

HB0833/413029/1

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 833
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “**Trafficking**” insert “**and Human Trafficking**”; in line 6, after “trafficking” insert “or a victim of human trafficking”; strike beginning with “as” line 7 down through the first “offense” in line 8 and substitute “under certain provisions of law for a certain offense”; in line 8, strike “crime or civil”; in line 9, after “trafficking” insert “or being a victim of human trafficking”; strike beginning with “providing” in line 9 down through “minors” in line 10 and substitute “altering the list of offenses for which a person may file a motion to vacate judgment if the person’s participation was a result of being a victim of human trafficking”; in line 10, after “trafficking” insert “and human trafficking”; and after line 10, insert:

“BY repealing and reenacting, without amendments,

Article - Courts and Judicial Proceedings

Section 3-8A-01(a) and (dd)

Annotated Code of Maryland

(2020 Replacement Volume and 2021 Supplement)”.

On pages 1 and 2, strike in their entirety the lines beginning with line 26 on page 1 through line 3 on page 2, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article - Criminal Procedure

Section 8-302(a)

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,

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Article - Criminal Procedure
Section 8-302(b)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)".

On page 2, strike in their entirety lines 9 through 13, inclusive.

AMENDMENT NO. 2

On page 2, after line 16, insert:

"3-8A-01.

(a) In this subtitle the following words have the meanings indicated, unless the context of their use indicates otherwise.

(dd) "Violation" means a violation for which a citation is issued under:

(1) § 5-601 of the Criminal Law Article involving the use or possession of less than 10 grams of marijuana;

(2) § 10-113, § 10-114, § 10-115, or § 10-116 of the Criminal Law Article;

(3) § 10-132 of the Criminal Law Article;

(4) § 10-136 of the Criminal Law Article; or

(5) § 26-103 of the Education Article."

On page 3, after line 16, insert:

“(IV) “VICTIM OF HUMAN TRAFFICKING” HAS THE MEANING STATED IN § 8-302 OF THE CRIMINAL PROCEDURE ARTICLE.”;

in line 19, after “trafficking” insert “OR A VICTIM OF HUMAN TRAFFICKING”; in line 24, after “trafficking” insert “OR A SUSPECTED VICTIM OF HUMAN TRAFFICKING”; and in lines 27 and 34, in each instance, after “TRAFFICKING” insert “OR A SUSPECTED VICTIM OF HUMAN TRAFFICKING”.

On page 4, in line 3, strike “AN OFFENSE UNDER TITLE 3, SUBTITLE 11” and substitute “§ 3-1102”; after line 6, insert:

“(2) “QUALIFYING OFFENSE” HAS THE MEANING STATED IN § 8-302 OF THE CRIMINAL PROCEDURE ARTICLE.”;

in lines 7 and 9, strike “(2)” and “(3)”, respectively, and substitute “(3)” and “(4)”, respectively; after line 10, insert:

“(5) “VICTIM OF HUMAN TRAFFICKING” HAS THE MEANING STATED IN § 8-302 OF THE CRIMINAL PROCEDURE ARTICLE.”;

in line 12, strike “DELINQUENT ACT” and substitute “QUALIFYING OFFENSE, A VIOLATION, OR AN OFFENSE UNDER § 3-1102 OF THE CRIMINAL LAW ARTICLE”; strike beginning with “STAY” in line 14 down through “TRAFFICKING” in line 22 and substitute “;

(I) MAKE THE DETERMINATION REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION;

(II) STAY ALL PROCEEDINGS UNTIL THE DETERMINATION IS MADE; AND

(III) REFER THE CHILD TO A REGIONAL NAVIGATOR AND NOTIFY THE DEPARTMENT OF HUMAN SERVICES”;

strike beginning with “IF” in line 23 down through “SERVICES” in line 27 and substitute “THE COURT:

(I) SHALL SCHEDULE A HEARING WITHIN 15 DAYS AFTER A MOTION IS FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) MAY, ON GOOD CAUSE SHOWN, EXTEND THE TIME FOR THE HEARING AN ADDITIONAL 15 DAYS.

(3) THE COURT SHALL DETERMINE, BY EVIDENCE PRESENTED ON THE RECORD AND BY A PREPONDERANCE OF THE EVIDENCE, WHETHER THE CHILD:

(I) IS A VICTIM OF SEX TRAFFICKING OR A VICTIM OF HUMAN TRAFFICKING; AND

(II) COMMITTED THE QUALIFYING OFFENSE, VIOLATION, OR OFFENSE UNDER § 3-1102 OF THE CRIMINAL LAW ARTICLE AS A DIRECT RESULT OF BEING A VICTIM OF SEX TRAFFICKING OR BEING A VICTIM OF HUMAN TRAFFICKING.

(4) THE COURT SHALL DISMISS THE CASE IF THE COURT FINDS THAT THE CHILD:

(I) IS A VICTIM OF SEX TRAFFICKING OR A VICTIM OF HUMAN TRAFFICKING; AND

(II) COMMITTED THE QUALIFYING OFFENSE, VIOLATION, OR OFFENSE UNDER § 3-1102 OF THE CRIMINAL LAW ARTICLE AS A DIRECT RESULT OF BEING A VICTIM OF SEX TRAFFICKING OR BEING A VICTIM OF HUMAN TRAFFICKING".

On page 5, after line 3, insert:

"(4) "VICTIM OF HUMAN TRAFFICKING" HAS THE MEANING STATED IN § 8-302 OF THE CRIMINAL PROCEDURE ARTICLE.

(5) "VIOLATION" HAS THE MEANING STATED IN § 3-8A-01 OF THE COURTS ARTICLE.";

in line 5, strike "AS A DELINQUENT CHILD"; in line 6, after the first "OFFENSE" insert "**A VIOLATION,**"; strike beginning with "TITLE" in line 6 down through "ARTICLE" in line 7 and substitute "**§ 3-1102 OF THIS ARTICLE**"; and after line 8, insert:

"Article – Criminal Procedure

8-302.

(a) (1) **In this section the following words have the meanings indicated.**

(2) **"Qualifying offense" means:**

(i) **unnatural or perverted sexual practice under § 3-322 of the Criminal Law Article;**

(ii) **possessing or administering a controlled dangerous substance under § 5-601 of the Criminal Law Article;**

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(iii) possessing or purchasing a noncontrolled substance under § 5–618 of the Criminal Law Article;

(iv) possessing or distributing controlled paraphernalia under § 5–620(a)(2) of the Criminal Law Article;

(v) fourth–degree burglary under § 6–205 of the Criminal Law Article;

(vi) malicious destruction of property in the lesser degree under § 6–301(c) of the Criminal Law Article;

(vii) a trespass offense under Title 6, Subtitle 4 of the Criminal Law Article;

(viii) misdemeanor theft under § 7–104 of the Criminal Law Article;

(ix) misdemeanor obtaining property or services by bad check under § 8–103 of the Criminal Law Article;

(x) possession or use of a fraudulent government identification document under § 8–303 of the Criminal Law Article;

(xi) public assistance fraud under § 8–503 of the Criminal Law Article;

(xii) false statement to a law enforcement officer or public official under § 9–501, § 9–502, or § 9–503 of the Criminal Law Article;

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(xiii) disturbing the public peace and disorderly conduct under § 10–201 of the Criminal Law Article;

(xiv) indecent exposure under § 11–107 of the Criminal Law Article;

(xv) prostitution under § 11–303 of the Criminal Law Article;

(xvi) driving with a suspended registration under § 13–401(h) of the Transportation Article;

(xvii) failure to display registration under § 13–409(b) of the Transportation Article;

(xviii) driving without a license under § 16–101 of the Transportation Article;

(xix) failure to display license to police under § 16–112(c) of the Transportation Article;

(xx) possession of a suspended license under § 16–301(j) of the Transportation Article;

(xxi) driving while privilege is canceled, suspended, refused, or revoked under § 16–303 of the Transportation Article;

(xxii) owner failure to maintain security on a vehicle under § 17–104(b) of the Transportation Article;

(xxiii) driving while uninsured under § 17–107 of the Transportation Article; [or]

(Over)

(xxiv) prostitution or loitering as prohibited under local law;

(xxv) UNAUTHORIZED USE UNDER § 14-102 OF THE
TRANSPORTATION ARTICLE; OR

(xxvi) SOLICITING OR OFFERING TO SOLICIT PROSTITUTION
OR ASSIGNATION UNDER § 11-306 OF THE CRIMINAL LAW ARTICLE.

(3) “Victim of human trafficking” means a person who has been
subjected to an act of another committed in violation of:

(i) Title 3, Subtitle 11 of the Criminal Law Article; or

(ii) § 1589, § 1590, § 1591, or § 1594(a) of Title 18 of the United
States Code.

(b) A person convicted of a qualifying offense may file a motion to vacate the
judgment if the person’s participation in the offense was a direct result of being a victim
of human trafficking.”.

On pages 5 and 6, strike in their entirety the lines beginning with line 9 on page 5 through line 10 on page 6, inclusive.

On pages 6 through 9, strike in their entirety the lines beginning with line 17 on page 6 through line 14 on page 9, inclusive.