

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 542
Judiciary

(Delegates Simmons and Waldstreicher)

Judicial Proceedings

Criminal Law - Human Trafficking - Inducing or Enticing

This bill expands the State's prohibition against human trafficking by adding the knowing inducement or enticement of another into prostitution and by eliminating the need for persuasion, inducement, or enticement to prostitution to have been made by threat or promise.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's expanded scope for human trafficking.

Local Effect: Potential minimal increase in local revenues from criminal fines due to the bill's expanded scope for human trafficking.

Small Business Effect: None.

Analysis

Current Law: Chapters 340 and 341 of 2007 renamed the crime of pandering to human trafficking, and created an enhanced penalty for human trafficking involving a minor. 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. A person who commits human trafficking involving an adult victim is guilty of a misdemeanor and subject to maximum penalties of 10 years' imprisonment and/or a fine of \$5,000. The District Court has concurrent jurisdiction with the circuit court over the crime of human trafficking.

A person may not knowingly:

- take or cause another to be taken to any place for prostitution;
- place, cause to be placed, or harbor another in any place for prostitution;
- persuade or encourage by threat or promise another to be taken to or placed in any place for prostitution;
- unlawfully take or detain another with the intent to use force, threat, or persuasion to compel the other to marry the person or a third person or perform a sexual act, sexual contact, or vaginal intercourse; or
- receive consideration to procure for or place in a house of prostitution or elsewhere another with the intent of causing the other to engage in prostitution or assignation.

The misdemeanor offense of human trafficking is subject to prosecution at anytime. The violator is subject to confinement in the penitentiary and may reserve a point or question for *in banc* review as provided by the Maryland Constitution.

State Revenues: General fund revenues may increase minimally as a result of the bill's expanded scope from cases heard in the District Court.

State Expenditures: General fund expenditures may increase minimally as a result of the bill's expanded scope due to more people being committed to Division of Correction (DOC) facilities. The number of people convicted under the proposed expanded scope of this crime is expected to be minimal.

Persons serving a sentence longer than 18 months are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$2,600 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new DOC inmate (including variable medical care and variable operating costs) is \$342 per month. Excluding all medical care, the average variable costs total \$164 per month.

Local Revenues: Revenues may increase minimally as a result of the bill's expanded scope from cases heard in the circuit courts.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 20, 2009
ncs/kdm

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