

## **HB 833\_2022-02-16\_Testimony for Safe Harbor and Se**

Uploaded by: Bianca Beebe

Position: FAV

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 nation<sup>1</sup> in terms of criminal prosecution of sex trafficking victims.<sup>2</sup> Multiple victims of trafficking have come forward with their experiences of being further victimized and traumatized by Maryland's criminal treatment of trafficking victims,<sup>3</sup> 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](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/>

## **HB833\_Brooke Lierman\_FAV.pdf**

Uploaded by: Brooke Lierman

Position: FAV

**BROOKE E. LIERMAN**  
*Legislative District 46*  
Baltimore City

Environment and Transportation  
Committee

*Chair*

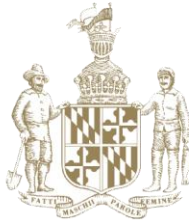
Land Use and Ethics Subcommittee

Joint Committee on Administrative,  
Executive, and Legislative Review

Joint Committee on Ending  
Homelessness

*Co-Chair*

Joint Committee on Pensions



The Maryland House of Delegates  
6 Bladen Street, Room 410  
Annapolis, Maryland 21401  
410-841-3319 • 301-858-3319  
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Brooke.Lierman@house.state.md.us

## THE MARYLAND HOUSE OF DELEGATES ANNAPOLIS, MARYLAND 21401

### **Testimony in Support of HB 833**

Criminal Law - Victims of Child Sex Trafficking - Safe Harbor and Service Response  
Judiciary Committee \* February 17, 2022

**Delegate Brooke Lierman**

#### **What this bill does**

This legislation strengthens Maryland law to support juvenile trafficking survivors by recognizing the impact of their trafficking and trauma on their behavior.

The bill does the following for juvenile victims of sex trafficking:

- Requires law enforcement officers to notify an appropriate regional navigator for the jurisdiction where the victim was taken into custody, or where the victim is a resident so that a service response can be coordinated.
- Prevents a law enforcement officer from detaining a victim taken into custody in a juvenile detention facility
- Requires that a court stay all proceedings and employ a regional navigator to evaluate a victim's status as a survivor of sex trafficking
- Requires a court to dismiss a case and refer victims to DHS if a regional navigator finds that the victim committed a violation as a result of being trafficked
- Prevents a victim from being criminally prosecuted for certain civil offenses
- Provides safe harbor for a victim from criminal prosecution or from being proceeded against as a delinquent for a crime or civil offense

#### **Why this bill matters**

This bill is simply the right thing to do: it will lead to better outcomes for trafficking victims, improve resiliency for survivors, and ensure our justice system is focused on true offenders - not victims.

Maryland recently received an "F" grade by [Shared Hope International in their annual report card](#). This grade is based on whether or not state law employs best practices to support juvenile victims of sex trafficking in the following areas: (1) criminal provisions to hold traffickers accountable; (2) identification and response to victims; (3) a continuum of care to support survivors; (4) access to justice for trafficking survivors; (5) tools for a victim-centered criminal response; (6) and prevention and training to break the cycle of sex trafficking. Compared to other states, Maryland is failing to provide a range of civil and criminal justice remedies to protect and

support survivors under law. This bill corrects some of the major discrepancies and failures in Maryland by enacting several successful policy tools from other states to support juvenile victims of sex trafficking.

**Why you should vote for this bill.**

The content of this bill was introduced in 2018 as part of HB827 / SB688 - legislation that established a Safe Harbor Regional Navigator grant program. After being amended to remove the Safe Harbor provisions, the bill passed *unanimously*. Current law provides Regional Navigators who provide social support to juvenile victims of trafficking. The Safe Harbor section of the bill, presented in HB833, was removed from the 2018 bill. Now that the Regional Navigators are up and running, it is time to move forward and take the necessary steps to provide safe harbor to our juvenile trafficking victims as well.

Sex-trafficked juveniles are being prosecuted and convicted for crimes that they were forced to or coerced into committing as a result of their trafficking. Children who are experiencing the horror of trafficking may commit crimes out of necessity for survival.

Criminalization of juvenile survivors is traumatizing and counterproductive - it can cause further barriers to escaping trafficking, to seeking safe housing, to finding meaningful employment, and to accessing educational opportunities. 40+ states have passed laws allowing survivors to seek a court order vacating, expunging or sealing convictions that resulted from actions they took relating to their trafficking. Maryland does not - yet. **I urge a favorable vote on HB833.**

## **HB833\_FAV\_Freshwaters.pdf**

Uploaded by: Candace Parrott

Position: FAV

# FRESHWATERS

*"Clearly Seeing the Vision"*

*Olney, Maryland 20830*

(202) 359-4100

[www.fresh-waters.org](http://www.fresh-waters.org)

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

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.**<sup>1</sup> 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.<sup>2</sup>

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, 4<sup>th</sup> degree burglary, and drug possession.<sup>3</sup> 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,<sup>4</sup> 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

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<sup>1</sup> 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>.

<sup>2</sup> *Id.*

<sup>3</sup> 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>.

<sup>4</sup> 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.

# **HB833S.pdf**

Uploaded by: Edwin Thomas

Position: FAV



## **EASTERN SHORE HUMAN TRAFFICKING TASK FORCE**

**Moving forward to combat this evil together**

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

February 15, 2022

Dear Chairman Clippinger,

### **House Bill 833 - Criminal Law - Victims of Child Sex Trafficking - Safe Harbor and Service Response**

Child sex trafficking victims deserve a way out of the juvenile legal system when charged with prostitution and other related crimes. Therefore, the Eastern Shore Human Trafficking Task Force supports HB 833 as it will protect, rather than criminalizes, children who are victims of human trafficking, and provide them with the specialized services they require.

Human trafficking is the second highest grossing criminal enterprise. For the pimps and traffickers, it is high profit and low risk. For the victims and their families, it is a far-reaching tragedy and a long road to recovery for the survivors. There have been several cases on the eastern shore where minors have been trafficking victims subjected to unspeakable acts. They need a Safe Harbor to protect and assist them, HB 833 will go a long way in meeting this need throughout Maryland.

**For these reasons and to improve Maryland's child sex trafficking laws which were recently been given an F, the lowest possible grade, by Shared Hope International the Eastern Shore Human Trafficking Task Force urges the Committee to give HB 833 a favorable report.**

Yours Truly

Edwin Thomas, Co-Chair  
1562 Efford Road  
Pasadena, MD 21122

***The MISSION of the Eastern Shore Human Trafficking Task Force is to:  
Combat human trafficking (sex and labor exploitation) by encouraging, supporting and promoting  
awareness, prevention and education throughout the Eastern Shore.***

# **MVLS Testimony HB 833 Safe Harbor\_Support 2.15.22.**

Uploaded by: Heather Heiman

Position: FAV

MARYLAND HOUSE JUDICIARY COMMITTEE  
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE  
IN SUPPORT OF HB 833: CRIMINAL LAW – VICTIMS OF CHILD SEX TRAFFICKING –  
SAFE HARBOR AND SERVICE RESPONSE

FEBRUARY 17, 2022

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House Bill 833 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. Maryland Volunteer Lawyers Service 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.<sup>1</sup> 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.<sup>2</sup>

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, 4<sup>th</sup> degree burglary, and drug possession.<sup>3</sup> While Maryland was one of the first states in the country to address the criminalization of adult survivors,<sup>4</sup> no such action has been taken with regard to the criminalization of trafficked youth, even though national data tell us that child trafficking survivors are being criminalized at similar rates as their adult counterparts.<sup>5</sup> Unfortunately, age does not play a large factor in who is being identified as a victim and who is being arrested.

**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, Maryland Volunteer Lawyers Service supports HB 833 and respectfully encourages a favorable report.

<sup>1</sup> 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>.

<sup>2</sup> *Id.*

<sup>3</sup> 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>.

<sup>4</sup> MD CODE ANN., CRIM. PROC. § 8-302 (West, 2020).

<sup>5</sup> National Survivor Network, *National Survivor Network Members Survey: Impact of Criminal Arrest and Detention on Survivors of Human Trafficking* 3 (2016), <https://nationalsurvivornetwork.org/wp-content/uploads/2017/12/VacateSurveyFinal.pdf>.NSN

## **2022.02.15 OPD Support HB833 (1).pdf**

Uploaded by: Jenny Egan

Position: FAV





**PAUL DeWOLFE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
DIRECTOR OF POLICY AND DEVELOPMENT

**KRYSTAL WILLIAMS**  
DIRECTOR OF GOVERNMENT RELATIONS DIVISION

**ELIZABETH HILLIARD**  
ASSISTANT DIRECTOR OF GOVERNMENT RELATIONS DIVISION

**BILL:** HB833  
**FROM:** Maryland Office of the Public Defender  
**POSITION:** Favorable  
**DATE:** February 15, 2022

Too often, young people who are victims of trafficking find themselves having to choose between two kinds of imprisonment - that inflicted by their traffickers and that threatened by the State of Maryland's juvenile courts.

Juvenile courts often use secure detention as a means to protect youth without adequate consideration of the trauma that secure detention can inflict on already traumatized youth. Youth exposed to trauma run away from those who inflict the trauma, quite often into another situation that, while unsafe, may seem safer than home. While federal law prohibits the incarceration of youth for status offenses such as runaways, there is a loophole (the valid court order exception) that allows states to imprison youth who have violated a court order. The use of detention to address status offenders is counterproductive and tends to exacerbate the underlying issues those children face.<sup>1</sup> Worse yet, status offenders are disparately detained depending on their gender, as girls are more likely than boys to be detained for status offenses.<sup>2</sup>

The Office of the Public Defender has represented countless teenage runaways who are forced into prostitution - a pathway all too familiar to anyone who has dealt with victims of domestic sex trafficking.<sup>3</sup> Our clients often "do not seek help or resist intervention from law enforcement or social service organizations because they do not know their rights, they feel ashamed, they are reluctant to admit to victimization, or they fear their traffickers."<sup>4</sup>

The federal directive for how to help young people in this situation is clear: "Help, do not punish, child victims of sex trafficking."<sup>5</sup> The U.S. Attorney General's *National Task Force on Children Exposed to Violence* asked localities to ensure that local law enforcement and

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<sup>1</sup> See Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*, National Academy of Sciences (2013) at 164.

<sup>2</sup> *Report of the Attorney General's National Task Force on Children Exposed to Violence* at 182, available at <https://www.justice.gov/defendingchildhood/cev-rpt-full.pdf>.

<sup>3</sup> See Jessica Lustig, *The 13-Year Old Prostitute: Working Girl or Sex Slave?*, New York Magazine (April 1, 2007), available at <https://nymag.com/news/features/30018/>; President Barack Obama, *Remarks by the President to the Clinton Global Initiative*, (September 25, 2012, available at <https://obamawhitehouse.archives.gov/the-press-office/2012/09/25/remarks-president-clinton-global-initiative>; see also *Very Young Girls*, a film which documents commercial sexual exploitation of girls in New York City, information available at <https://www.gems-girls.org/shop>.

<sup>4</sup> See Note 2 at 188.

<sup>5</sup> *Id.*

prosecutors work to protect the rights of child victims instead of continuing with outdated views that teens were willing participants and charging them with prostitution-related crimes.<sup>6</sup> The Task Force report further directs that “[c]hild victims of commercial sex trafficking should not be treated as delinquents or criminals.”

Instead of incarceration and of out of home placements, juvenile justice should focus on returning girls to their communities, noting that “the key elements to trauma-informed, gender-responsive juvenile justice programs exist in every community. Very simply, programs that are good for girls, especially those recovering from exposure to violence, weave together family, community, and systems of care.”

Unfortunately, Maryland, like many other states, prohibits the use of secure detention for status offenders on paper<sup>7</sup> but courts use the valid court order exception to incarcerate children status offenders for “their own safety. The Office of the Public Defender supports HB833 as it clarifies the law to make clear that victims should not be treated as delinquents. This position is supported by stakeholders across the criminal legal system, “The task force, consistent with federal policy, recommends strongly that child victims of commercial sex trafficking be treated as victims and not as delinquents or criminals. **They should not be locked up in juvenile detention facilities, placement programs, or jails** but instead should be given safe harbor in facilities specially designed to address their unique needs.”<sup>8</sup>

The National Academy of Sciences similarly argues against detention for victims of trafficking, finding that “secure detention deprives youth of opportunities that are vital to healthy development, including access to activities that lead to self-efficacy and critical thinking, connections with peers who exhibit prosocial behavior and value academic success, and adequate health and mental health care.”<sup>9</sup> The National Academy of Sciences found that secure detention places victims of trafficking at greater risk, as “secure detention can be an additional trauma and is therefore especially harmful to minors who are victims of commercial sexual exploitation and sex trafficking.”

Understanding, however, that youth who have been sexually trafficked are often detained for running away, truancy, or violating other conditions of probation, the Office of the Public Defender supports prohibiting detention for all youth who are suspected victims of sex trafficking instead of limiting the detention prohibition to youth detained for “qualifying offenses.”

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<sup>6</sup> *Id.* at 189.

<sup>7</sup> Linda A. Szymanski, *What is the Valid Court Order Exception to Secure Detention for Status Offenders?* National Center for Juvenile Justice (2011).

<sup>8</sup> See Note 2 at 189.

<sup>9</sup> Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*, National Academy of Sciences (2013) at 202.



## **2022.02.15 OPD Support HB833.pdf**

Uploaded by: Jenny Egan

Position: FAV



**PAUL DeWOLFE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
DIRECTOR OF POLICY AND DEVELOPMENT

**KRYSTAL WILLIAMS**  
DIRECTOR OF GOVERNMENT RELATIONS DIVISION

**ELIZABETH HILLIARD**  
ASSISTANT DIRECTOR OF GOVERNMENT RELATIONS DIVISION

**BILL:** HB833  
**FROM:** Maryland Office of the Public Defender  
**POSITION:** Favorable  
**DATE:** February 15, 2022

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The Office of the Public Defender has represented countless teenage runaways who are forced into prostitution - a pathway all too familiar to anyone who has dealt with victims of domestic sex trafficking.<sup>3</sup> Our clients often "do not seek help or resist intervention from law enforcement or social service organizations because they do not know their rights, they feel ashamed, they are reluctant to admit to victimization, or they fear their traffickers."<sup>4</sup>

The federal directive for how to help young people in this situation is clear: "Help, do not punish, child victims of sex trafficking."<sup>5</sup> The U.S. Attorney General's *National Task Force on Children Exposed to Violence* asked localities to ensure that local law enforcement and

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<sup>3</sup> See Jessica Lustig, *The 13-Year Old Prostitute: Working Girl or Sex Slave?*, New York Magazine (April 1, 2007), attached as Exhibit C; President Barack Obama, *Remarks by the President to the Clinton Global Initiative*, (September 25, 2012, available at <https://obamawhitehouse.archives.gov/the-press-office/2012/09/25/remarks-president-clinton-global-initiative> and attached as Exhibit D; see also *Very Young Girls*, a film which documents commercial sexual exploitation of girls in New York City, information available at <http://www.gems-girls.org/get-involved/very-young-girls>.

<sup>4</sup> See Note 2 at 188.

<sup>5</sup> *I.*

prosecutors work to protect the rights of child victims instead of continuing with outdated views that teens were willing participants and charging them with prostitution-related crimes.<sup>6</sup> The Task Force report further directs that “[c]hild victims of commercial sex trafficking should not be treated as delinquents or criminals.”

Instead of incarceration and of out of home placements, juvenile justice should focus on returning girls to their communities, noting that “the key elements to trauma-informed, gender-responsive juvenile justice programs exist in every community. Very simply, programs that are good for girls, especially those recovering from exposure to violence, weave together family, community, and systems of care.”

Unfortunately, Maryland, like many other states, prohibits the use of secure detention for status offenders on paper<sup>7</sup> but courts use the valid court order exception to incarcerate children status offenders for “their own safety. The Office of the Public Defender supports HB833 as it clarifies the law to make clear that victims should not be treated as delinquents. This position is supported by stakeholders across the criminal legal system, “The task force, consistent with federal policy, recommends strongly that child victims of commercial sex trafficking be treated as victims and not as delinquents or criminals. **They should not be locked up in juvenile detention facilities, placement programs, or jails** but instead should be given safe harbor in facilities specially designed to address their unique needs.”<sup>8</sup>

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Understanding, however, that youth who have been sexually trafficked are often detained for running away, truancy, or violating other conditions of probation, the Office of the Public Defender supports prohibiting detention for all youth who are suspected victims of sex trafficking instead of limiting the detention prohibition to youth detained for “qualifying offenses.”

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<sup>6</sup> *Id.* at 189.

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<sup>8</sup> See Note 2 at 189.

<sup>9</sup> Ellen Wright Clayton, Richard D. Krugman, and Patti Simon, *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*, National Academy of Sciences (2013) at 202.

## **Free State Justice - FAV**

Uploaded by: Jeremy LaMaster

Position: FAV



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BALTIMORE, MD 21218  
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**Bill:** HB0833  
**Title:** Criminal Law – Victims of Child Sex Trafficking – Safe Harbor and Service Response  
**Date:** February 15, 2022  
**Committee:** Judiciary Committee  
**Position:** Favorable

To the Esteemed Members of the Committee:

I write today in support of House Bill 833 on behalf of FreeState Justice and trafficked or sexually exploited LGBTQ youth in Maryland. I also write today to personally support this legislation as a survivor of child commercial sexual exploitation and survival sex.

FreeState Justice is a Maryland lesbian, gay, bisexual, transgender, and queer (LGBTQ) legal services and advocacy organization. Each year, we provide free legal services hundreds of low-income LGBTQ Marylanders who could not otherwise be able to afford an attorney. This includes clients with experiences of being trafficked or sexually exploited, including criminal charges related to trafficking and prostitution that occurred during their youth. We work to support LGBTQ victims & survivors of sex trafficking and commercial sexual exploitation (CES). These improvements to the Child Sex Trafficking Screening and Services Act are critical to ensure all victims are supported and provided an exit ramp from human trafficking and CES.

Research has shown that the stereotype of child sex trafficking victims as young cisgender girls kidnapped into sexual exploitation has led to a disconnect between services and numerous victims. Victims include cisgender, transgender, and nonbinary youth, with boys and trans youth having limited awareness and visibility on this issue. Boys specifically are more likely to engage in survival sex and other criminal or delinquent behaviors while be trafficked or exploited but are less likely to be controlled by a third-party exploiter. Grooming and entrapment look different for boys and members of the LGBTQ community, including an additional layer of being “outed” by traffickers or perpetrators, or denied access to

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*FreeState Justice, Inc. (formerly FreeState Legal Project, Inc., merging with Equality Maryland)  
is a social justice organization that works through direct legal services, legislative and policy advocacy, and community engagement to enable Marylanders across the spectrum of lesbian, gay, bisexual, transgender, and queer identities to be free to live authentically, with safety and dignity, in all communities throughout our state.*

gender affirming care. In some cases, traffickers or perpetrators might be the only person in a youth's life that is honoring and affirming their gender identity, highlighting the importance of honoring and affirming all victims and survivors throughout our full range of services for survivors.

Beyond this, regardless of age, survival sex has been closely linked to being more vulnerable to sex trafficking and commercial sexual exploitation. We also know that for many victims, exploitation and trafficking can begin at an early age and continue into young adulthood, highlighting the need for our services and support to expand to include older survivors of trafficking and commercial sexual exploitation.

As a survivor, I can attest to the isolation, loneliness, and fear I experienced as a queer youth engaging in survival sex starting at age 17. This isolation only deepened into my early twenties, when someone who had been exploiting me became increasingly violent in our interactions and began escalating threats, threats of harming me, "outing" me and "ruining my life". My perpetrator convinced me that if I reported him, I too would go to prison. He was not wrong, and it was this fear of being criminalized and going to jail that prevented me from accessing services when I needed them the most. Today, I am dedicated to ensuring that others do not have the same fear in getting help.

For this reason, FreeState Justice urges a favorable report on House Bill 833.

Sincerely,



Jeremy LaMaster (he/they)  
Executive Director  
FreeState Justice

# **HB 833- FAV - Women's Law Center of Maryland.pdf**

Uploaded by: Laure Ruth

Position: FAV

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<b>BILL NO:</b>	House Bill 833
<b>TITLE:</b>	Criminal Law – Victims of Child Sex Trafficking – Safe Harbor and Service Response
<b>COMMITTEE:</b>	Judiciary
<b>HEARING DATE:</b>	February 17, 2022
<b>POSITION:</b>	<b>SUPPORT</b>

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House Bill 833 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. The Women's Law Center of Maryland (WLC) 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.**<sup>1</sup> 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.<sup>2</sup>

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, 4<sup>th</sup> degree burglary, and drug possession.<sup>3</sup> 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,<sup>4</sup> 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.

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

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<sup>1</sup> 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>.

<sup>2</sup> *Id.*

<sup>3</sup> 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>.

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



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, the Women's Law Center of Maryland supports HB 833 and respectfully urges a favorable report.

***The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change.***

# **HB 833\_MDHTTF\_FAV.pdf**

Uploaded by: Melanie Shapiro

Position: FAV



**BILL NUMBER:** House Bill 833

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

**COMMITTEE:** Judiciary

**HEARING DATE:** February 17, 2022

**POSITION:** Favorable

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The Maryland Human Trafficking Task Force (MDHTTF) and its members respectfully request a favorable report with the inclusion of the sponsor amendments for House Bill 833.

House Bill 833 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. The Maryland Human Trafficking Task Force 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.**<sup>1</sup> 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.<sup>2</sup>

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, 4<sup>th</sup> degree burglary, and drug possession.<sup>3</sup> 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,<sup>4</sup> this protective response does not extend to youth who are

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<sup>2</sup> *Id.*

<sup>3</sup> 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>.

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

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 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.**

MDHTTF thanks the Committee for its consideration of HB 833 and respectfully requests a favorable report with the inclusion of the sponsor amendments.

**For more information, please contact Amanda Rodriguez at [arodriguez@turnaroundinc.org](mailto:arodriguez@turnaroundinc.org) or Melanie Shapiro at [mshapiro@mnadv.org](mailto:mshapiro@mnadv.org), co-chairs of the Legislative Committee of the Maryland Human Trafficking Task Force.**

**About MDHTTF:** Formed in 2007 by the U.S. Attorney's Office, the Attorney General of Maryland, and the State's Attorney for Baltimore City, MDHTTF serves as the lead investigative, prosecutorial, and victim services coordinating body for anti-human trafficking activity in the State of Maryland. MDHTTF has grown to include most law enforcement agencies in the State, all child-serving state agencies, the Federal Bureau of Investigations, Homeland Security Investigations, most local State's Attorney's Offices, and dozens of victim service agencies. MDHTTF is comprised of five committees – legislative, law enforcement, victim services, public awareness, and training. During this time, MDHTTF has grown a robust understanding of the issue of human trafficking in Maryland.

**HB833\_FAV\_MCHTPC.pdf**

Uploaded by: Wendy Stickle

Position: FAV



————— Montgomery County, MD —————  
**HUMAN TRAFFICKING  
PREVENTION COMMITTEE**

February 15, 2022

Delegate Luke Clippinger  
Chair, House Judiciary Committee  
101 Taylor House Office Building  
6 Bladen Street  
Annapolis, MD 21401

RE: HB 833 Criminal Law – Victims of Child Sex Trafficking – Safe Harbor and Service Response  
Position: Support

Dear Chairperson Clippinger and members of the House Judiciary Committee,

On behalf of the Montgomery County Human Trafficking Prevention Committee (HTPC), I am writing in support of HB 833—Victims of Child Sex Trafficking—Safe Harbor Service Response.

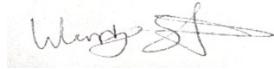
The HTPC was originally formed as a task force in 2014 and later transitioned into a Committee via legislation in 2017. The purpose of the HTPC is to educate the community about human trafficking and to reduce and prevent its occurrence.

HB 833 is a simple bill that provides a safe harbor for child victims of sex trafficking and prevents further victimization by connecting children to services needed through the already established regional navigator program. (Legislation was passed in 2019 that established the regional navigator program that connects child survivors of trafficking to necessary services.) This bill will assist child sex trafficking victims by preventing them from being criminalized for being a victim. Children, would instead, receive services and assistance. The bill also prevents any criminal or delinquent charges that might be brought against them because they are a victim of trafficking.

Unfortunately, children can be charged in the criminal or juvenile justice system for acts that are directly related to their victimization including prostitution and other related offenses. Children are, by law, considered victims of human trafficking per se if they are engaging in sex work; however, unlike any other victimization, they can also be charged for the very act that makes them a victim. This paradox in the criminal justice system leads to further victimization both as children, but often leads to further abuse as adults.

It is critical that children receive the help needed in order to stop the cycle of abuse and to end the horrific practice of child sex trafficking. We urge a favorable report on HB 833.

Sincerely,

A handwritten signature in dark ink, appearing to read "Wendy Stickle", with a stylized flourish extending to the right.

Dr. Wendy Stickle  
Chair  
Montgomery County Human Trafficking Prevention Committee

# **People's Commission Testimony in Support of HB833**

Uploaded by: Iman Freeman

Position: FWA





**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.**

# **HB0833\_DHS\_LOI.pdf**

Uploaded by: Rachel Sledge

Position: INFO

**Date:** February 17, 2022

**Bill number:** HB0833

**Committee:** Judiciary

**Bill title:** **Criminal Law - Victims of Child Sex Trafficking - Safe Harbor and Service Response**

**DHS Position:** **Letter of Information**

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The Maryland Department of Human Services (DHS), thanks the Committee for the opportunity to provide information about House Bill 833 (HB 833).

With respect to DHS, House Bill 833 in part deals with Maryland's Regional Navigator Program. Maryland's Regional Navigator Program Grant (RNPG) is tied to funding from the federal Victims of Crime Act (VOCA). The RNPG-VOCA was developed in Maryland after Governor Hogan signed into law the "Child Sex Trafficking Screening and Services Act of 2019" - Chapter 559 of the Acts of 2019. Chapter 559 established the Regional Navigator Program with the primary purpose of developing Regional Navigators that serve all Counties in the State to connect victims to services. House Bill 833 would make alterations to the authority, role, and responsibilities of Maryland's Human Trafficking Regional Navigator. Under this legislation the state's attorney shall order a regional navigator to conduct an evaluation of a child's status as a victim of sex trafficking—a responsibility not previously granted to the navigator. As of February 2022, 10 of Maryland's 24 jurisdictions have developed such a program.

The bill proposes that should the Regional Navigator find that the child is a victim of sex trafficking and the court finds that the child committed the offense due to sex trafficking, the court will then dismiss the case and transfer the matter to the Department of Human Services. However, unless the child qualifies as a CINA, it is unclear what it means to "transfer the case" to DHS.

Additionally, this bill would amend DHS's confidentiality provisions to specifically state that sex trafficking Child Protective Services (CPS) records must be disclosed under the mandatory disclosure scenarios listed in HU § 1-202(b). However, the current statute already allows for such disclosure because sex trafficking CPS records are part of the broader sexual abuse definition. As a matter of statutory interpretation, adding in the term "sex trafficking" would narrow what sexual abuse records must be disclosed under HU § 1-202(b). Additionally, the proposed changes would essentially prohibit release of sexual abuse records, including sex trafficking records, from DHS's allowable discretionary disclosures under HU § 1-202(c). This is challenging in situations where DHS needs the ability to share sexual abuse records to ensure services for victims, assist with prosecution of maltreators, and preventing sexual abuse perpetrators from working with children.

The Department appreciates the opportunity to provide the aforementioned information to the committee for consideration during your deliberations.

