

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1273

(Anne Arundel County Delegation)

Ways and Means

Education, Health, and Environmental Affairs

Anne Arundel County Board of Education - Human Trafficking Awareness Pilot Program

This bill establishes a two-year Human Trafficking Awareness Pilot Program in Anne Arundel County, beginning with the 2017-2018 school year. The Anne Arundel County Board of Education, in collaboration with the Department of Health and Mental Hygiene (DHMH) and the Governor's Office of Crime Control and Prevention (GOCCP), must provide awareness for all school-based personnel on human trafficking. DHMH and GOCCP must provide to the county board materials that describe informational resources to which school-based personnel can refer.

The bill takes effect July 1, 2016, and terminates June 30, 2019.

Fiscal Summary

State Effect: GOCCP will incur one-time costs of approximately \$5,000 for printing and distribution of materials for the pilot program in FY 2018. DHMH can assist the pilot program with existing resources.

Local Effect: The Anne Arundel County school system can distribute the required materials to school-based personnel using existing resources.

Small Business Effect: None.

Analysis

Current Law:

Human Trafficking of an Adult (In General): 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, 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.

In general, a person who commits human trafficking involving an adult victim is guilty of a misdemeanor and subject to imprisonment for up to 10 years and/or a maximum fine of \$5,000. While a misdemeanor generally carries a 1-year statute of limitations, 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.

Human Trafficking of a Minor: A person who commits human trafficking involving a victim who is a minor (defined as an individual younger than age 18) is guilty of a felony and subject to imprisonment for up to 25 years and/or a maximum fine of \$15,000. In a prosecution for human trafficking of a minor, it is not a defense that the defendant did not know the age of the victim. A felony may be prosecuted at any time.

Human Trafficking (Compelled Marriage or Performance of Specified Acts): The felony human trafficking penalty also applies to a person who knowingly takes or detains another person with the intent to use force, threat, coercion, or fraud to compel the other person to marry the person or a third person or perform a sexual act, sexual contact, or vaginal intercourse.

Human Trafficking (Financial Benefit or Aiding and Abetting): 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: Exhibit 1 contains information on the number of human trafficking violations statewide in the District Court and the circuit courts during fiscal 2015. It should be noted that a “violation” is a charge/count brought before the court; it is not a conviction. Also, one defendant may represent multiple violations.

Exhibit 1
Human Trafficking Violations
District Court and Circuit Courts
Fiscal 2015

| <u>Offense</u> | <u>District Court</u> <u>Violations</u> | <u>Circuit Court</u> <u>Violations</u> |
|---|--|---|
| Human Trafficking of an Adult (In General) | 128 | 177 |
| Human Trafficking of a Minor/Compelled Marriage, etc. | 46 | 56 |
| Human Trafficking – Financial Benefit (Adult Victim) | 23 | 15 |
| Human Trafficking – Financial Benefit (Minor Victim) | 8 | 1 |

Source: Maryland Judiciary

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel County, Governor’s Office of Crime Control and Prevention, Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History:
min/hlb

First Reader - March 9, 2016
Revised - House Third Reader - March 29, 2016

Analysis by: Scott P. Gates

Direct Inquiries to:
(410) 946-5510
(301) 970-5510