

SENATE BILL 993

E1, E2

2lr2832

By: **Senators Raskin, Astle, Benson, Forehand, Jennings, King, Madaleno,
Montgomery, Pinsky, Pugh, and Young**

Introduced and read first time: February 16, 2012

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Human Trafficking of Minor – Defenses**

3 FOR the purpose of providing that a person charged with a certain human trafficking
4 offense involving a minor may not assert as a defense that the person did not
5 know the age of the victim or that the minor consented; providing that it is a
6 defense that, at the time of the offense, the defendant made a certain attempt to
7 ascertain the true age of the minor in a certain manner and did not rely solely
8 on the verbal allegations or apparent age of the minor; and generally relating to
9 human trafficking of minors.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 11–303
13 Annotated Code of Maryland
14 (2002 Volume and 2011 Supplement)

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

17 **Article – Criminal Law**

18 11–303.

19 (a) (1) A person may not knowingly:

20 (i) take or cause another to be taken to any place for
21 prostitution;

22 (ii) place, cause to be placed, or harbor another in any place for
23 prostitution;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) persuade, induce, entice, or encourage another to be taken to
2 or placed in any place for prostitution;

3 (iv) receive consideration to procure for or place in a house of
4 prostitution or elsewhere another with the intent of causing the other to engage in
5 prostitution or assignation;

6 (v) engage in a device, scheme, or continuing course of conduct
7 intended to cause another to believe that if the other did not take part in a sexually
8 explicit performance, the other or a third person would suffer physical restraint or
9 serious physical harm; or

10 (vi) destroy, conceal, remove, confiscate, or possess an actual or
11 purported passport, immigration document, or government identification document of
12 another while otherwise violating or attempting to violate this subsection.

13 (2) A parent, guardian, or person who has permanent or temporary
14 care or custody or responsibility for supervision of another may not consent to the
15 taking or detention of the other for prostitution.

16 (b) (1) A person may not violate subsection (a) of this section involving a
17 victim who is a minor.

18 (2) A person may not knowingly take or detain another with the intent
19 to use force, threat, coercion, or fraud to compel the other to marry the person or a
20 third person or perform a sexual act, sexual contact, or vaginal intercourse.

21 (c) (1) (i) Except as provided in paragraph (2) of this subsection, a
22 person who violates subsection (a) of this section is guilty of the misdemeanor of
23 human trafficking and on conviction is subject to imprisonment not exceeding 10 years
24 or a fine not exceeding \$5,000 or both.

25 (ii) A person who violates subsection (a) of this section is subject
26 to § 5-106(b) of the Courts Article.

27 (2) A person who violates subsection (b) of this section is guilty of the
28 felony of human trafficking and on conviction is subject to imprisonment not exceeding
29 25 years or a fine not exceeding \$15,000 or both.

30 (d) A person who violates this section may be charged, tried, and sentenced
31 in any county in or through which the person transported or attempted to transport
32 the other.

33 (e) (1) A person who knowingly benefits financially or by receiving
34 anything of value from participation in a venture that includes an act described in

1 subsection (a) or (b) of this section is subject to the same penalties that would apply if
2 the person had violated that subsection.

3 (2) A person who knowingly aids, abets, or conspires with one or more
4 other persons to violate any subsection of this section is subject to the same penalties
5 that apply for a violation of that subsection.

6 (F) (1) IT IS NOT A DEFENSE TO A PROSECUTION UNDER SUBSECTION
7 (B)(1) OF THIS SECTION THAT:

8 (I) THE PERSON DID NOT KNOW THE AGE OF THE VICTIM;
9 OR

10 (II) THE MINOR CONSENTED.

11 (2) IT IS A DEFENSE TO A PROSECUTION UNDER SUBSECTION
12 (B)(1) OF THIS SECTION THAT, AT THE TIME OF THE OFFENSE, THE DEFENDANT:

13 (I) MADE A REASONABLE GOOD FAITH ATTEMPT TO
14 ASCERTAIN THE TRUE AGE OF THE MINOR BY REQUIRING THE PRODUCTION OF:

15 1. A DRIVER'S LICENSE;

16 2. A MARRIAGE LICENSE;

17 3. A BIRTH CERTIFICATE; OR

18 4. ANOTHER VALID IDENTIFICATION CARD OR PAPER
19 ISSUED BY A GOVERNMENT UNIT OR AN EDUCATIONAL INSTITUTION; AND

20 (II) DID NOT RELY SOLELY ON THE VERBAL ALLEGATIONS
21 OR APPARENT AGE OF THE MINOR.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2012.