

HOUSE BILL 811

E3

6lr3416
CF 6lr2112

By: **Delegates Morales, Anderson, Atterbeary, Carter, Conaway, Dumais, Glass, Kittleman, McComas, A. Miller, Moon, Proctor, Rosenberg, Sanchez, Smith, and Sydnor**

Introduced and read first time: February 8, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Services – Child Victims of Human Trafficking**

3 FOR the purpose of providing that, if a complaint filed with a Department of Juvenile
4 Services intake officer alleges that a child violated certain laws relating to
5 prostitution, the intake officer shall refuse authorization to file a delinquency
6 petition with the juvenile court, shall immediately refer the child to a certain
7 program that provides services for victims of human trafficking, may authorize
8 shelter care, and, under certain circumstances, shall notify the local department of
9 social services; and generally relating to children alleged to have violated certain
10 laws relating to prostitution.

11 BY repealing and reenacting, without amendments,
12 Article – Courts and Judicial Proceedings
13 Section 3–8A–10(a), (b), and (c)(1), (2), and (3)
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2015 Supplement)

16 BY adding to
17 Article – Courts and Judicial Proceedings
18 Section 3–8A–10(o)
19 Annotated Code of Maryland
20 (2013 Replacement Volume and 2015 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – Criminal Law
23 Section 11–306
24 Annotated Code of Maryland
25 (2012 Replacement Volume and 2015 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Courts and Judicial Proceedings**

4 3–8A–10.

5 (a) This section does not apply to allegations that a child is in need of assistance,
6 as defined in § 3–801 of this title.

7 (b) An intake officer shall receive:

8 (1) Complaints from a person or agency having knowledge of facts which
9 may cause a person to be subject to the jurisdiction of the court under this subtitle; and

10 (2) Citations issued by a police officer under § 3–8A–33 of this subtitle.

11 (c) (1) Except as otherwise provided in this subsection, in considering the
12 complaint, the intake officer shall make an inquiry within 25 days as to whether the court
13 has jurisdiction and whether judicial action is in the best interests of the public or the child.

14 (2) An inquiry need not include an interview of the child who is the subject
15 of the complaint if the complaint alleges the commission of an act that would be a felony if
16 committed by an adult or alleges a violation of § 4–203 or § 4–204 of the Criminal Law
17 Article.

18 (3) Subject to the provisions of § 3–8A–10.1 of this subtitle, in accordance
19 with this section, the intake officer may, after such inquiry and within 25 days of receiving
20 the complaint:

21 (i) Authorize the filing of a petition or a peace order request or both;

22 (ii) Propose an informal adjustment of the matter; or

23 (iii) Refuse authorization to file a petition or a peace order request or
24 both.

25 **(O) IF A COMPLAINT ALLEGES A VIOLATION OF § 11–306 OF THE CRIMINAL**
26 **LAW ARTICLE, THE INTAKE OFFICER:**

27 **(1) SHALL REFUSE AUTHORIZATION TO FILE A PETITION;**

28 **(2) SHALL IMMEDIATELY REFER THE CHILD TO A PUBLIC OR PRIVATE**
29 **PROGRAM THAT PROVIDES SERVICES FOR VICTIMS OF HUMAN TRAFFICKING;**

1 **(3) MAY AUTHORIZE SHELTER CARE IN ACCORDANCE WITH §**
2 **3-8A-15 OF THIS SUBTITLE; AND**

3 **(4) IF THE INTAKE OFFICER HAS REASON TO BELIEVE THAT THE**
4 **CHILD HAS BEEN SUBJECTED TO ABUSE OR NEGLECT, SHALL NOTIFY THE LOCAL**
5 **DEPARTMENT OF SOCIAL SERVICES IN ACCORDANCE WITH § 5-704 OF THE FAMILY**
6 **LAW ARTICLE.**

7 **Article – Criminal Law**

8 11-306.

9 (a) A person may not knowingly:

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

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

13 (3) allow a building, structure, or conveyance owned or under the person’s
14 control to be used for prostitution or assignation;

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

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

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

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

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

28 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
29 **October 1, 2016.**