



**BILL NUMBER:** House Bill 149

**TITLE:** Criminal Law – Distribution of Child  
Pornography – Minor

**COMMITTEE:** Judiciary

**HEARING DATE:** January 21, 2021

**POSITION:** Oppose

---

The Maryland Human Trafficking Task Force (MDHTTF) and its members respectfully request an unfavorable report for House Bill 149, as it will create difficulties in combatting human trafficking across the state.

House Bill 149 decriminalizes certain charges related to child pornography for persons who are under the age of eighteen.

MDHTTF supports efforts to dismantle human trafficking by strengthening laws prosecuting traffickers, providing services and rehabilitation to victims, and increasing awareness of the issue. The intended goal of the legislation, namely to keep children who become victims of sex-related crimes out of the criminal justice system, does fall in line with the goals of our Task Force. However, MDHTTF believes that HB 149 is too broad. Our specific concern is the reality that some traffickers are themselves under the age of eighteen.

Technology has increasingly become a much-used tool in the toolbox of sex traffickers, especially the publication and distribution of sexual images and sexual conduct of minors. Sex trafficking against a minor is defined, in relevant part, as the recruitment, obtaining, or soliciting of a child for the purpose of a commercial sexual act. Unfortunately, just because the act is against a minor does not mean that the person committing the act is not a minor themselves. In these troubling circumstances, it is critical to have all avenues available to ensure the trafficking is halted.

MDHTTF appreciates the efforts and intent of HB 149, especially in its attempts to address concerns raised in the 2019 Maryland Court of Appeals *In Re: S.K.* case. However, we believe the unintended consequences of this bill would undermine existing efforts to prosecute sex traffickers under the age of eighteen who solicit, possess, and distribute sexual images and conduct of minors. For these reasons, MDHTTF respectfully requests an unfavorable report on HB 149.

**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.