

SENATE BILL 689

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9lr1207
CF HB 734

By: Senators Lee, Elfreth, Hough, Smith, Waldstreicher, ~~and West~~ West, Zirkin, Carter, Cassilly, Hester, Ready, and Washington

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2019

CHAPTER _____

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; prohibiting a person from knowingly aiding or conspiring with another
9 to commit a certain violation of this Act; establishing penalties for a violation of this
10 Act; authorizing a certain State’s Attorney or Attorney General to investigate and
11 prosecute a violation of this Act; providing that the Attorney General has the same
12 powers and duties of a certain State’s Attorney if the Attorney General investigates
13 and prosecutes a violation of this Act; defining certain terms; and generally relating
14 to labor trafficking.

15 BY adding to

16 Article – Criminal Law

17 Section 3-1101 ~~and 3-1102~~ through 3-1103 to be under the new subtitle “Subtitle
18 11. Labor Trafficking”

19 Annotated Code of Maryland

20 (2012 Replacement Volume and 2018 Supplement)

21 BY repealing and reenacting, without amendments,

22 Article – Criminal Law

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 Section 5–101(g)
 2 Annotated Code of Maryland
 3 (2012 Replacement Volume and 2018 Supplement)

4 BY repealing and reenacting, without amendments,
 5 Article – Health – General
 6 Section 7–101(f) and (k) and 10–101(i)
 7 Annotated Code of Maryland
 8 (2015 Replacement Volume and 2018 Supplement)

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

11 **Article – Criminal Law**

12 **SUBTITLE 11. LABOR TRAFFICKING.**

13 **3–1101.**

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

16 (B) “COERCION” INCLUDES ACTUAL OR THREATENED:

17 (1) ~~USING OR THREATENING TO USE~~ USE OF PHYSICAL FORCE
 18 AGAINST AN INDIVIDUAL;

19 (2) ~~RESTRAINING, ABDUCTING, ISOLATING, OR CONFINING~~
 20 RESTRAINT, ABDUCTION, ISOLATION, OR CONFINEMENT OF AN INDIVIDUAL AGAINST
 21 THE INDIVIDUAL’S WILL AND WITHOUT LAWFUL AUTHORITY;

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

24 (4) ~~CONTROLLING OR DIRECTING~~ CONTROL OR DIRECTION OF THE
 25 ACTIVITY OF AN INDIVIDUAL THROUGH DEBT BONDAGE;

26 (5) (4) ~~DESTROYING, CONCEALING, REMOVING, CONFISCATING,~~
 27 ~~WITHHOLDING, OR POSSESSING~~ DESTRUCTION, CONCEALMENT, REMOVAL,
 28 CONFISCATION, WITHHOLDING, OR POSSESSION OF AN ACTUAL OR PURPORTED
 29 PASSPORT, IMMIGRATION DOCUMENT, OR GOVERNMENTAL IDENTIFICATION
 30 DOCUMENT OF AN INDIVIDUAL;

1 ~~(6) (5) CAUSING OR THREATENING TO CAUSE PSYCHOLOGICAL~~
2 ~~HARM TO AN INDIVIDUAL~~ INFLICTION OF SERIOUS PSYCHOLOGICAL HARM TO AN
3 INDIVIDUAL;

4 ~~(7) (6) CONTROLLING OR THREATENING TO CONTROL~~ CONTROL OF
5 AN INDIVIDUAL'S ACCESS TO A CONTROLLED DANGEROUS SUBSTANCE;

6 ~~(8) (7) EXPOSING OR DISSEMINATING OR THREATENING TO~~
7 ~~EXPOSE OR DISSEMINATE~~ EXPOSURE OR DISSEMINATION OF ANY FACT OR
8 INFORMATION THAT WOULD TEND TO SUBJECT AN INDIVIDUAL TO CRIMINAL OR
9 IMMIGRATION PROCEEDINGS;

10 ~~(9) (8) THREATENING TO NOTIFY~~ NOTIFICATION TO AN AGENCY OR
11 UNIT OF THE STATE OR FEDERAL GOVERNMENT THAT AN INDIVIDUAL IS PRESENT
12 IN THE UNITED STATES IN VIOLATION OF FEDERAL IMMIGRATION LAW; AND

13 ~~(10) EXPLOITING AN INDIVIDUAL'S PHYSICAL IMPAIRMENT,~~
14 ~~DEVELOPMENTAL DISABILITY, INTELLECTUAL DISABILITY, OR MENTAL DISORDER;~~
15 ~~AND~~

16 ~~(11) USING A PLAN, PATTERN, OR SCHEME WITH THE INTENT TO:~~

17 ~~(I) CAUSE AN INDIVIDUAL TO BELIEVE THAT FAILURE TO~~
18 ~~PERFORM AN ACT WILL RESULT IN THE USE OF FORCE, RESTRAINT, ABDUCTION,~~
19 ~~ISOLATION, OR CONFINEMENT;~~

20 ~~(II) CAUSE PSYCHOLOGICAL HARM TO A PERSON; OR~~

21 ~~(III) ENGAGE IN ANY ACTIVITY DESCRIBED IN ITEMS (1)~~
22 ~~THROUGH (10) OF THIS SUBSECTION.~~

23 (9) EXPLOITATION OF A VULNERABLE ADULT.

24 (C) "CONTROLLED DANGEROUS SUBSTANCE" HAS THE MEANING STATED IN
25 § 5-101 OF THIS ARTICLE.

26 (D) "DEBT BONDAGE" MEANS THE STATUS OR CONDITION OF AN
27 INDIVIDUAL WHO PROVIDES LABOR, SERVICES, OR SEX ACTS TO PAY A REAL OR
28 ALLEGED DEBT, WHERE:

29 (1) THE VALUE OF THE LABOR, SERVICES, OR SEX ACT IS NOT APPLIED
30 TOWARD THE LIQUIDATION OF THE DEBT;

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

3 (3) THE AMOUNT OF THE DEBT DOES NOT REASONABLY REFLECT THE
4 VALUE OF ITEMS, SERVICES, OR OTHER THINGS OF VALUE FOR WHICH THE DEBT
5 WAS INCURRED.

6 ~~(E) "DEVELOPMENTAL DISABILITY" HAS THE MEANING STATED IN § 7-101~~
7 ~~OF THE HEALTH GENERAL ARTICLE.~~

8 ~~(F) "INTELLECTUAL DISABILITY" HAS THE MEANING STATED IN § 7-101 OF~~
9 ~~THE HEALTH GENERAL ARTICLE.~~

10 ~~(G) "MENTAL DISORDER" HAS THE MEANING STATED IN § 10-101 OF THE~~
11 ~~HEALTH GENERAL ARTICLE.~~

12 (E) "VULNERABLE ADULT" HAS THE MEANING STATED IN § 3-604 OF THIS
13 ARTICLE.

14 3-1102.

15 (A) A PERSON MAY NOT KNOWINGLY:

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

18 (2) RECEIVE A BENEFIT OR THING OF VALUE FROM THE PROVISION
19 OF SERVICES OR LABOR BY ANOTHER THAT WAS INDUCED BY FORCE, FRAUD, OR
20 COERCION.

21 (B) A PERSON MAY NOT AID OR CONSPIRE WITH ANOTHER TO COMMIT A
22 VIOLATION OF SUBSECTION (A) OF THIS SECTION.

23 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND
24 ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 25 YEARS OR A
25 FINE NOT EXCEEDING \$15,000 OR BOTH.

26 3-1103.

27 (A) A STATE'S ATTORNEY OR THE ATTORNEY GENERAL MAY INVESTIGATE
28 AND PROSECUTE A VIOLATION OF THIS SUBTITLE OR A VIOLATION OF ANY CRIME
29 BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SUBTITLE.

1 (B) IF THE ATTORNEY GENERAL EXERCISES AUTHORITY UNDER
2 SUBSECTION (A) OF THIS SECTION, THE ATTORNEY GENERAL HAS ALL THE POWERS
3 AND DUTIES OF A STATE'S ATTORNEY TO INVESTIGATE AND PROSECUTE THE
4 VIOLATION.

5 5-101.

6 (g) (1) "Controlled dangerous substance" means:

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

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

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

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

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

17 (2) "Controlled dangerous substance" does not include distilled spirits,
18 wine, malt beverages, or tobacco.

19 **Article – Health – General**

20 7-101.

21 (f) "Developmental disability" means a severe chronic disability of an individual
22 that:

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

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

26 (3) Is likely to continue indefinitely;

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

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

1 (k) "Intellectual disability" means a developmental disability that is evidenced by
2 significantly subaverage intellectual functioning and impairment in the adaptive behavior
3 of an individual.

4 10–101.

5 (i) (1) "Mental disorder" means a behavioral or emotional illness that results
6 from a psychiatric disorder.

7 (2) "Mental disorder" includes a mental illness that so substantially
8 impairs the mental or emotional functioning of an individual as to make care or treatment
9 necessary or advisable for the welfare of the individual or for the safety of the person or
10 property of another.

11 (3) "Mental disorder" does not include an intellectual disability.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.