

Department of Legislative Services  
Maryland General Assembly  
2012 Session

**FISCAL AND POLICY NOTE**

Senate Bill 993

(Senator Raskin, *et al.*)

Judicial Proceedings

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**Crimes - Human Trafficking of Minor - Defenses**

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This bill establishes that it is not a defense to a prosecution of general human trafficking of a minor that (1) the defendant did not know the age of the victim; or (2) the minor consented. However, it is a defense that, at the time of the offense, the defendant (1) made a reasonable good faith effort to ascertain the true age of the minor by requiring the production of a driver's license, marriage license, birth certificate, or another valid identification card or paper issued by a government unit or an educational institution; and (2) did not rely solely on the verbal allegations or apparent age of the minor.

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**Fiscal Summary**

**State Effect:** Potential minimal reduction in general fund revenues from District Court fines and general fund incarceration expenditures if the bill results in fewer convictions for human trafficking of a minor.

**Local Effect:** Potential minimal reduction in local revenues from circuit court fines. Expenditures are not affected.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Under the human trafficking prohibition, 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, or entice, or encourage another to be taken to or placed in any place for prostitution;
- 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;
- engage in a device, scheme, or continuing course of conduct intended to cause another to believe that if the other did not take part in a sexually explicit performance, the other or a third person would suffer physical restraint or serious harm; or
- destroy, conceal, remove, confiscate, or possess an actual or purported passport, immigration document, or government identification document of another while otherwise violating or attempting to commit these acts.

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 misdemeanor offense of human trafficking is subject to prosecution at any time. 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.

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 knowingly aids, abets, or conspires in the violation of human trafficking laws or knowingly benefits financially from ventures or activities in violation of State human trafficking laws is subject to the same penalties imposed on a person who violated the applicable statute.

The District Court has concurrent jurisdiction with the circuit courts over the crime of felony human trafficking.

**Background:** According to the Judiciary, there were two cases in the District Court involving human trafficking of a minor in fiscal 2011. According to the Maryland Sentencing Guidelines database, there have been no convictions in Maryland's circuit courts for human trafficking of a minor since the offense was created by the General Assembly in 2007.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Commission on Criminal Sentencing Policy, Governor's Office of Crime Control and Prevention, Judiciary (Administrative Office of the Courts), Office of the Public Defender, Department of Legislative Services

**Fiscal Note History:** First Reader - March 19, 2012  
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