

## Chapter 357

**(Senate Bill 520)**

AN ACT concerning

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

FOR the purpose of providing that, in a prosecution for a certain charge relating to prostitution, it is an affirmative defense of duress if the defendant committed the act as a result of being a victim of an act of another ~~committed in violation of~~ who was charged with violating the human trafficking law; providing that a defendant intending on asserting a certain affirmative defense is required to provide the State's Attorney with a certain notice at least a certain time period prior to trial; and generally relating to human trafficking.

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

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

**Article – Criminal Law**

11–306.

(a) A person may not knowingly:

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

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

**(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN A PROSECUTION UNDER THIS SECTION, IT IS AN AFFIRMATIVE DEFENSE OF DURESS IF THE DEFENDANT COMMITTED THE ACT AS A RESULT OF BEING A VICTIM OF AN ACT OF ANOTHER ~~COMMITTED IN VIOLATION OF~~ WHO WAS CHARGED WITH VIOLATING THE PROHIBITION AGAINST HUMAN TRAFFICKING UNDER § 11-303 OF THE CRIMINAL LAW ARTICLE OR UNDER FEDERAL LAW.**

**(2) A DEFENDANT MAY NOT ASSERT THE AFFIRMATIVE DEFENSE PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE DEFENDANT NOTIFIES THE STATE'S ATTORNEY OF THE DEFENDANT'S INTENTION TO ASSERT THE DEFENSE AT LEAST 10 DAYS PRIOR TO TRIAL.**

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

**Approved by the Governor, May 12, 2015.**