

# HOUSE BILL 101

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By: **Delegates C. Howard, Barron, Davis, Fennell, Jackson, Valentino-Smith, and Vaughn**

Introduced and read first time: January 18, 2016

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Human Trafficking and Related Crimes – Penalties**

3 FOR the purpose of altering certain penalties for certain prostitution, human trafficking,  
4 and related crimes; and generally relating to prostitution, human trafficking, and  
5 related crimes.

6 BY repealing and reenacting, with amendments,

7 Article – Criminal Law

8 Section 11–303 through 11–306

9 Annotated Code of Maryland

10 (2012 Replacement Volume and 2015 Supplement)

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

13 **Article – Criminal Law**

14 11–303.

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

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

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

19 (c) (1) (i) Except as provided in paragraph (2) of this subsection, a person  
20 who violates subsection (a) of this section is guilty of the [~~misdemeanor~~] **FELONY** of human  
21 trafficking and on conviction is subject to imprisonment not exceeding 10 years or a fine  
22 not exceeding [~~\$5,000~~] **\$15,000** or both.

23 (ii) A person who violates subsection (a) of this section is subject to §  
24 5–106(b) of the Courts Article.

25 (2) A person who violates subsection (b) of this section is guilty of the felony  
26 of human trafficking and on conviction is subject to imprisonment not exceeding 25 years  
27 or a fine not exceeding [~~\$15,000~~] **\$50,000** or both.

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

30 (e) (1) A person who knowingly benefits financially or by receiving anything of  
31 value from participation in a venture that includes an act described in subsection (a) or (b)  
32 of this section is subject to the same penalties that would apply if the person had violated  
33 that subsection.

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

1 (f) It is not a defense to a prosecution under subsection (b)(1) of this section that  
2 the person did not know the age of the victim.

3 11–304.

4 (a) A person may not receive or acquire money or proceeds from the earnings of a  
5 person engaged in prostitution with the intent to:

6 (1) promote a crime under this subtitle;

7 (2) profit from a crime under this subtitle; or

8 (3) conceal or disguise the nature, location, source, ownership, or control of  
9 money or proceeds of a crime under this subtitle.

10 (b) A person who violates this section is guilty of a [misdemeanor] **FELONY** and  
11 on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding  
12 **[\$10,000] \$15,000** or both.

13 (c) A person who violates this section is subject to § 5–106(b) of the Courts Article.

14 11–305.

15 (a) For the purpose of committing a crime under Title 3, Subtitle 3 of this article,  
16 a person may not:

17 (1) persuade or entice or aid in the persuasion or enticement of an  
18 individual under the age of 16 years from the individual's home or from the custody of the  
19 individual's parent or guardian; and

20 (2) knowingly secrete or harbor or aid in the secreting or harboring of the  
21 individual who has been persuaded or enticed in the manner described in item (1) of this  
22 subsection.

23 (b) A person who violates this section is guilty of a felony and on conviction is  
24 subject to imprisonment not exceeding 25 years or a fine not exceeding **[\$5,000] \$50,000**  
25 or both.

26 11–306.

27 (a) A person may not knowingly:

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

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

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] **5 YEARS** or a fine not exceeding [**\$500**]  
9 **\$15,000** or both.

10           (c)    (1)   Subject to paragraph (2) of this subsection, in a prosecution under this  
11 section, it is an affirmative defense of duress if the defendant committed the act as a result  
12 of being a victim of an act of another who was charged with violating the prohibition against  
13 human trafficking under § 11–303 of this subtitle or under federal law.

14                   (2)    A defendant may not assert the affirmative defense provided in  
15 paragraph (1) of this subsection unless the defendant notifies the State's Attorney of the  
16 defendant's intention to assert the defense at least 10 days prior to trial.

17           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2016.