

HOUSE BILL 905

E1

5lr1753

By: **Delegates Waldstreicher, Atterbeary, Dumais, Morales, Valentino-Smith, and Vallario**

Introduced and read first time: February 13, 2015

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Human Trafficking – Affirmative Defense**

3 FOR the purpose of providing that, in a prosecution for a certain charge relating to
4 prostitution, it is an affirmative defense of duress if the defendant committed the act
5 as a result of being a victim of human trafficking or in order to acquire certain
6 necessities; providing that a defendant intending on asserting a certain affirmative
7 defense is required to provide the State's Attorney with a certain notice; and
8 generally relating to human trafficking.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 11–306
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2014 Supplement)

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

16 **Article – Criminal Law**

17 11–306.

18 (a) A person may not knowingly:

19 (1) engage in prostitution or assignation by any means;

20 (2) keep, set up, occupy, maintain, or operate a building, structure, or
21 conveyance for prostitution or assignation;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) allow a building, structure, or conveyance owned or under the person's
2 control to be used for prostitution or assignation;

3 (4) allow or agree to allow a person into a building, structure, or conveyance
4 for prostitution or assignation; or

5 (5) procure or solicit or offer to procure or solicit for prostitution or
6 assignation.

7 (b) A person who violates this section is guilty of a misdemeanor and on conviction
8 is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

9 **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN A**
10 **PROSECUTION UNDER THIS SECTION, IT IS AN AFFIRMATIVE DEFENSE OF DURESS IF**
11 **THE DEFENDANT COMMITTED THE ACT:**

12 **(I) AS A RESULT OF BEING A VICTIM OF HUMAN TRAFFICKING**
13 **UNDER § 11-303 OF THE CRIMINAL LAW ARTICLE OR UNDER FEDERAL LAW; OR**

14 **(II) IN ORDER TO ACQUIRE NECESSITIES IMMEDIATELY**
15 **REQUIRED FOR THE SURVIVAL OR SAFETY OF THE DEFENDANT OR A DEPENDENT OF**
16 **THE DEFENDANT.**

17 **(2) A DEFENDANT MAY NOT ASSERT THE AFFIRMATIVE DEFENSE**
18 **PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE DEFENDANT**
19 **NOTIFIES THE STATE'S ATTORNEY OF THE DEFENDANT'S INTENTION TO ASSERT**
20 **THE DEFENSE PRIOR TO TRIAL.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2015.