identifying information of the victim and the victim's family must be kept confidential; and • a law enforcement officer, the State's Attorney, or any other official involved in the proceedings must keep the victim informed

of the victim's legal rights and the progress of relevant court and administrative proceedings.

Every reasonable effort must be made during the investigation and prosecution of a human trafficking crime to provide protection to the victim and the victim's family, as specified. The State's Attorney must ensure that the victim and victim's family are provided relocation services under specified circumstances.

The Department of Human Resources (DHR) is required to establish support services programs for victims of human trafficking, and the bill provides specific examples of the types of programs that may be included. The bill identifies how such programs must be developed and what they must contain, including a confidential telephone hotline. The bill authorizes DHR to contract with public or private nonprofit organizations to operate these services programs. Each victim must be provided with a caseworker by DHR or a contractor to assist with accessing the services provided by the services programs. Communication between a victim and a caseworker is confidential.

Victims who are provided shelter may not be housed in prisons or other detention facilities for convicted or accused offenders. Victims must be provided with the opportunity to communicate with and receive visits from family, friends, attorneys, and advocates.

Money for the support services programs is required to be provided in the annual State budget and must be used to supplement, but not supplant, money that the programs receive from other sources. The Secretary of Human Resources must include a report on the support services programs in the department's annual report to the General Assembly.

**Current Law:** Chapter 340 of 2007 expanded the crime of sexual solicitation of a minor by adding commission of a violation of prostitution laws as a prohibited intent. The Act also expanded the crime of extortion by prohibiting a person from obtaining or conspiring to obtain labor or services by wrongfully inducing consent and adds actual or threatened destruction, concealment, removal, confiscation, or possession of any immigration or government identification document with intent to harm the immigration status of another person as a prohibited way of inducing consent. Labor and services are also added to the language of prohibitions against extortion by false accusation and extortion by verbal threat.

In addition, Chapter 340 renamed the crime of pandering as human trafficking and created an enhanced penalty for human trafficking involving a minor. A person who commits human trafficking involving an adult victim is guilty of a misdemeanor and subject to maximum penalties of imprisonment for 10 years and/or a fine of \$5,000. A

person who commits human trafficking involving a victim who is a minor is guilty of a felony and subject to maximum penalties of 25 years imprisonment and/or a fine of \$15,000. The District Court is granted jurisdiction concurrent with the circuit court over felony human trafficking.

**Background:** At the international and national level, remedies exist to address human trafficking. In February 2000, the United Nations adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the U.N. Convention Against Transnational Organized Crime. The reauthorized federal Trafficking Victims Protection Act (TVPA) is designed to prevent trafficking, punish traffickers, and protect and assist trafficked persons. TVPA extends assistance and benefits to victims of “severe forms of trafficking” which is defined as “a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.” TVPA protects trafficked persons by providing immigration status (T visa), permission to work, and possible U.S. permanent residence.

The Trafficking Victims Protection Reauthorization Act of 2003 amended TVPA to remove obstacles in the process of securing needed assistance, increase benefits to victims of trafficking, increase knowledge about trafficking in persons, enhance prevention efforts, provide greater protection to victims, and increase prosecution. The federal Refugee Act of 1980 provides cash assistance to newly arrived refugees, who are not eligible for Temporary Cash Assistance (TCA), for the first eight months after arrival. Persons who are victims of a severe form of trafficking are also eligible for this cash assistance. Approximately 300 refugees per month in Maryland participate in this program.

In Baltimore City, Baltimore, Carroll, Howard, Anne Arundel, and Harford counties, beginning October 1, 2001, TCA cash assistance was replaced by Refugee Transitional Cash Assistance, which is administered by the voluntary agencies that resettle refugees. The monthly grant for individuals is \$195 for the first four months, dropping to \$180 for the final four months.

At the federal level, certifications of trafficking victims are done by the U.S. Department of Health and Human Services so they may qualify for the same assistance available to refugees.

According to the National Conference of State Legislatures, since 2004, 26 states have enacted comprehensive laws on human trafficking, generally establishing the offense as a felony. Ten states have established a task force, commission, or special committee on the issues. To date, six states are known to have enacted measures designed to provide specialized services to victims of trafficking.

The extent to which human trafficking actually occurs in Maryland is unknown.

**State Fiscal Effect:** *Despite repeated requests for information on this bill, the Department of Human Resources did not provide any fiscal or operational impact information.*

DHR's existing Office of Victim Services (OVS) meets the crisis needs of victimized individuals and families through a comprehensive network of quality, community based services. OVS (1) establishes and maintains partnerships with other State agencies, local departments of social services, local governments, service providers, advocates, and other community based organizations to create and support networks of quality services for victims; (2) provides funding, technical assistance, and programmatic/fiscal oversight to community based organizations serving victims; and (3) enhances and expands services to meet the special needs of historically unserved and underserved victim populations.

Specific services provided by existing OVS programs include:

- a 24-hour hotline;
- crisis intervention;
- shelter (safe accommodations);
- individual and group counseling;
- abuser intervention;
- legal assistance;
- medical accompaniment;
- court accompaniment; and
- information and referral services.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State's Attorneys' Association, Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - January 14, 2008  
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