

Chapter 24

(Senate Bill 689)

AN ACT concerning

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

FOR the purpose of prohibiting a person from knowingly taking, placing, harboring, persuading, inducing, or enticing another to provide services or labor by force, fraud, or coercion; prohibiting a person from knowingly receiving a benefit or thing of value from the provision of services or labor by another that was induced by force, fraud, or coercion; prohibiting a person from knowingly aiding or conspiring with another to commit a certain violation of this Act; establishing penalties for a violation of this Act; authorizing a certain State’s Attorney or Attorney General to investigate and prosecute a violation of this Act; providing that the Attorney General has the same powers and duties of a certain State’s Attorney if the Attorney General investigates and prosecutes a violation of this Act; defining certain terms; and generally relating to labor trafficking.

BY adding to

Article – Criminal Law

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

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 5–101(g)

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 7–101(f) and (k) and 10–101(i)

Annotated Code of Maryland

(2015 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

SUBTITLE 11. LABOR TRAFFICKING.

3-1101.

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

(B) “COERCION” INCLUDES ACTUAL OR THREATENED:

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

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

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

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

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

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

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

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

~~(9) (8) THREATENING TO NOTIFY~~ NOTIFICATION TO 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; AND

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

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

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

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

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

(9) EXPLOITATION OF A VULNERABLE ADULT.

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

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

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

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

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

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

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

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

(E) “VULNERABLE ADULT” HAS THE MEANING STATED IN § 3-604 OF THIS ARTICLE.

3-1102.

(A) A PERSON MAY NOT KNOWINGLY:

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

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

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

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

3-1103.

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

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

5-101.

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

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

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

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

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

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

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

Article – Health – General

7–101.

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

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

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

(3) Is likely to continue indefinitely;

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

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

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

10–101.

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

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

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

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

Approved by the Governor, April 18, 2019.