

# HOUSE BILL 1198

D4, O1

9lr1661

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By: **Delegate Cox**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Human Trafficking – Required ~~Reporters~~ Posting**

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

18 ~~BY repealing and reenacting, without amendments,~~  
19 ~~Article — Criminal Law~~  
20 ~~Section 11-303~~  
21 ~~Annotated Code of Maryland~~  
22 ~~(2012 Replacement Volume and 2018 Supplement)~~

23 ~~BY adding to~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~Article – Family Law~~  
 2 ~~Section 2–411~~  
 3 ~~Annotated Code of Maryland~~  
 4 ~~(2012 Replacement Volume and 2018 Supplement)~~

5 ~~BY adding to~~  
 6 ~~Article – Human Services~~  
 7 ~~Section 5–609~~  
 8 ~~Annotated Code of Maryland~~  
 9 ~~(2007 Volume and 2018 Supplement)~~

10 BY adding to  
 11 Article – Courts and Judicial Proceedings  
 12 Section 2–215  
 13 Annotated Code of Maryland  
 14 (2013 Replacement Volume and 2018 Supplement)

15 BY adding to  
 16 Article – State Government  
 17 Section 8–506  
 18 Annotated Code of Maryland  
 19 (2014 Replacement Volume and 2018 Supplement)

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

22 ~~Article – Criminal Law~~

23 ~~11–303.~~

24 ~~(a) (1) A person may not knowingly:~~  
 25 ~~(i) take or cause another to be taken to any place for prostitution;~~  
 26 ~~(ii) place, cause to be placed, or harbor another in any place for~~  
 27 ~~prostitution;~~  
 28 ~~(iii) persuade, induce, entice, or encourage another to be taken to or~~  
 29 ~~placed in any place for prostitution;~~  
 30 ~~(iv) receive consideration to procure for or place in a house of~~  
 31 ~~prostitution or elsewhere another with the intent of causing the other to engage in~~  
 32 ~~prostitution or assignation;~~  
 33 ~~(v) engage in a device, scheme, or continuing course of conduct~~  
 34 ~~intended to cause another to believe that if the other did not take part in a sexually explicit~~

1 ~~performance, the other or a third person would suffer physical restraint or serious physical~~  
2 ~~harm; or~~

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

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

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

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

14 ~~(c) (1) (i) Except as provided in paragraph (2) of this subsection, a person~~  
15 ~~who violates subsection (a) of this section is guilty of the misdemeanor of human trafficking~~  
16 ~~and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding~~  
17 ~~\$5,000 or both.~~

18 ~~(ii) A person who violates subsection (a) of this section is subject to §~~  
19 ~~5-106(b) of the Courts Article.~~

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

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

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

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

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

1 ~~2-411.~~

2 ~~(A) A CLERK OF THE COURT WHO HAS REASON TO BELIEVE THAT AN~~  
 3 ~~APPLICANT FOR A MARRIAGE LICENSE IS A VICTIM OF HUMAN TRAFFICKING UNDER~~  
 4 ~~§ 11-303 OF THE CRIMINAL LAW ARTICLE AND IS BEING COERCED TO ENTER INTO~~  
 5 ~~A MARRIAGE SHALL NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY.~~

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

10 ~~Article - Human Services~~

11 ~~5-609.~~

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

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

19 Article - Courts and Judicial Proceedings

20 2-215.

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

25 Article - State Government

26 8-506.

27 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
 28 INDICATED.

29 (2) "DEPARTMENT" MEANS A PRINCIPAL DEPARTMENT OF THE  
 30 EXECUTIVE BRANCH OF STATE GOVERNMENT.

1           **(3) "INDEPENDENT UNIT" MEANS A UNIT IN THE EXECUTIVE BRANCH**  
2 **OF STATE GOVERNMENT THAT IS NOT IN A DEPARTMENT.**

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.