

14 February 2021

The Honorable Luke Clippinger
Judiciary Committee
Room 101
House Office Building
Annapolis, Maryland 21401

Testimony of the Bodily Autonomy Working Group

FAVORABLE

HB 833: Criminal Law - Victims of Child Sex Trafficking - Safe Harbor and Service Response

To the honorable Chair Luke Clippinger, Vice Chair David Moon, and esteemed members of the Judiciary Committee:

As a collaboration between numerous non-profits and activists within Maryland, the Bodily Autonomy Working Group is dedicated to reducing the disparate impact of the justice system on youth and adults who have been historically targeted and marginalized by local and state criminal and juvenile laws on the basis of their race, gender, or socio-economic status. Our members are at the forefront of not only progressive legislation, but also grassroots engagement that gives us a unique insight into the needs of the most vulnerable Marylanders.

It is from this perspective that we write in support of HB 833, which will establish legal protection for minors from the threat of being prosecuted for prostitution, or prostitution-related charges. Under both federal and state law, anyone under 18 who is engaging in prostitution-related offenses is a victim of sex trafficking; it is unconscionable that instead of offering protection and stability to children who are victims of sex crimes, we instead further traumatize them through engagement with the carceral system. Proponents of our current methodology claim that criminalizing minors for sex crimes committed against them is necessary for police to intervene when they suspect someone is a victim of sex trafficking, or in order to get the victim to cooperate and reveal their abuser. There is no evidence to support either claim. In reality, the people who are most at risk of being victimized by trafficking, such as queer youths and/or youths of color, are the least likely to be met with justice or mercy at the hands of the state. Eliminating the fear of arrest would enable minors to come forward without fear of a prison sentence or the lifelong burden of navigating the world with a criminal record.

Although we support HB 833 because it would extend the minimum level of acceptable support for victims of trafficking, the Bodily Autonomy Working Group wants to strongly emphasize that vulnerability does not simply disappear when someone turns 18. In fact, many youths between the ages of 18-24 report additional hardship because their status as legal adults disconnects them from what few protections and services they were previously able to access, while compounding factors such as poverty, racism, disability, and discrimination based on sexual/gender identity still contribute significantly to their oppression. Marginalized youths are still at risk of trafficking and other forms of sexual exploitation, yet there is limited data available which targets this specific age demographic. We recommend the inclusion of a working group within HB 833, which is charged specifically with collecting quantitative and qualitative data on the prevalence of youths selling sex in Maryland and the specific challenges they face, as well as offer policy recommendations that would best serve their needs.

The establishment of Safe Harbor Laws for minors is of the utmost urgency: Maryland has consistently been found to have among the worst track records in the nation¹ in terms of criminal prosecution of sex trafficking victims.² Multiple victims of trafficking have come forward with their experiences of being further victimized and traumatized by Maryland's criminal treatment of trafficking victims,³ and are imploring legislators to intervene on their behalf. We urge you to prioritize ending this fundamental violation of human rights, and pass HB 833 with the suggested amendment.

Sincerely,

Bianca Beebe, MPH
Policy Fellow
FreeState Justice

1. Catherine Rentz. **Maryland is an unforgiving state for sex-trafficking victims, study finds.** The Washington Post, 2019.
https://www.washingtonpost.com/local/maryland-is-an-unforgiving-state-for-sex-trafficking-victims-study-finds/2019/03/16/56b65602-469b-11e9-aaf8-4512a6fe3439_story.html
2. Catherine Rentz. **Maryland has second-most defendants charged in federal human trafficking cases, study shows.** Baltimore Sun, 2019.
<https://www.baltimoresun.com/news/crime/bs-md-human-trafficking-cases-20190410-story.html>
3. Sarah Kruzan. **Opinion: Md. Must Protect Child Trafficking and Sex Crime Victims in the Legal System.** Maryland Matters, 2022.
<https://www.marylandmatters.org/2022/01/26/opinion-md-must-protect-child-trafficking-and-sex-crime-victims-in-the-legal-system/>