



HB833 – Criminal Law - Victims of Child Sex Trafficking - Safe Harbor and Service Response

Presented to the Honorable Chair Luke Clippinger, Vice Chair David Moon, and Members of the Judiciary Committee
February 17, 2022, 1pm

POSITION: SUPPORT WITH AMENDMENTS

Testimony of Baltimore Action Legal Team Representing the People's Commission to Decriminalize Maryland

The People's Commission to Decriminalize Maryland supports HB833/SB768, and we urge the Committee to issue a favorable report on this bill as amended to align with the recommendations below. The People's Commission was created to reduce 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 based on their race, gender, disability, or socioeconomic status.

Maryland's legal system contains many laws that unnecessarily and inappropriately bring youth and young adults to the attention of the justice system. The People's Commission is pleased to see this important bill shielding vulnerable groups from criminalization for sex trafficking or sexual exploitation and ensuring that youth and young adults are connected to services. While our position is to support this legislation with needed and common-sense amendments, as outlined below, we believe that HB833/SB768 takes important steps to strengthen Maryland's safe harbor laws for victims of sex trafficking and sexual exploitation.

This legislation takes an important step in acknowledging that victims of sex trafficking and sexual exploitation should not be punished for engaging in commercial sex acts by requiring additional training, mandatory reporting, and referral for services. However, the People's Commission believes that the following amendments are necessary to ensure that the bill reflects a true public health approach to this population, which recognizes that youth and young adults can and do experience sex trafficking and sexual exploitation - and that challenges related to those experiences often persist.

- **Ensure that the legislation is expanded to protect youth and young adults aged 18-24 years old.** The bill should be broadened to include youth and young adults in this age range to ensure it protects the most marginalized and vulnerable residents. This includes expanding the data collection requirements to include this age group and ensuring that there is a vehicle to investigate and make recommendations regarding victimization of individuals in this age range.
- **Add a definition of sexual exploitation that is aligned with international standards, and that covers victims over the age of 18.** The Maryland Code's narrow definition creates challenges for victims, who are often not seen as victims because of their age, gender, disability, sexual orientation, or gender expression.
- **Add "sexual exploitation" to all of the references to sex trafficking.**

HB833/SB768 would take an important step toward expanding Maryland's protections for those young Marylanders who experience sex trafficking and exploitation. **For these reasons, the People's Commission to Decriminalize Maryland supports HB833/SB768 with the amendments outlined above and urges the Committee to issue a favorable report on the bill as amended.**