

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 245
Judiciary

(Delegate Benson)

Task Force for the Prevention of Human Trafficking in Maryland

This bill establishes a Task Force for the Prevention of Human Trafficking in Maryland. The bill provides for the membership and duties of the task force, and authorizes expense reimbursements for members. Staffing to the task force is required to be provided jointly by the Governor's Office of Crime Control and Prevention and the Department of Human Resources. The task force is required to report its findings and recommendations to the Governor and the General Assembly by June 1, 2010.

This bill is effective July 1, 2008 and terminates after June 30, 2010.

Fiscal Summary

State Effect: Any expense reimbursements for task force members and staffing costs for GOCCP and DHR are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Background: 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: In 2007, subsequent to the enactment of Chapter 340, a statewide 34-member task force on human trafficking was organized through the Baltimore City State's Attorney's Office. It is chaired jointly by the Baltimore City State's Attorney, the Maryland Attorney General, and the U.S. Attorney for Maryland. The task force membership currently lists participation by a variety of public and private nonprofit entities, including federal, State, and law enforcement agencies and members of the General Assembly. The task force has met once (December 2007) and the minutes from that meeting indicate that the main goals of the task force are to: (1) encourage and coordinate victim identification; (2) assist federal, State, and local law enforcement and prosecutions; (3) coordinate statewide victim services efforts; (4) raise public awareness; and (5) establish protocols and procedures within and among law enforcement agencies and private nonprofit organizations.

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 and 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.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Resources, Governor's Office of Crime Control and Prevention, Department of Legislative Services

Fiscal Note History: First Reader - January 31, 2008
ncs/jr

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