

SENATE BILL 689

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9lr1207
CF 9lr2375

By: **Senators Lee, Elfreth, Hough, Smith, Waldstreicher, and West**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Labor Trafficking**
3 **(Anti-Exploitation Act of 2019)**

4 FOR the purpose of prohibiting a person from knowingly taking, placing, harboring,
5 persuading, inducing, or enticing another to provide services or labor by force, fraud,
6 or coercion; prohibiting a person from knowingly receiving a benefit or thing of value
7 from the provision of services or labor by another that was induced by force, fraud,
8 or coercion; establishing penalties for a violation of this Act; defining certain terms;
9 and generally relating to labor trafficking.

10 BY adding to

11 Article – Criminal Law
12 Section 3–1101 and 3–1102 to be under the new subtitle “Subtitle 11. Labor
13 Trafficking”
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2018 Supplement)

16 BY repealing and reenacting, without amendments,

17 Article – Criminal Law
18 Section 5–101(g)
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2018 Supplement)

21 BY repealing and reenacting, without amendments,

22 Article – Health – General
23 Section 7–101(f) and (k) and 10–101(i)
24 Annotated Code of Maryland
25 (2015 Replacement Volume and 2018 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Law

SUBTITLE 11. LABOR TRAFFICKING.

3–1101.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COERCION” INCLUDES:

(1) USING OR THREATENING TO USE PHYSICAL FORCE AGAINST AN INDIVIDUAL;

(2) RESTRAINING, ABDUCTING, ISOLATING, OR CONFINING AN INDIVIDUAL AGAINST THE INDIVIDUAL’S WILL AND WITHOUT LAWFUL AUTHORITY;

(3) THREATENING TO RESTRAIN, ABDUCT, ISOLATE, OR CONFINED AN INDIVIDUAL AGAINST THE INDIVIDUAL’S WILL AND WITHOUT LAWFUL AUTHORITY;

(4) CONTROLLING OR DIRECTING THE ACTIVITY OF AN INDIVIDUAL THROUGH DEBT BONDAGE;

(5) DESTROYING, CONCEALING, REMOVING, CONFISCATING, WITHHOLDING, OR POSSESSING AN ACTUAL OR PURPORTED PASSPORT, IMMIGRATION DOCUMENT, OR GOVERNMENTAL IDENTIFICATION DOCUMENT OF AN INDIVIDUAL;

(6) CAUSING OR THREATENING TO CAUSE PSYCHOLOGICAL HARM TO AN INDIVIDUAL;

(7) CONTROLLING OR THREATENING TO CONTROL AN INDIVIDUAL’S ACCESS TO A CONTROLLED DANGEROUS SUBSTANCE;

(8) EXPOSING OR DISSEMINATING OR THREATENING TO EXPOSE OR DISSEMINATE ANY FACT OR INFORMATION THAT WOULD TEND TO SUBJECT AN INDIVIDUAL TO CRIMINAL OR IMMIGRATION PROCEEDINGS;

(9) THREATENING TO NOTIFY AN AGENCY OR UNIT OF THE STATE OR FEDERAL GOVERNMENT THAT AN INDIVIDUAL IS PRESENT IN THE UNITED STATES IN VIOLATION OF FEDERAL IMMIGRATION LAW;

1 **(10) EXPLOITING AN INDIVIDUAL’S PHYSICAL IMPAIRMENT,**
2 **DEVELOPMENTAL DISABILITY, INTELLECTUAL DISABILITY, OR MENTAL DISORDER;**
3 **AND**

4 **(11) USING A PLAN, PATTERN, OR SCHEME WITH THE INTENT TO:**

5 **(I) CAUSE AN INDIVIDUAL TO BELIEVE THAT FAILURE TO**
6 **PERFORM AN ACT WILL RESULT IN THE USE OF FORCE, RESTRAINT, ABDUCTION,**
7 **ISOLATION, OR CONFINEMENT;**

8 **(II) CAUSE PSYCHOLOGICAL HARM TO A PERSON; OR**

9 **(III) ENGAGE IN ANY ACTIVITY DESCRIBED IN ITEMS (1)**
10 **THROUGH (10) OF THIS SUBSECTION.**

11 **(C) “CONTROLLED DANGEROUS SUBSTANCE” HAS THE MEANING STATED IN**
12 **§ 5–101 OF THIS ARTICLE.**

13 **(D) “DEBT BONDAGE” MEANS THE STATUS OR CONDITION OF AN**
14 **INDIVIDUAL WHO PROVIDES LABOR, SERVICES, OR SEX ACTS TO PAY A REAL OR**
15 **ALLEGED DEBT, WHERE:**

16 **(1) THE VALUE OF THE LABOR, SERVICES, OR SEX ACT IS NOT APPLIED**
17 **TOWARD THE LIQUIDATION OF THE DEBT;**

18 **(2) THE NATURE OF THE LABOR, SERVICES, OR SEX ACT IS NOT**
19 **LIMITED OR DEFINED; OR**

20 **(3) THE AMOUNT OF THE DEBT DOES NOT REASONABLY REFLECT THE**
21 **VALUE OF ITEMS, SERVICES, OR OTHER THINGS OF VALUE FOR WHICH THE DEBT**
22 **WAS INCURRED.**

23 **(E) “DEVELOPMENTAL DISABILITY” HAS THE MEANING STATED IN § 7–101**
24 **OF THE HEALTH – GENERAL ARTICLE.**

25 **(F) “INTELLECTUAL DISABILITY” HAS THE MEANING STATED IN § 7–101 OF**
26 **THE HEALTH – GENERAL ARTICLE.**

27 **(G) “MENTAL DISORDER” HAS THE MEANING STATED IN § 10–101 OF THE**
28 **HEALTH – GENERAL ARTICLE.**

29 **3–1102.**

1 **(A) A PERSON MAY NOT KNOWINGLY:**

2 **(1) TAKE, PLACE, HARBOR, PERSUADE, INDUCE, OR ENTICE ANOTHER**
 3 **BY FORCE, FRAUD, OR COERCION TO PROVIDE SERVICES OR LABOR; OR**

4 **(2) RECEIVE A BENEFIT OR THING OF VALUE FROM THE PROVISION**
 5 **OF SERVICES OR LABOR BY ANOTHER THAT WAS INDUCED BY FORCE, FRAUD, OR**
 6 **COERCION.**

7 **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND**
 8 **ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 25 YEARS OR A**
 9 **FINE NOT EXCEEDING \$15,000 OR BOTH.**

10 5–101.

11 (g) (1) “Controlled dangerous substance” means:

12 (i) a drug or substance listed in Schedule I through Schedule V; or

13 (ii) an immediate precursor to a drug or substance listed in Schedule
 14 I through Schedule V that:

15 1. by regulation the Department designates as being the
 16 principal compound commonly used or produced primarily for use to manufacture a drug
 17 or substance listed in Schedule I through Schedule V;

18 2. is an immediate chemical intermediary used or likely to be
 19 used to manufacture a drug or substance listed in Schedule I through Schedule V; and

20 3. must be controlled to prevent or limit the manufacture of
 21 a drug or substance listed in Schedule I through Schedule V.

22 (2) “Controlled dangerous substance” does not include distilled spirits,
 23 wine, malt beverages, or tobacco.

24 **Article – Health – General**

25 7–101.

26 (f) “Developmental disability” means a severe chronic disability of an individual
 27 that:

28 (1) Is attributable to a physical or mental impairment, other than the sole
 29 diagnosis of mental illness, or to a combination of mental and physical impairments;

30 (2) Is manifested before the individual attains the age of 22;

1 (3) Is likely to continue indefinitely;

2 (4) Results in an inability to live independently without external support
3 or continuing and regular assistance; and

4 (5) Reflects the need for a combination and sequence of special,
5 interdisciplinary, or generic care, treatment, or other services that are individually planned
6 and coordinated for the individual.

7 (k) “Intellectual disability” means a developmental disability that is evidenced by
8 significantly subaverage intellectual functioning and impairment in the adaptive behavior
9 of an individual.

10 10–101.

11 (i) (1) “Mental disorder” means a behavioral or emotional illness that results
12 from a psychiatric disorder.

13 (2) “Mental disorder” includes a mental illness that so substantially
14 impairs the mental or emotional functioning of an individual as to make care or treatment
15 necessary or advisable for the welfare of the individual or for the safety of the person or
16 property of another.

17 (3) “Mental disorder” does not include an intellectual disability.

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