



BILL NUMBER: House Bill 382

TITLE: Juvenile Law – Conduct by Children Involving Sexually Explicit or Nude Images

COMMITTEE: Judiciary

HEARING DATE: January 21, 2021

POSITION: Informational

The Maryland Human Trafficking Task Force (MDHTTF) and its members respectfully submits this Statement of Information on House Bill 382.

House Bill 382 prohibits a child from knowingly sending, displaying, or publishing a sexually explicit or nude image of themselves or another child without consent. Violations of this prohibition may be referred to CINA or CINS proceedings, age dependent. The State Department of Education is further required to develop and implement an educational program on the risks of such behavior for public school students in the sixth through twelfth grades.

MDHTTF supports efforts to dismantle human trafficking by strengthening laws prosecuting traffickers, providing services and rehabilitation to victims, and increasing awareness of the issue. There are numerous and varied insidious ways that a trafficker can victimize a person, and traffickers adapt to and increasingly use new technological methods such as sexting to ensnare and entangle victims. As MDHTTF generally aims to keep trafficking victims out of the criminal justice system, we encourage gradual judicial responses to ensure that certain persons are not criminalized unintentionally and disproportionately. Specifically, in the case of sexting, we want to ensure that a one-time, person-to-person, voluntary publication isn't punished the same as secondary and subsequent re-publications and distribution, especially so if the receiver reports and deletes the material and no *mens rea* element exists. It is not our goal to conflate singular instances of sexting with the intentional solicitation, possession, and distribution of child pornography depicting sexual acts and conduct of minors. We are also always mindful of the coercive nature of sex trafficking.

MDHTTF appreciates the efforts of HB 382 to address concerns raised from the 2019 Maryland Court of Appeals *In Re: S.K.* case. Further, we applaud the educational requirement of the bill, as awareness of new and potentially dangerous situations is critical to prevention, and ask that MSDE ensure the programing is evidence-based and adherent to best practices. MDHTTF believes HB 382 is one of many steps that need to be taken to address and rectify the *In Re: S.K.* case, and we look forward to being a part of the conversation moving forward.

About MDHTTF: Formed in 2007 by the U.S. Attorney's Office, the Attorney General of Maryland, and the State's Attorney for Baltimore City, MDHTTF serves as the lead investigative, prosecutorial, and victim services coordinating body for anti-human trafficking activity in the State of Maryland. MDHTTF has grown to include most law enforcement agencies in the State, all child-serving state agencies, the Federal Bureau of Investigations, Homeland Security Investigations, most local State's Attorney's Offices, and dozens of victim service agencies. MDHTTF is comprised of five committees – legislative, law enforcement, victim services, public awareness, and training. During this time, MDHTTF has grown a robust understanding of the issue of human trafficking in Maryland.