

Chapter 373

(House Bill 1198)

AN ACT concerning

Human Trafficking – Required ~~Reporters~~ Posting

FOR the purpose of requiring a clerk of the court ~~who has reason to believe that an applicant for a marriage license is a victim of certain offenses involving human trafficking and is being coerced into a marriage to notify the appropriate law enforcement agency; requiring an employee of the Family Investment Administration who has reason to believe that a recipient of public assistance is a victim of certain offenses involving human trafficking to notify the appropriate law enforcement agency; requiring a law enforcement agency to attempt to interview certain individuals under certain circumstances; and generally relating to the required reporting and investigation of suspected human trafficking to prominently post a certain sign with information on the National Human Trafficking Resource Center Hotline in public information areas of a courthouse; requiring certain departments and independent units of the Executive Branch of State government to prominently post a certain sign with information on the National Human Trafficking Resource Center Hotline in certain locations; and generally relating to the National Human Trafficking Resource Center Hotline.~~

~~BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 11–303
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)~~

~~BY adding to
Article – Family Law
Section 2–411
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)~~

~~BY adding to
Article – Human Services
Section 5–609
Annotated Code of Maryland
(2007 Volume and 2018 Supplement)~~

BY adding to
Article – Courts and Judicial Proceedings
Section 2–215
Annotated Code of Maryland
(2013 Replacement Volume and 2018 Supplement)

~~BY adding to~~

~~Article — State Government~~

~~Section 8 — 506~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2018 Supplement)~~

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

~~Article — Criminal Law~~

~~11 — 303.~~

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

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

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

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

~~(iv) 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;~~

~~(v) 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 physical harm; or~~

~~(vi) 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 violate this subsection.~~

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

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

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

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

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

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

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

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

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

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

~~Article — Family Law~~

~~2-411.~~

~~(A) A CLERK OF THE COURT WHO HAS REASON TO BELIEVE THAT AN APPLICANT FOR A MARRIAGE LICENSE IS A VICTIM OF HUMAN TRAFFICKING UNDER § 11-303 OF THE CRIMINAL LAW ARTICLE AND IS BEING COERCED TO ENTER INTO A MARRIAGE SHALL NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY.~~

~~(B) AFTER RECEIVING A REPORT FROM A CLERK OF THE COURT IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, THE APPROPRIATE LAW ENFORCEMENT AGENCY SHALL ATTEMPT TO INTERVIEW THE APPLICANT FOR A MARRIAGE LICENSE.~~

~~Article — Human Services~~

~~5-609.~~

~~(A) AN EMPLOYEE OF THE ADMINISTRATION WHO HAS REASON TO BELIEVE THAT A RECIPIENT OF PUBLIC ASSISTANCE IS A VICTIM OF HUMAN TRAFFICKING UNDER § 11-303 OF THE CRIMINAL LAW ARTICLE SHALL NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY.~~

~~(B) AFTER RECEIVING A REPORT UNDER SUBSECTION (A) OF THIS SECTION, THE APPROPRIATE LAW ENFORCEMENT AGENCY SHALL ATTEMPT TO INTERVIEW THE RECIPIENT OF PUBLIC ASSISTANCE.~~

Article – Courts and Judicial Proceedings

~~2-215.~~

THE CLERK OF THE COURT SHALL PROMINENTLY POST THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE INFORMATION SIGN DESCRIBED IN § 15-207 OF THE BUSINESS REGULATION ARTICLE IN PUBLIC INFORMATION AREAS OF EACH COURTHOUSE.

~~Article – State Government~~

~~§ 506.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) “DEPARTMENT” MEANS A PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.~~

~~(3) “INDEPENDENT UNIT” MEANS A UNIT IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT THAT IS NOT IN A DEPARTMENT.~~

~~(B) EACH DEPARTMENT AND INDEPENDENT UNIT SHALL PROMINENTLY POST THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE INFORMATION SIGN DESCRIBED IN § 15-207 OF THE BUSINESS REGULATION ARTICLE IN EACH LOCATION OF THE DEPARTMENT OR INDEPENDENT UNIT THAT SERVES OR IS OPEN TO THE PUBLIC.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.