

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 5

(Delegate Ebersole, *et al.*)

Environment and Transportation

Judicial Proceedings

Commercial Driver's Licenses - Recognition, Prevention, and Reporting of
Human Trafficking

This bill requires commercial driver's license (CDL) training schools to include education and training on the recognition, prevention, and effective reporting of human trafficking. The Motor Vehicle Administration (MVA) must update the *Commercial Driver's License Manual* with the appropriate information and provide an applicant renewing a CDL with the information.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations. MVA already includes the information required by the bill in the CDL manual.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law/Background: In general, the Maryland Vehicle Law prohibits the issuance of a CDL until the individual has passed the knowledge and skill tests for driving a commercial motor vehicle that comply with the federal Commercial Motor Vehicle Safety Act of 1986.

Section 11-303 of the Criminal Law Article prohibits a person from engaging in human trafficking. The penalties for the offense vary based on the type of victim and the circumstances involved.

Human Trafficking of an Adult (In General)

Under the human trafficking prohibition, a person may not knowingly:

- take or cause another to be taken to any place for prostitution;
- place, cause to be placed, or harbor another in any place for prostitution;
- persuade, induce, entice, or encourage another to be taken to or placed in any place for prostitution;
- 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;
- 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 harm; or
- 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 commit these acts.

In general, a person who commits human trafficking involving an adult victim is guilty of a misdemeanor and subject to imprisonment for up to 10 years and/or a maximum fine of \$5,000. While a misdemeanor generally carries a one-year statute of limitations, the misdemeanor offense of human trafficking is subject to prosecution at any time. The violator is subject to confinement in the penitentiary and may reserve a point or question for *in banc* review as specified in the Maryland Constitution.

Human Trafficking of a Minor

A person who commits human trafficking involving a victim who is a minor (defined as an individual younger than age 18) is guilty of a felony and subject to imprisonment for up to 25 years and/or a maximum fine of \$15,000. In a prosecution for human trafficking of a minor, it is not a defense that the defendant did not know the age of the victim.

Human Trafficking (Compelled Marriage or Performance of Specified Acts)

The felony human trafficking penalty also applies to a person who knowingly takes or detains another person with the intent to use force, threat, coercion, or fraud to compel the other person to marry the person or a third person or perform a sexual act, sexual contact, or vaginal intercourse.

Human Trafficking (Financial Benefit or Aiding and Abetting)

Under § 11-303(e) of the Criminal Law Article, a person who knowingly aids, abets, or conspires in the violation of human trafficking laws or knowingly benefits financially from ventures or activities in violation of State human trafficking laws is subject to the same penalties imposed on a person who violated the applicable statute. The District Court has concurrent jurisdiction with the circuit courts over the crime of felony human trafficking.

Additional Information

Prior Introductions: SB 701 of 2018, a similar bill, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, HB 1462, passed the House and was referred to the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: SB 146 (Senator Klausmeier) - Judicial Proceedings.

Information Source(s): Maryland Department of Transportation; Department of Legislative Services

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Analysis by: Eric F. Pierce

Direct Inquiries to:
(410) 946-5510
(301) 970-5510