

THE COALITION TO PROTECT MARYLAND'S CHILDREN

Our Mission: To combine and amplify the power of organizations and citizens working together to keep children safe from abuse and neglect. We strive to secure the budgetary and public policy resources to make meaningful and measurable improvements in safety, permanence, and well-being.

Testimony before the Judicial Proceedings Committee Senate Bill 768: Criminal Law – Victims of Child Sex Trafficking – Safe Harbor and Service Response

March 8, 2022

The Coalition to Protect Maryland's Children (CPMC) is a consortium of Maryland organizations and individuals formed in 1996 to promote meaningful child welfare reform. CPMC **supports** passage of SB 768: Criminal Law – Victims of Child Sex Trafficking – Safe Harbor and Service Response.

Senate Bill 768 would extend the protections available to child sex trafficking victims first established by the Child Sex Trafficking Screening and Services Act of 2019 by providing an exit ramp out of the juvenile legal system for child sex trafficking victims charged with prostitution and other related crimes. CPMC supports this bill because it protects, instead of criminalizes, children who are victims of human trafficking, and provides them with the specialized services they so desperately need.

While identification of minor victims has grown steadily each year in response to expanded training and awareness efforts throughout the state, Maryland ranks behind forty-two other states, plus the District of Columbia, in their legal response to child sex trafficking.¹ In fact, 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,² particularly with regard to access to justice in which Maryland ranks

At present in Maryland, **trafficked minors can still be incarcerated** for prostitution and related crimes, including status offenses that stem from their victimization like truancy and running away, as well as crimes that are common to street survival like trespassing, 4th degree burglary, and drug possession.³ Furthermore, while Maryland finally began offering trafficked minors access to specialized services responsive to the unique trauma that is associated with this type of victimization back in 2019,⁴ this protective response does not extend to youth who are incarcerated for actions stemming from their trafficking experience. As a result, trafficked minors continue to languish behind bars, with the isolation, stigma, and psychological trauma that was once caused by their trafficking experience now being perpetuated by the very systems that were supposed to protect them.

Maryland's trafficked youth deserve better. It is time for Maryland to move from incarceration to protection by providing a process by which minor victims are shielded from prosecution for acts that stem from their own victimization, and instead provided with the victim-centered, trauma-informed

¹ 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>.

² *Id.*

³ Shared Hope International, *Report Cards on Child & Youth Sex Trafficking: Analysis Report Maryland* 6-7 (2021), <https://reportcards.sharedhope.org/wp-content/uploads/2021/11/2021-State-Analysis-MD.pdf>.

⁴ MD. CODE ANN., FAM. LAW § 5-704.4 (West, 2020).

services they need to recover from their trafficking experience. **Trafficked youth need protection, not incarceration.**

For the above stated reasons, the Coalition to Protect Maryland's Children (CPMC) urges a favorable committee report on SB 768.