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BILL NO: Senate Bill 768
TITLE: Criminal Law – Victims of Child Sex Trafficking – Safe Harbor and Service Response
COMMITTEE: Judiciary/Judicial Proceedings
HEARING DATE: March 29, 2022
POSITION: SUPPORT

TESTIMONY IN SUPPORT OF SB768:

Criminal Law – Victims of Child Sex Trafficking – Safe Harbor and Service Response

From: Amelia Rubenstein, MSW, LCSW-C, Director of Research & Programs, University of Maryland SAFE Center for Human Trafficking Survivors,

Date: March 28, 2022

The University of Maryland Support, Advocacy, Freedom, and Empowerment (SAFE) Center for Human Trafficking Survivors provides survivor-centered and trauma-informed services that empower trafficking survivors to heal and reclaim their lives. The SAFE Center offers a one-stop-shop for survivors of sex and labor trafficking of all nationalities, ages, and genders to access multi-disciplinary services, including four direct services programs: social services, legal, behavioral health, and economic empowerment.

The SAFE Center aims to prevent trafficking and better serve trafficking survivors through research and policy advocacy. The SAFE Center is an initiative of the University of Maryland Strategic Partnership: MPowering the State – a collaboration between the University of Maryland, Baltimore and the University of Maryland, College Park. We are part of the Graduate School, University of Maryland, Baltimore.

Since opening in May 2016, we have supported more than 270 human trafficking survivors, plus more than 75 of their immediate family members, referred from law enforcement, other service providers, and the National Human Trafficking Hotline. We serve a diverse population of clients from the United States, El Salvador, Honduras, the Philippines, Guatemala, and other countries. Fifty-five percent of our clients have experienced sex trafficking, 29% labor trafficking, 8% sex and labor trafficking, 8% have demonstrated high risk indicators of trafficking.

The University of Maryland SAFE Center supports the passage of HB 833/SB768 Criminal Law – Victims of Child Sex Trafficking – Safe Harbor and Service Response because this law ensures minor victims of sex trafficking and commercial sexual exploitation in Maryland are treated as victims of child sexual abuse. Between June 2013 and June 2021, there have been **829** reports of child sex trafficking screened by Maryland DSS CPS Screening Units.¹ These youth require a child welfare, rather than juvenile justice, response to ensure they are safe, stable, and connected to proper trauma-specific treatment. By ensuring child victims of trafficking are not charged with crimes stemming from their trafficking, HB 833/SB768 will prevent victims from being criminalized, detained in juvenile detention, improperly labeled or shrugged off as delinquents, offenders, or “frequent flyer” runaways.

In 2019, the University of Maryland SAFE Center was appointed by the Governor’s Office of Crime Prevention, Youth, and Victim Services as the Regional Navigator for victims of sex trafficking under the

¹ 2013-2021 Child Electronic Social Services Information Exchange (CHESSIE), Child Juvenile & Adult Management System (CJAMS); DHS- SSA, as analyzed and reported by the Prevention of Adolescent Risks Initiative, University of Maryland, Baltimore School of Social Work



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age of 24 in Montgomery County and in 2020, was also appointed as the Regional Navigator for Prince George's County. As the Regional Navigator for these counties, we work to:

- Increase awareness in Montgomery and Prince George's counties of sex trafficking involving youth victims aged 24 and under.
- Effectively identify child and youth victims of sex trafficking.
- Receive referrals involving suspected or confirmed child sex trafficking victims from both counties' law enforcement departments, Child Welfare Services offices, and other youth-serving organizations in the jurisdictions.
- Connect suspected or confirmed child sex trafficking victims with critical services, including safety planning, emergency response, basic living needs, trauma counseling, connection to drug and alcohol abuse treatment centers, legal services, victim advocacy, and case management.
- Implement a methodology to evaluate and report gaps in services in Montgomery County and Prince George's County for sex trafficking victims aged 24 and under.

In serving as the Regional Navigator, we have seen first-hand how trafficked youth are often criminalized as a result of their trafficking. Between 2010 and 2020, there were 1098 arrests in Maryland of young people ages 21 and under for Prostitution & Commercialized Vice.² Of these arrests, 110 were of minor children (ages 17 and under), including 33 arrests for prostitution of children *15 years old and younger*. This unacceptable response to young people defined by federal and state law as victims of sex trafficking requires immediate intervention. In fact, **Maryland ranks behind forty-two other states, plus the District of Columbia, in their legal response to child sex trafficking.**³ Maryland not only received an F from Shared Hope International on the effectiveness of its victim protection laws in their 2021 annual review but was also ranked in the bottom 10 states for treatment of child victims of sex trafficking nationwide.⁴

SB768 builds on Maryland's critical 2019 Child Sex Trafficking Screening & Services law that established the Regional Navigator grant program and expanded access to services for victims of sex trafficking under the age of 24. SB768 ensures that "a minor child may not be criminally prosecuted or proceeded against as a delinquent child.... for a qualifying offense....if the minor committed the underlying act as a direct result of sex trafficking." This critical protection would ensure that Maryland has a true Safe Harbor law. SB768 also strengthens reporting requirements to ensure law enforcement, the Maryland Department of Human Services and the Local Departments of Social Services, and Regional Navigators collaborate effectively and follow appropriate information-sharing procedures.

For these reasons, the UM SAFE Center supports the passage of SB768: Criminal Law – Victims of Child Sex Trafficking – Safe Harbor and Service Response.

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² *Id.*

³ Shared Hope International, *Report Cards on Child & Youth Sex Trafficking: 2021 Toolkit* 40-43 (2021), <https://reportcards.sharedhope.org/wp-content/uploads/2021/10/2021Toolkit.pdf>.

⁴ *Id.*