

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1322

(Delegate Hucker, *et al.*)

Economic Matters

Finance

**Business Regulation - Lodging Establishments - National Human Trafficking
Resource Center Hotline Information**

This bill authorizes a State, county, or municipal law enforcement agency to issue a civil citation to a lodging establishment requiring it to post prominently in each guest room, for one year, a sign that includes the phone number for and other information about the National Human Trafficking Resource Center (NHTRC) hotline if the establishment is located on property where arrests leading to convictions of prostitution, solicitation of a minor, or human trafficking have occurred. The sign must be in English, Spanish, and any other languages required by the Voting Rights Act (VRA). The Department of Labor, Licensing, and Regulation (DLLR) must design the sign to include specific information and place it on its web site. Violators are subject to a civil penalty of up to \$1,000. Each guest room that does not have a sign is not a separate violation.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's penalty provisions. DLLR can design a sign with existing budgeted resources. State law enforcement can handle the bill's provisions with existing resources.

Local Effect: Local and municipal law enforcement agencies can handle the bill's provisions with existing resources.

Small Business Effect: Minimal.

Analysis

Bill Summary: A State, county, or municipal law enforcement agency must consider any assistance it receives from a lodging establishment in an investigation leading to convictions of prostitution, solicitation of a minor, or human trafficking that have occurred at the lodging establishment when determining whether to issue a citation under the bill.

Current Law: A person who is involved in prostitution is guilty of a misdemeanor and is subject to up to one year in prison and/or a fine of up to \$500. A person may not knowingly:

- engage in prostitution or assignation by any means;
- keep, set up, occupy, maintain, or operate a building, structure, or conveyance for prostitution or assignation;
- allow a building, structure, or conveyance owned by or under the person's control to be used for prostitution or assignation;
- allow or agree to allow a person into a building, structure, or conveyance for prostitution or assignation; or
- procure or solicit or offer to procure or solicit for prostitution or assignation.

Chapters 340 and 341 of 2007 renamed the crime of pandering to be human trafficking and created an enhanced penalty for human trafficking involving a minor.

Thus, 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, induce, encourage, or entice another to be taken to or placed in any place for prostitution;
- unlawfully take or detain another with the intent to use force, a 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.

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.

Under the prohibition against sexual solicitation of a minor, a person may not, with intent to commit a violation of prohibitions against prostitution, second degree rape or second or third degree sexual offense, knowingly solicit a minor, or a law enforcement officer posing as a minor, to engage in activities that would be unlawful for the person to engage in under the prohibitions against second degree rape or second or third degree sexual offense. A violator is guilty of a felony and subject to maximum penalties of 10-years imprisonment and/or a \$25,000 fine.

VRA requires a political subdivision to ensure that all election information available in English also be available in a minority language if more than 10,000 or over 5% of the citizens of voting age in the jurisdiction are members of a single-language minority group who do not speak or understand English adequately enough to participate in the electoral process. The Director of the U.S. Census Bureau is responsible for determining which states and localities are subject to the minority language assistance provisions of VRA. Montgomery County is the only jurisdiction in Maryland subject to the language assistance provisions of VRA; the county must provide language assistance to Spanish-speaking individuals.

Background: The U.S. State Department has estimated that approximately 600,000 to 800,000 victims are trafficked annually across international borders worldwide and approximately half of these victims are minors. According to the 2005 report, 80% of internationally trafficked victims are female, and 70% are trafficked into the sex industry. The United Nations' International Labor Organization estimates that at least 12.3 million adults and children are in forced labor, bonded labor, and commercial sexual servitude. Of this group, 1.4 million are in commercial sexual servitude and 56% of all forced labor victims are women and girls.

The U.S. Department of Health and Human Services (DHHS) funds the NHTRC hotline, which is available to answer calls 24 hours a day, 365 days a year. The NHTRC hotline provides callers with a wide range of services such as crisis intervention, urgent and nonurgent referrals, tip reporting, and anti-trafficking resources and technical assistance for the anti-trafficking field. Through the hotline, DHHS aims to provide up-to-date resources on human trafficking, increase access to services for foreign U.S. citizens, including victims, and provide law enforcement and social service providers with tools to identify human trafficking victims in their communities.

According to the Maryland Sentencing Guidelines Database, four people were convicted of human trafficking from fiscal 2001 through 2009.

Additional Information

Prior Introductions: None.

Cross File: SB 542 (Senators Harrington and Colburn) - Finance.

Information Source(s): U.S. Department of Health and Human Services; U.S. Department of State; Department of Labor, Licensing, and Regulation; Department of State Police; Department of Legislative Services

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