

FRESHWATERS

"Clearly Seeing the Vision"

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BILL NO: House Bill 833/Senate Bill 768
TITLE: Criminal Law – Victims of Child Sex Trafficking – Safe Harbor and Service Response
COMMITTEE: Judiciary/Judicial Proceedings
HEARING DATE: February 17, 2022/March 8, 2022
POSITION: **SUPPORT**

House Bill 833/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. **Freshwaters**, 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 Maryland holds itself out as a leader in the fight against child sex trafficking, it continues to lag behind the rest of the country in its response to this horrific crime. 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

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

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).

experience now being perpetuated by the very systems that were supposed to protect them.

Maryland's trafficked youth deserve better. It is beyond 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 services they need to recover from their trafficking experience. **Trafficked youth need protection, not incarceration.**

For all the reasons stated above, **Freshwaters** supports HB 833/SB 768 and respectfully encourages a favorable report.