

Safe Harbor Testimony House SB292 FINAL.pdf

Uploaded by: Amanda Rodriguez

Position: FAV



BILL NO: Senate Bill 292
TITLE: Criminal Law – Victims of Child Sex Trafficking – Safe Harbor and Service Response
COMMITTEE: Judicial Proceedings
HEARING DATE: February 14, 2023
POSITION: SUPPORT

TurnAround Inc. respectfully requests a favorable report on Senate Bill 292. This bill extends protections available to child sex trafficking victims first established by the Child Sex Trafficking Screening and Services Act of 2019. TurnAround, Inc. supports and advocates for survivors of intimate partner violence, sexual violence, and human trafficking. It has been an authoritative voice in the field for more than four decades. In 2011, TurnAround was Maryland’s first comprehensive service provider to establish a program for human trafficking survivors. We have served countless trafficking survivors over the years.

The Maryland Human Trafficking Task Force (MHTTF), formed in 2007, is a collaborative of multiple disciplines, including law enforcement, prosecutors, victim service organizations, and state government agencies. The Maryland Human Trafficking Law, § 11-303 of the Criminal Law Article¹, is the cornerstone of efforts to investigate and prosecute human trafficking in the State. It is the central item used to define what human trafficking is in the state, how resources should be allocated, and what should be focused on.

Safe Harbor will protect child survivors from being charged with prostitution.

Buying and selling a child for sex is illegal. Being that child should not be. Nevertheless, child sex trafficking victims currently can be arrested, handcuffed, detained, strip searched, prosecuted, and incarcerated for prostitution. Child sex trafficking is the only crime for which the thing that makes you a victim also makes you criminally liable. Safe Harbor will protect child victims from all of that. As a child trafficking survivor told TurnAround recently, “Safe Harbor will bypass so much unnecessary trauma.”

Safe Harbor will protect children from prosecution for charges committed as a result of their trafficking.

In addition to protection from prostitution charges, Safe Harbor will also protect children who enter the juvenile justice system for a low-level crime but are later identified as a survivor of sex trafficking. Children are often forced to do things like hold drugs for their abuser. They might be forced to be present in a vacant building which is 4th degree burglary. An abuser might force a child to drive even though they’re too young to have a license. One survivor

¹ All subsequent statutory references are to the Criminal Law Article of the Maryland Code unless otherwise specified.

told us about being picked up for shoplifting tampons because her trafficker wouldn't give her money for them. A child who has been sexually exploited should not be liable for offenses their abuser forced them to commit.

Safe Harbor will make it easier for children to come forward and report their exploitation.

The fear of punishment and prosecution currently prevents children from coming forward. There is no protection for them in the law right now. It makes no sense legally to disclose because they risk criminal charges. Even some attorneys representing trafficking victims are reluctant to disclose their client's trauma to a court because criminal prostitution charges are possible.

Safe Harbor will get expert services to children faster.

If sex trafficking victims cannot be arrested on prostitution charges, they will be immediately cared for by experts in childhood sexual trauma. The Regional Navigator Program, established in 2019, already exists to receive these children in nearly every county of the State. For children already in the justice system, Safe Harbor will allow them to disclose safely, and they will immediately be transferred from the justice system to the Regional Navigator Program.

Safe Harbor will lead to more prosecutions of traffickers.

Children who do not need to fear law enforcement will be more likely to cooperate and aid prosecutors to build strong cases against their traffickers.

Safe Harbor is long overdue.

NY passed the first Safe Harbor law nearly 20 years ago. Thirty-eight states have passed some form of Safe Harbor. In fact, Maryland received a grade of F from Shared Hope International in their 2021 annual review of the effectiveness of state victim protection laws and ranked among the 10 worst states for the treatment of child victims. Maryland needs to pass Safe Harbor now and do better for our most vulnerable kids.

For the forgoing reasons, TurnAround and the Maryland Human Trafficking Task Force urges a favorable report to SB292.

Safe Harbor Letter.pdf

Uploaded by: Anthony Lee

Position: FAV



COMMUNITY OF HOPE AME CHURCH

240-273-9115
info@hiphopenation.com

February 13, 2023

PO Box 1577
Temple Hills, MD
20757

To the members of the Judiciary Proceedings Committee,

I am in full support of SB 0292 -Victims of Child Sex Trafficking and Human Trafficking-Safe Harbor and Service Response bill. I am the Senior Pastor of Community of Hope African Methodist Episcopal Church. I am submitting testimony because our membership has been, for years, championing the protection of our young people who have been sexually exploited through trafficking.

For us, this is not a partisan issue, rather it is an issue of morality. We want to be clear that trafficking in any form is present-day slavery. Absent the passage of this bill, the Maryland legislature would by default be suggesting that the predatory acts committed against our children are acceptable. It would be sending a public message that holding our children accountable for crimes committed against their will is more of a priority than holding the predators that preyed upon them accountable. It would continue the promotion of contradictory legislation that says that children cannot give legal consent to sex and yet can be charged as criminals for their own rape and sexual assault. Most importantly, it would promote the silencing of child victims because the voice that they are empowered to use to seek help could at present further their trauma by further propelling them into the justice system. We seek the protection of our youth not their prosecution.

I, along with the members of Community of Hope AME Church, urge you stand by our young people by voting for a favorable committee

report concerning SB 0292. This law currently exists in Maryland for adults, we can do better for our children. Your favorable vote replaces barriers with safe havens for our young people. It replaces punitive practices with restorative support systems. It gives young people new hope that they will be able to be productive members of our society without being haunted by a criminal record they did not willingly earn.

We urge you to clear the way for the passage of SB 0292 without concessions and amendments that will jeopardize full protection of our youth. Thank you for your consideration and support.

Yours In Christ,

Rev Tony Lee

Rev. Tony Lee

Pastor, Community Of Hope AME Church

Testimony in Support of SB0292 - Araminta.pdf

Uploaded by: Beth Luthye

Position: FAV



TESTIMONY IN SUPPORT OF SB0292
Criminal Law – Victims of Child Sex Trafficking and Human Trafficking
– Safe Harbor and Service Response

BILL NO: Senate Bill 0292

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

SPONSOR: Senator Waldstreicher

COMMITTEE: Judicial Proceedings

HEARING DATE: February 14, 2023 at 1:00 p.m.

POSITION: Favorable

From: Rhonda Sanco, MBA, Executive Director and CEO of Araminta

Date: February 13, 2023

Araminta is a nonprofit organization that works to end the threat and trauma of child sex trafficking. We provide clinical and support services to child trafficking survivors in multiple jurisdictions throughout Maryland, as well as implementing education and prevention strategies through education to hundreds of Marylanders each year. In keeping with our mission, Araminta supports the passage of Senate Bill 292 (SB0292), “Criminal Law – Victims of Child Sex Trafficking and Human Trafficking – Safe Harbor and Service Response” into law.

SB0292 will protect children who are victims of sex trafficking from arrest, prosecution, or detention for prostitution or other related crimes they were forced to commit by a trafficker. The Safe Harbor law will have no or little impact on state and local budgets but will make a huge difference in the lives of the most vulnerable children and youth in Maryland.

A child cannot be complicit in their own abuse, yet under Maryland’s current laws, underage victims are being criminalized. In fact, 110 underage victims were arrested for prostitution and commercialized vice in our state between 2010 and 2020; thirty percent (30%) of those were under age 15.ⁱ Maryland ranks behind 42 other states and the District of Columbia in legislation to protect children and youth who have been sexually exploited through the crime of human trafficking.^{ii iii} It is past time to change that. Maryland can – and should – lead the way in addressing sex trafficking in our communities.

Safe Harbor is common-sense legislation because there is no such thing as a child prostitute. We need to protect kids who are victims of child sex trafficking, not prosecute them for crimes they are forced to



commit by their traffickers. We should work hard to put the traffickers behind bars, but we need to stop criminalizing victims.

Victims of this crime experience complex trauma that requires specialized services, including therapy and intensive case management with wraparound services focused on basic needs provision, housing, legal assistance, education, and workforce development. Maryland began offering victims of child sex trafficking access to specialized services through the 2019 regional navigator legislation. However, this response does not extend to underage victims who are incarcerated for actions resulting from their exploitation. Because of this, survivors of child sex trafficking experience additional trauma without access to healing, restorative services. SB0292 will strengthen existing Maryland law to support underage trafficking survivors by recognizing the impact of a trafficker's control and exploitation on their behavior as well as referring them to needed services.

Araminta provides free services to individuals who have experienced child sex trafficking, including trauma therapy, intensive case management with wraparound supports, and one-to-one mentoring. In 2022 alone, Araminta provided tailored clinical and support services to 33 children, youth, and young adults, as well as direct and indirect support to 11 of their dependent children. Sixty-seven percent (67%) were under age 18 at their initial enrollment in our programs; twenty-seven percent (27%) were 18 to 24 years old at enrollment, although their victimization started while they were under age 18. Of those served last year, 41% are confirmed child sex trafficking victims; 41% meet the criteria of child sex trafficking victim but do not yet self-identify as survivors; and 18% are at high risk of experiencing human trafficking due to other forms of abuse they have experienced, or the trafficking of their siblings.

On behalf of Araminta, thank you for the work you do to protect children in our state. Our experience as an organization in serving survivors of child sex trafficking underscores the need for additional protective legislation through the Safe Harbor bill; therefore, Araminta supports SB0292 and respectfully urges a favorable report on this important legislation.

Sincerely,

A handwritten signature in black ink that reads "Rhonda Sanco".

Rhonda Sanco
Executive Director and CEO

ⁱ <https://www.washingtonpost.com/dc-md-va/2022/03/31/maryland-child-sex-trafficking-law/>

ⁱⁱ <https://reportcards.sharedhope.org/safeharbormap/?location=md>

ⁱⁱⁱ <https://www.washingtonpost.com/dc-md-va/2021/11/21/child-sex-trafficking-report-card-states-maryland/>

Maryland Catholic Conference_FAV_SB292.pdf

Uploaded by: Brian Barnwell

Position: FAV



MARYLAND
CATHOLIC
CONFERENCE

February 14, 2023

SB 292

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

Senate Judicial Proceedings Committee

Position: Favorable

The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals, and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Senate Bill 292 changes the procedure that law enforcement and courts are required to follow when they have reason to believe that a child who has been detained is a victim of sex trafficking, or a victim of human trafficking. The bill prevents a minor from being criminally prosecuted or proceeded against under certain provisions of law for a certain offense if the minor committed the offense as a direct result of being a victim of sex trafficking or being a victim of human trafficking. We support this bill because it protects, instead of criminalizes, children who are victims of sex or human trafficking, and provides them with the specialized services as needed.

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. In the latest ratings released by Shared Hope International; a group that releases report cards on States and their laws fighting against child & youth sex trafficking, Maryland ranks 38th out of 51 (50 States + DC) (1 being the best rating and 51 the worst).¹ In fact, Maryland received all Fs on the following categories: (a) Prevention and Training; (b) Access to Justice for Trafficking Survivors; (c) Tools for a Victim-Centered Criminal Justice Response; (d)

¹ <https://reportcards.sharedhope.org/>

Identification of and Response to Victims; and (E) Criminal Provisions.² At present in Maryland, trafficked minors can still be incarcerated for prostitution and related crimes even though the offense was the direct result of being a victim of sex trafficking or a victim of human trafficking. Because trafficked minors continue to languish behind bars due to their offenses, they are not receiving specialized services responsive to the unique trauma that they have faced. As a result, trafficked minors continue to experience isolation, stigma, and psychological trauma that was once caused by their trafficking experience. We are supposed to help these individuals, not perpetuate their pain.

Maryland's trafficked youth deserve better. It is beyond time for Maryland to move from incarceration to protection. Maryland can do this by providing a process by which minor victims are shielded from prosecution for acts that stem from their own victimization, and instead provide them with the victim-centered, trauma-informed services they need to recover from their trafficking experience. For these reasons, we urge a favorable report on Senate Bill 292.

² <https://reportcards.sharedhope.org/year2022/maryland/>

SB0292 Victims of Sex Trafficking Safe Harbor FAV.

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0292
Criminal Law - Victims of Child Sex Trafficking and Human Trafficking - Safe Harbor and Service Response

Bill Sponsor: Senator Waldstreicher

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0292 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups with members in every district in the state with well over 30,000 members.

Children who are victims of sex trafficking often do not only have the horror of what has happened to them to contend with – they are often arrested and charged with delinquency or another criminal offence. This bill will require that an officer who detains or arrests a child who that officer suspects is a victim of sex trafficking must notify a regional navigator so that the navigator can release the child to the child’s parents or guardian (unless it would put the child at further risk) and notify the local child welfare agency.

If a child has already been charged before it is determined that the child was a victim of sex trafficking, the court or the child’s attorney or the state’s attorney will stay the proceedings while a determination is made. If the determination shows that the child committed the offense(s) under the duress of sex trafficking, all charges will be dismissed.

This is a much more humane way to treat a child who has already been traumatized.

We support this bill and recommend a **FAVORABLE** report in committee.

Shared Hope_Written Testimony SB292.pdf

Uploaded by: Christine Raino

Position: FAV



WRITTEN TESTIMONY

BILL NO: Senate Bill 292
TITLE: Criminal Law—Victims of Child Sex Trafficking—Safe Harbor and Service Response
COMMITTEE: Judicial Proceedings
DATE: February 14, 2023
POSITION: SUPPORT

Dear Chairperson Smith, Vice Chairperson Waldstreicher, and Committee Members:

Thank you for hearing testimony on Senate Bill 292 relating to the plight of child sex trafficking victims within the state.

Shared Hope International has been working in Maryland, across the country, and throughout the globe for over 20 years to guide and support appropriate responses to protect survivors, hold offenders to account, and ultimately prevent crime entirely. Twelve years ago we launched the [State Report Card project](#) to assess the status of state's laws and drive legislative progress. [Since 2011, we have called on states to recognize any minor engaged in commercial sex as a victim of a sex trafficking, not a "prostitute" or "delinquent youth."](#) We know that survivors of child sex trafficking have the best outcomes when they are met with protection, trauma-informed services, and a response that is appropriate for the horrific experiences they have endured—such a response cannot be rooted in juvenile justice practices and systems.

Despite Maryland's commitment to increasing effective responses to child, youth, and adult sex trafficking, including passing several particularly impactful pieces of legislation during the last few sessions, the state is lagging behind a majority of the country in providing one of the most foundational protections for child and youth survivors. [28 states and D.C.](#) have made clear that children engaged in commercial sex are victims of sex trafficking, not prostitution offenders. While Maryland state law clearly defines children who are bought and sold for sex as victims of sex trafficking under criminal law, those same minors can be *and* are arrested and prosecuted for prostitution. SB 292 is not only critical for remedying this legal paradox, the legislation embraces a nationally-regarded promising practice for protecting children and preventing harm.

Amending the prostitution statutes to be inapplicable to minors recognizes that children *never* engage in commercial sex by choice; rather, a child does so out of coercion, force, fraud, fear, or survival. If not for the exchange of money or something else of value, the minor would be regarded as a victim of rape, child sexual abuse, and/or sexual assault; consequently, our systems could and would never subject the child to a juvenile or criminal justice response under the guise of providing services and safety to the child. Yet, Maryland state law maintains two distinct responses for addressing children who experience similar harm and resulting trauma: child victims of *commercial* sexual violence can be subjected to arrest, charges, and prosecution to facilitate access to services or to coerce cooperation as a victim witness, while victims of *non-commercial* sexual violence are provided the appropriate, victim-centered protective response. It is time for the legislature to eliminate the fabricated hierarchy of victimization and provide minors engaged in or subjected to commercial sex and violence with access to specialized and long-term care, not the traumatizing impact of an arrest, detention, or prosecution.

This Committee played an instrumental role in laying the groundwork for ensuring that SB 292 will operate as both a feasible and effective policy change. During the 2019 legislative session, the Senate Judicial Proceedings Committee approved legislation that developed the Safe Harbor Regional Navigator Grant Program and the necessary protocols for ensuring access to specialized services for survivors of child sex trafficking across the state. However, since its enactment, that legislation has been undermined by state law that allows for the arrest, detention, and prosecution of minors for prostitution, inhibiting accessibility to the service-oriented and trauma-informed response provided through the Regional Coordinators. SB 292 serves to remove these problematic barriers to ensure *all* survivors of child sex trafficking are treated appropriately and provided a response that is proven to support healing and positive outcomes.

In addition to the foundational non-criminalization protection created under Md. Code Ann. § 11-303, SB 292 provides several additional key provisions that will allow Maryland to respond both appropriately and effectively to children with lived experience:

- (1) Amends Md. Code Ann. § 3-8A-14 to clarify the response provided to identified or suspected child victims of sex trafficking to support prioritization of the child's safety and wellbeing, including providing law enforcement the authority to take a minor into temporary protective custody; and
- (2) Provides immunity for numerous pertinent offenses if the minor engaged in the offending conduct as a direct result of their trafficking victimization and outlines the process for suspending criminal or delinquency proceedings if victimization and its connection to the offending conduct is established after proceedings are commenced.

SB 292 is a vital piece of legislation for increasing effective, sustainable, and prevention-oriented responses to child sex trafficking in the state. We are grateful for the Committee's dedication to this issue and respectfully ask for your support of the bill.

Sincerely,

A handwritten signature in cursive script that reads "Sidney E. McCoy". The signature is written in black ink on a white background.

Sidney E. McCoy, Esq.
Director of Advocacy

For questions or additional information:
sidney@sharedhope.org

Maryland -Safe Harbor - Written Testimony 2023 (SB

Uploaded by: Daton Lynch

Position: FAV



BILL NO: Senate Bill 292
TITLE: Criminal Law – Victims of Child Sex Trafficking and Human Trafficking – Safe Harbor and Service Response
COMMITTEE: Judicial Proceedings
HEARING DATE: February 14, 2023
POSITION: **SUPPORT**

Chair Smith, Vice Chair Waldstreicher and Members of the Judicial Proceedings Committee:

Senate Bill 292 (SB 292) extends the protections first established by the Child Sex Trafficking Screening and Services Act of 2019 by providing a trauma-informed alternative to the juvenile legal system for child sex trafficking victims charged with prostitution and other related crimes. **The National Center for Missing and Exploited Children (NCMEC)** 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.

NCMEC was born in response to an unthinkable tragedy. In 1981, 6-year-old Adam Walsh was shopping with his mother when he vanished without a trace. His devastated parents, John and Revé Walsh, had nowhere to turn for help in finding Adam. Despite his parents' desperate search, ten days after Adam was abducted, he was found murdered more than 100 miles away. John and Revé channeled the painful experience of losing Adam to create NCMEC in 1984. Over the past 38 years, NCMEC has become the leading private, nonprofit organization working to help find missing children, reduce child sexual exploitation and prevent child victimization.

As the national clearinghouse for reports relating to child sex trafficking, NCMEC is uniquely situated to assist families and authorities with the identification, location, recovery, and support of child victims. In 2022, NCMEC received more than 19,000 reports of possible child sex trafficking. NCMEC's Child Sex Trafficking Team provides extensive assistance for cases involving trafficked children, including developing trauma-informed, victim-centered recovery plans and multidisciplinary strategies to prevent re-victimization.

SB 292 Includes Needed Protections for Child Victims

The protections provided by SB 292 are desperately needed to protect child victims of sex trafficking in Maryland. Maryland continues to lag behind the rest of the country in its response to child sex trafficking and the treatment of child victims. Identification of child victims has grown steadily each year in response to expanded training and awareness efforts throughout the State, but

Maryland ranks behind forty-two other states, plus the District of Columbia, in the legal response to child sex trafficking.¹

Under current law, trafficked minors can still be incarcerated for prostitution and related crimes in Maryland, including status offenses that are connected to their victimization like truancy and running away.² Federal statutes recognize that there is no such thing as a child prostitute, a child cannot consent to commercial sex, and when commercial sexual exploitation occurs the child is a victim of a crime and should be treated as a victim, not a delinquent. Enactment of SB 292 will affirm that Maryland agrees.

In 2019, Maryland finally began offering trafficked minors access to specialized services designed to respond to the unique trauma that is associated with this type of victimization, but this reform does not extend to children who are incarcerated for actions stemming from their trafficking victimization.³ The first interaction with a trafficked child plays a critical role in the success of the child's recovery. When a child victim of sex trafficking is charged with a crime resulting from their victimization by *the good guys*—the criminal charges can serve as a "push factor" for the child to return to the trafficker. Under the provisions of SB 292, child victims of sex trafficking will receive emergency response services and basic needs support with a focus on assisting these children with recovery from their traumatic, abusive trafficking experiences. However, without the essential safeguards proposed by SB 292, child victims of sex trafficking in Maryland will continue to experience compounded psychological harm from the trauma of being prosecuted for crimes resulting from their victimization.

Every Child Deserves A Safe Childhood

Maryland's trafficked children deserve better. It is time for Maryland to truly combat child sex trafficking by prioritizing child protection over prosecution of child victims. SB 292 ensures that vulnerable child victims are shielded from prosecution for acts arising from their own victimization, and provides these children with the victim-centered, trauma-informed services they need to recover from their trafficking experience. We know from extensive work with survivors, that a holistic, empathetic and understanding response to a victim of child sex trafficking can lead to youth thriving and becoming resilient adults. **Trafficked children need protection, not incarceration.**

For the reasons stated, NCMEC strongly supports SB 292 and requests a favorable report.

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 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>.

³ MD. CODE ANN., FAM. LAW § 5-704.4 (West, 2020).

2023 Letter of Support for Safe Harbor Bill SB292.

Uploaded by: Donna Rojas

Position: FAV



COMMISSION FOR WOMEN

February 13, 2023

The Honorable William Smith
Chairman Judicial Proceedings Committee
Room 101
6 Bladen Street
Annapolis, MD 21404

RE: Letter in Support of SB292 – Criminal Law – Victims of Sex Trafficking and Human Trafficking – Safe Harbor Response

Dear Chairman Smith and the Members of the Judicial Proceedings Committee:

On behalf of the Montgomery County Commission for Women (“Commission”), I write to express our strong support of SB292 – Criminal Law – Victims of Sex Trafficking and Human Trafficking – Safe Harbor Response (cross-filed with HB297) and to urge the Committee to issue a favorable report on this bill. This bill was introduced in prior legislative sessions, and it is time for our General Assembly to support children impacted by human trafficking.

Our commission represents the interests of women and girls in our County, who constitute more than half of the residents in Montgomery County. Through the urging of the Commission for Women, Montgomery County created the Human Trafficking Prevention Task Force, which later transitioned into the Montgomery County Human Trafficking Prevention Committee through legislation. Human trafficking prevention has been and continues to be a priority for the Commission.

A child victim of sex trafficking has already been victimized by being forced to have sex against their will. Arrest and prosecution further traumatize the victim and make it harder for them to rebuild their lives. The criminal record resulting from being prosecuted can be a barrier to future employment, housing, and other opportunities. In addition, the trauma that comes from incarceration can also hinder positive reintegration back into society.

Maryland must help children that have been exploited for sex recover from their trauma and rebuild their lives – and this bill provides specialized services to do so under the regional navigator program passed in 2019.

Thirty-five states have already enacted Safe Harbor legislation. This bill nearly passed in 2022 but ultimately died on Sine Die in conference committee. It is essential that the bill pass this year and without delay. We owe it to Maryland's children who have been trafficked.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Donna Rojas".

Donna Rojas
Chair
Montgomery County Commission for Women

Testimony (SB 292)2023.pdf

Uploaded by: Edwin Thomas

Position: FAV



EASTERN SHORE HUMAN TRAFFICKING TASK FORCE

Moving forward to combat this evil together

BILL NO:	Senate Bill 292
TITLE:	Criminal Law - Victims of Child Sex Trafficking and Human Trafficking - Safe Harbor and Service Response
COMMITTEE:	Judicial Proceedings
HEARING DATE:	February 14, 2023
POSITION:	FAVORABLE

The Eastern Shore Human Trafficking Task Force supports SB 292 because 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 SB 292 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. For the victims and their families, it is a far-reaching tragedy and a long road to recovery for the survivors. There have been 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, SB 292 will go a long way in meeting this need throughout Maryland.

Maryland needs to provide protection and care rather than jail time for minors who are victimized by criminals. The young victims are not criminals. For these reasons the Eastern Shore Human Trafficking Task Force urges the Committee to give SB 292 a favorable report.

Safe Harbor SB 292.pdf

Uploaded by: Essita Duncan

Position: FAV



www.marylandwomen.org

Maryland Commission for Women

A Commission of the Maryland Department of Human Services

51 Monroe Street, Ste. 1034 – Rockville, Maryland 20850
www.marylandwomen.org

February 1, 2023

Tawanda A. Bailey, Chair

*Maxine Griffin Somerville,
First Vice Chair*

*Roberta Pardo,
Second Vice Chair*

Andrea Bottner, Esq.

Tammy Bresnahan

Deborah L. Cartee

Essita R. Duncan, Esq.

Judith Emmel

Kathryn M. Fiddler, DNP

Kristi S. Halford

Eugenia Henry, Ph.D.

D. Kaprece James

Lauren M. Lambert

Patricia McHugh Lambert, Esq.

Christine S. Lee, Ph.D.

Beth Anne Langrell

Brenda McChriston

Maria B. Menucci, M.D.

Jenny Pena Dias, Ph.D.

Carole Jaar Sepe

Evelyne S. Steward

Lenita Walker

Monica Watkins

Rev. Tamara England Wilson

Yun Jung Yang, Esq.

The Honorable William C. Smith, Jr., Chair
The Honorable Jeff Waldstreicher, Vice Chair
Senate Judicial Proceedings Committee
Miller Senate Office Building – 2 East
Annapolis, Maryland 21401

Re: SB 292 – Victims of Child Sex Trafficking and Human
Trafficking – Safe Harbor for Sexually Exploited Youth

Dear Senators Smith and Waldstreicher and Members of the Senate
Judicial Proceeding Committee:

The Maryland Commission for Women writes to you with respect to SB
292 – Victims of Child Sex Trafficking and Human Trafficking – Safe
Harbor for Sexually Exploited Youth Act (the “Safe Harbor Act”). Sex
Trafficking and Human Trafficking is an issue with which the Maryland
Commission for Women (“MCW”) has long been concerned.

As you may know, the MCW was established in 1965 and was set in state
law in 1971. An office of the Department of Human Services, the
Commission is a 25-member advisory board whose duties outlined in its
enabling legislation include: study the status of women in our state,
recommend methods of overcoming discrimination, recognize women’s
accomplishments and contributions, and provide informed advice to the
executive and legislative branches of government on the issues concerning
the women of our state. It is to fulfill this mandate that the Commission
writes to you today.

Let us explain why this legislation is important: According to the
Governor’s Office of Crime Prevention, Youth and Victim Services:
“Human trafficking is a horrible crime that continues to occur in Maryland
and affects all parts of the State. Three major airports, inexpensive bus
transportation, train service along the east coast, large sporting events and
disposable income makes Maryland an attractive destination for
traffickers.”

Although efforts have been made in the recent past to address certain issues
relating to human trafficking, the MCW believes that more can and should
be done where young people – and particularly children under the age of 18
– are victims. The Safe Harbor Act would amend Maryland’s existing

Maryland Commission for Women

Re: SB 292 Safe Harbor

Page 2

laws in three critical ways:

- Provide a safe harbor for child victims of sex trafficking.
- Help prevent child victims from further victimization by connecting them to rehabilitative and supportive services through the already established Regional Navigator program.
- Providing a pathway to prevent any criminal or delinquent charges brought against these youths that are directly related to trafficking.

We ask that Maryland be a voice of leadership on this important issue.

The Commission for Women requests your support for the passage of this important legislation.

With very best regards,

A handwritten signature in black ink, appearing to read "Tawanda Bailey". The signature is fluid and cursive, with the first name being more prominent than the last.

Tawanda Bailey, Chair
Maryland Commission for Women

2023-02-14 SB292 (Support).pdf

Uploaded by: Hannibal Kemerer

Position: FAV

ANTHONY G. BROWN
Attorney General



CANDACE MCLAREN LANHAM
Chief of Staff

CAROLYN A. QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.
(410) 576-7036

WRITER'S DIRECT DIAL NO.
(410) 576-6584

February 14, 2023

TO: The Honorable William C. Smith Jr.
Chair, Judicial Proceedings Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: SB0292 – Criminal Law – Victims of Child Sex Trafficking and Human
Trafficking – Safe Harbor and Service Response (**Support**)

Senate Bill 292 would add child victims of human trafficking, as opposed to the already existing sex trafficking victims, to the mandatory reporting requirements applicable to law enforcement officers who arrest children and suspect they've been victimized. Thereafter, the regional navigators to whom law enforcement reports the suspected trafficking victim will coordinate a service response, report to the local child welfare agency that the child is a suspected victim of human or sex trafficking, and release the child to the child's parents, guardian, or custodian—only if it is safe to do so. Senate Bill 292 would also require courts to dismiss juvenile criminal proceedings against victims of sex or human trafficking if the offense was committed “as a direct result of being a victim of sex trafficking or being a victim of human trafficking.”

We believe that SB 292 strikes a humane balance of providing victims of human and sex trafficking wrap around services and extinguishing criminal charges against them when a court finds, by a preponderance of evidence, that the victim's crime was committed as a “direct result” of being subject to sex or human trafficking.

For the foregoing reasons, the Office of Attorney General urges a favorable report on Senate Bill 292.

cc: Committee Members

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the Senate and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us

MVLS Testimony - SB 292 Safe Harbor and Services 0

Uploaded by: Heather Heiman

Position: FAV

MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE
IN SUPPORT OF SB 292: CRIMINAL LAW – VICTIMS OF CHILD SEX
TRAFFICKING – SAFE HARBOR AND SERVICE RESPONSE

FEBRUARY 14, 2023

Susan Francis
EXECUTIVE DIRECTOR

BOARD OF DIRECTORS

Alexandria K. Montanio
PRESIDENT

David G. Sommer
VICE PRESIDENT

Penny J. Minna
TREASURER

James Tansey
SECRETARY

Tyree Ayers
Shereefat O. Balogun
Matthew M. Bryant
Jhonell Campbell
Richard L. Costella
Susan DuMont
Brian Gordon
La'Tika Howard
Dr. Ann Irvine
Robin Leone
Reba Letsa
Michelle McGeogh
Saad Malik
Michael March
Anthony May
Chelsea Ortega
Derek P. Roussillon
Marc E. Shach
Dennis J. Shaffer
Sheila J. Stewart
D'Sean Williams-Brown

Chair Smith and distinguished members of the Committee, thank you for the opportunity to testify in support of Senate Bill 292.

My name is Heather Heiman, and I am the Project Manager for the Human Trafficking Prevention Project at Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest pro bono civil legal service provider to low-income Marylanders. Since MVLS' founding in 1981, our statewide panel of over 1,700 volunteers has provided free legal services to over 100,000 Marylanders in various civil legal matters. In FY22, MVLS volunteers and staff lawyers provided legal services to 7,652 people across the State.

In fiscal year 2017, MVLS started the Human Trafficking Prevention Project (HTPP), a co-grant project through the Governor's Office of Crime, Control, and Prevention with the University of Baltimore School of Law Human Trafficking Prevention Project Legal Clinic. The HTPP at MVLS is a pro bono project that provides post-conviction relief such as expungement, shielding, and vacatur, as well as assistance with consumer, housing, and family law matters to those who meet the legal definition of a victim of human trafficking, and others who are at high risk for exploitation. Since its inception, the HTPP at MVLS has served over 200 clients who were survivors of human trafficking or at high risk for exploitation. For the reasons explained below, MVLS respectfully requests that the Committee returns a favorable report on SB 292.

Senate Bill 292 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 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 the identification of minor victims has grown steadily each year in response to expanded training and awareness efforts throughout the state, Maryland ranks 36th out of fifty states, plus the District of Columbia, in providing tools for victim-centered criminal justice.¹ In fact,

201 N. Charles St., Ste. 1400 Baltimore, MD 21201 | www.mvlslaw.org | info@mvlslaw.org | 410-539-6800

Maryland received an F from Shared Hope International on the effectiveness of its victim protection laws in their 2022 annual review, with a grade of 44.5 out of 100 states and the District of Columbia.ⁱⁱ

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.ⁱⁱⁱ While Maryland was one of the first states in the country to address the criminalization of adult survivors,^{iv} 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.^v 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 SB 292 and respectfully encourages a favorable report.

ⁱ Shared Hope International, *Report Cards on Child & Youth Sex Trafficking: 2022 Toolkit* 40-43 (2022), chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://reportcards.sharedhope.org/wp-content/uploads/2022/10/SHI_2022Toolkit.pdf.

ⁱⁱ *Id.*

ⁱⁱⁱ Shared Hope International, *Report Cards on Child & Youth Sex Trafficking: Analysis Report Maryland* (2022), <https://reportcards.sharedhope.org/>.

^{iv} MD CODE ANN., CRIM. PROC. § 8-302 (West, 2020).

^v National Survivor Network, *National Survivor Network Members Survey: Impact of Criminal Arrest and Detention on Survivors of Human Trafficking* 3 (2016),

HPP SB 292 Safe Harbor Testimony- FAV.pdf

Uploaded by: Jessica Emerson

Position: FAV

Testimony of the Human Trafficking Prevention Project

BILL NO: Senate Bill 292
TITLE: Criminal Law – Victims of Child Sex Trafficking – Safe Harbor and Service Response
COMMITTEE: Judicial Proceedings
HEARING DATE: February 14, 2023
POSITION: **SUPPORT**

Senate Bill 292 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 Human Trafficking Prevention Project 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 significantly 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 its 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 While Maryland was one of the first states in the country to provide legal relief designed to address the criminalization of adult survivors,⁴ no such action has been taken with regard to the criminalization of trafficked minors, even though national data tell us that child trafficking survivors are being criminalized at similar rates as their adult counterparts.⁵ Unfortunately, age does not play a large factor in who is being identified as a victim and who is being arrested.

Maryland’s trafficked children deserve better. It is beyond time for Maryland to move from misguided policies centering 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 children need protection, not incarceration.**

For all the reasons stated above, the Human Trafficking Prevention Project supports HB 292 and respectfully encourages a favorable report.

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., CRIM. PROC. § 8-302 (West, 2020).

⁵ 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 (citing that 41.6% of respondents reported being arrested as minors, with 50% stating that they had been convicted of at least one crime as a juvenile).

MLAW Testimony - SB292-Criminal Law - Victims of C

Uploaded by: Jessica Morgan

Position: FAV



Bill No: SB292
Title: Criminal Law - Victims of Child Sex Trafficking and Human Trafficking - Safe Harbor and Service Response
Committee: Judicial Proceedings
Hearing: February 14, 2023
Position: SUPPORT

The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women’s groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. MLAW’s purpose is to advocate for legislation affecting women and families. To accomplish this goal, MLAW creates an annual legislative agenda with issues voted on by MLAW members and endorsed by organizations and individuals from all over Maryland. **SB292 - Criminal Law - Victims of Child Sex Trafficking and Human Trafficking - Safe Harbor and Service Response** is a priority on the [2023 MLAW Agenda](#) and we urge your support.

SB292 will provide a safe harbor for child victims of sex trafficking and prevent their further victimization by connecting them to rehabilitative and supportive services through the already established Regional Navigator program, while providing a pathway to prevent any criminal or delinquent charges brought against them that are directly related to their trafficking.

The majority of sex trafficking victims are women and girls. Currently in Maryland, children can be charged in the adult criminal or juvenile justice system for acts that are directly linked to their victimization, including prostitution and other related offenses.

This bill would provide a safe harbor for child victims of sex trafficking and prevent prosecution for acts committed as a result of their trafficking including prostitution and other related offenses. Legislation was passed in 2019 establishing the Regional Navigator program that connects child survivors of trafficking to necessary services. This bill will benefit women and girls by preventing them from being criminalized for acts they committed as a result of their trafficking victimization, and will support their healing rather than their continued punishment.

For these reasons, MLAW strongly urges the passage of SB292.

MLAW 2023 Supporting Organizations

The following organizations have signed on in support of our 2023 Legislative Agenda*:

AAUW Anne Arundel County
AAUW Howard County
AAUW Maryland
Advocacy and Training Center
Allegany County Women's Action Coalition
Anne Arundel County NOW
Aspire Ascend
Baltimore County State Democratic Central Committee
Bound for Better
Business and Professional Women of Maryland
Charles County Commission for Women
Climate Xchange Maryland
Drake Institute of Women's Policy
Empowered Women in Business International
ERA Coalition
For All Seasons, Inc.
Kensington-Rockville AAUW
Maryland Coalition Against Sexual Assault (MCASA)
Maryland Commission for Women
Maryland NOW
Maryland WISE Women
Miller Partnership Consultants LLC
MoCoWoMen
Montgomery County Business & Professional Women (MC BPW)
Montgomery County Chapter, National Organization for Women
Montgomery County Commission for Women
Montgomery County Women's Democratic Club
National Coalition of 100 Black Women, Prince George's County Chapter
National Women of Achievement, Inc.
Planned Parenthood of Maryland
Planned Parenthood of Metropolitan Washington, DC
Reproductive Justice Inside
Southern Prince George's Business and Professional Women
Top Ladies of Distinction, Inc., Prince George's County Chapter
University of Baltimore School of Law If/When/How Chapter
Women's Democratic League of Frederick County
Women's Equity Center and Action Network (WE CAN)
Women's Law Center of Maryland
Zonta Club of Annapolis
Zonta Club of Mid-Maryland

**as of 2/3/2023*

Maryland Legislative Agenda for Women

**305 W. Chesapeake Avenue, Suite 201 - Towson, MD 21204 - 443-519-1005 phone/fax
mdlegagenda4women@yahoo.com - www.mdlegagendaforwomen.org**

WDC 2023 Testimony SB292_Final.pdf

Uploaded by: JoAnne Koravos

Position: FAV



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

Senate Bill 292
Criminal Law - Victims of Child Sex Trafficking and Human Trafficking– Safe Harbor and Service Response
Judicial Proceedings Committee – February 14, 2023
SUPPORT

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2023 legislative session. WDC is one of Maryland's largest and most active Democratic Clubs, with hundreds of politically active members, including many elected officials.

WDC urges the passage of SB0292. This bill alters certain procedures that law enforcement agencies and the courts are required to follow to ensure that a minor is not criminally prosecuted for crimes committed as a direct result of sex or human trafficking. Far too often, WDC finds itself advocating for legislation to fix a problem that is hard to believe has been allowed to exist in our state. This is that kind of legislation. It would likely not occur to most Marylanders that children, who are victims of sex or human trafficking, are arrested (and possibly prosecuted and incarcerated) or detained in the custody of the Department of Juvenile Services for crimes related to their trafficking. Children who are trafficked are not perpetrators of crimes; they are the *victims* of crimes. No child should ever be prosecuted for crimes of which they are the victim.

Most trafficking victims are women and girls, and the majority are women and girls of color. According to the National Center for Missing and Exploited Children, the average age of sex trafficking victims is 15.¹ Trafficked children can now 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 if they are engaging in sex work; however, unlike any other crime of which they are the victim, they can also be charged for the very act that makes them a victim.

¹ <https://www.childrensrights.org/newsroom/fact-sheets/child-sex-trafficking/#:~:text=The%20average%20age%20of%20child%20sex%20trafficking%20victims%20is%2015,were%20sexually%20abused%20as%20children.>



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

This bill would provide a “safe harbor” for child victims of sex and human trafficking and prevent prosecution for acts committed because of their trafficking, including prostitution and other related offenses. In 2019, Maryland established the Regional Navigator Program that connects child survivors of trafficking to necessary services. Under this important legislation, children suspected of being trafficked would receive services and assistance instead of being forced to defend themselves in the criminal justice system for acts that were committed against them, or they were forced by their traffickers to commit.

The emotional effects of trauma can be persistent and devastating. Victims of sex and human trafficking may suffer from one or more conditions of anxiety, panic disorder, major depression, substance abuse, eating disorders, and Post-Traumatic Stress Disorder.² These children need specialized, trauma-based therapeutic help to heal from the trauma of having been trafficked.³ What they do not need is the compounding trauma of arrest or detention, prosecution, and possibly incarceration.

We ask for your support for SB0292 and strongly urge a favorable Committee report.

Diana E. Conway
WDC President

Beth Tomasello
WDC Advocacy Committee

² <https://aspe.hhs.gov/reports/treating-hidden-wounds-trauma-treatment-mental-health-recovery-victims-human-trafficking-0>

³ <https://aspe.hhs.gov/reports/treating-hidden-wounds-trauma-treatment-mental-health-recovery-victims-human-trafficking-0>

SB292 Safe Harbor Human Trafficking Center for Hop

Uploaded by: Joyce Lombardi

Position: FAV



Senate Bill 292- Criminal Law – Persons in a Position of Authority - Sexual Offenses With a Minor
Senate Judiciary Committee – February 14, 2023
Testimony of Adam Rosenberg, Executive Director, LifeBridge Health Center for Hope
Position: **SUPPORT**

Center for Hope supports SB292, which would make sure that a minor may not be criminally prosecuted for prostitution or ancillary crimes that are the direct result of being a victim of sex trafficking; expand the list of crimes that victims of trafficking can seek to vacate; include victims of labor trafficking under protection of regional navigators; make sure DSS is notified that there is a trafficking case and provide that a trafficking victim may not be released to their parents unless it is safe to do so.

Center for Hope, a subsidiary of LifeBridge Health, provides comprehensive trauma-informed crisis intervention and response services to patients and community members who have experienced child abuse, elder abuse, domestic violence, community/gun violence. Our nationally accredited child advocacy center serves over 1,600 children per year, and operates 24 hours per day, 365 days per year in a multidisciplinary team that responds to children who have been sexually abused or assaulted.

Center for Hope serves as Baltimore City's Regional Human Trafficking Navigator, which operates a multidisciplinary response team that coordinates victims' services for trafficked children and adults up to age 24. Since 2011, our Anti-Human Trafficking & Exploitation Program has assisted numerous trafficking survivors in the Baltimore region. We support SB292's trauma response to trafficking victims.

Trafficking victims are generally coerced to commit other crimes. At Center for Hope, the majority of victims we have encountered have criminal charges related to their trafficking victimization. Victims are routinely coerced by their traffickers to, e.g., transport other victims, hold weapons, possess drugs, or commit additional crimes such as trespassing. This practice allows traffickers to escape criminal responsibility for many illegal activities that benefit them. It also, unfortunately, prevents a victim from obtaining an enhanced quality of life following their victimization by preventing them, from, e.g., enrolling in the armed forces or obtaining education, housing or employment.

SB292 helps decriminalize minor trafficking victims. Under current Maryland law, trafficked minors can still be incarcerated for prostitution and related crimes, including offenses that stem from their victimization, such as truancy and running away, as well as crimes that are common to street survival like trespassing, 4th degree burglary, and drug possession. The bill also helps ensure that victims can later seek to vacate judgements for crimes that were committed as a direct result of their trafficking, and thus help regain healthy, stable lives.

We urge a favorable report on SB292.

Adam Rosenberg, Esq., Executive Director, Center for Hope
arosenberg@lifebridgehealth.org (410) 469-4664

Joyce Lombardi, Esq., Government Relations
Joyce@JRLaw.group (410) 429-7050

FAV - SB292 - Criminal Law - Victims of Child Sex

Uploaded by: Justin Hayes

Position: FAV

Testimony in Support of SB 292
Criminal Law - Victims of Child Sex Trafficking - Safe Harbor and Service Response
Judicial Proceedings Committee – February 14, 2023

Committee Members: I am happy to offer my support for SB292. I am using this opportunity to provide testimony on this legislation as a former lead sponsor while a member of the House of Delegates and am now proud to see Senator Jeff Waldstreicher champion this issue. I appreciate the opportunity to continue the effort to move this specific legislation forward and bring additional attention to this issue.

The Goal: 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:

- Requires law enforcement 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 law enforcement from detaining a victim taken into custody in a juvenile detention facility
- Requires a stay of proceedings to employ a regional navigator to evaluate victim as a survivor of 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
- Protects victims from prosecution or from delinquency proceedings for a crime or civil offense.

As the elected CFO of the state, I will work to ensure that all Marylanders can reach their full potential through building a state that is more equitable, more resilient, and more prosperous – and that includes trafficking survivors.

The Problem: Trafficking both stems from and can contribute to economic insecurity. People – often young people – who are trafficked are more likely to be financially vulnerable and live in poverty, be unemployed, or be experiencing homelessness.

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. 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. Over



forty 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.

Sex-trafficking also imposes significant short and long-term impacts on our economy. A 2017 study by the Institute on Domestic Violence & Sexual Assault looked at the costs to the state of Texas. In addition to the high costs of exploited labor, they estimated \$6.5 billion for lifetime costs of providing care to victims and survivors of minor and youth trafficking.

One Solution: Passing Safe Harbor legislation will ensure that trafficking survivors can work with regional navigators without being prosecuted for actions that occurred while they were being trafficked. It is imperative that these survivors be given support to build financial capacity from the earliest days of their separation from their trafficker so that they can grow confidence and resilience. **I urge a favorable report on SB292.**



Brooke E. Lierman

Comptroller of Maryland

SB 292 - FAV - Women's Law Center of MD.pdf

Uploaded by: Laure Ruth

Position: FAV

BILL NO:	Senate Bill 292
TITLE:	Criminal Law – Victims of Child Sex Trafficking – Safe Harbor and Service Response
COMMITTEE:	Judicial Proceedings
HEARING DATE:	February 14, 2023
POSITION:	SUPPORT

Senate Bill 292 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.**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 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

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).

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 SB 292 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.

OPD Testimony SB 292.pdf

Uploaded by: Lauren Dollar

Position: FAV



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: SB 292, Criminal Law- Victims of Child Sex Trafficking and Human Trafficking-Safe Harbor and Service Response
FROM: Maryland Office of the Public Defender
POSITION: Favorable
DATE: February 13, 2023

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 292.

The Office of the Public Defender has represented countless young people who have been trafficked by the adults in their lives— both sex trafficked and labor trafficked.¹ 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.”² These young people should also be concerned about the potential systemic response to their situation as well: our system *often* responds to young people who are victimized by traffickers by locking them up “for their own safety.” Our system fears they will run away (when many *do* have a history of running away.) Our system fears they will return to their traffickers. Our system fears we will lose them. And so, they are locked in detention because of fear for their safety. But it is the wrong thing to do. Doing so should be outlawed in Maryland.

Detaining someone is inherently violent; the state locks you in a cage, with the threat of physical force if resisted. Detention is almost universally perceived by our clients as a rebuke or punishment. No matter how many times the system tells a young person they are being held in detention for their own protection, the young person perceives they are being criminalized and punished. Research shows that detention is actively harmful for young people, so, in effect, they are right. The harms of juvenile detention are well-documented. Secure detention exposes youth

¹ 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>.

² *Report of the Attorney General’s National Task Force on Children Exposed to Violence* at 188, available at <https://www.justice.gov/defendingchildhood/cev-rpt-full.pdf>.

to violence, exacerbates mental health issues, interrupts education, and leads to increased recidivism.³ 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.”⁴

By detaining the very children society seeks to support, the system alienates them, breaks trust with them, and sends the message that the adults in the legal system are willing to harm them too, consistent with their already negative experience with adults. The federal directive for how to help young people in this situation is clear: “Help, do not punish, child victims of sex trafficking.”⁵ The U.S. Attorney General’s *National Task Force on Children Exposed to Violence* asked localities to ensure that local law enforcement and 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.⁶ The Task Force report further directs that “[c]hild victims of commercial sex trafficking should not be treated 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.”⁷

Many youth who are dually-involved in both DJS and DSS find themselves stuck in between, with each agency attempting to abdicate responsibility for providing the child services themselves. Taking secure detention off the table for these youth would force these agencies to coordinate finding services and housing in a community-based setting that is therapeutic instead of punitive.

The Office of the Public Defender supports Senate Bill 292 as an important step to protecting children. It is also paramount to note, however, that youth who have been trafficked are often detained for running away, truancy, or violating other conditions of probation—all of which not covered by this bill. Similarly, many youth who come into contact with the justice system are coerced into performing labor for adults around them and may find themselves charged with offenses not listed in this bill. Thus, we urge the committee to issue a favorable report on this bill, but we hope that this is only one step forward. We hope in the future that the General Assembly

³ Barry Holman and Jason Ziedenberg, Justice Policy Institute, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities* 2-10 (2007).

⁴ 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.

⁵ 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.

⁶ *Report of the Attorney General’s National Task Force on Children Exposed to Violence* at 189, available at <https://www.justice.gov/defendingchildhood/cev-rpt-full.pdf>.

⁷ *Id.*

will expand these protections to all youth who are suspected victims of trafficking instead of limiting relief to “qualifying offenses.”

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on SB 292.

CJJ 2023 Testimony on SB 292.pdf

Uploaded by: Leslie Frey

Position: FAV



Montgomery County Commission on Juvenile Justice

February 14, 2023

Written Testimony in Support of SB292

Senator William C. Smith
Chair, Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, Maryland 21401

Dear Senator Smith:

Thank you for the opportunity to submit written testimony on behalf of the Montgomery County Commission on Juvenile Justice (MC CJJ) on Senate Bill 292, "Victims of Child Sex Trafficking and Human Trafficking – Safe Harbor and Service Response."

MC CJJ was established to advise the Montgomery County Executive, County Council and the Juvenile Court on matters concerning youth justice. Our work includes gathering and disseminating information from public and private agencies serving youth, monitoring youth justice programs and services, visiting facilities, closely following relevant state and local legislation, and making recommendations regarding youth needs.

The MC CJJ strongly supports Maryland Senate Bill 292. This bill provides essential protections to minors who are victims of sex or human trafficking by prohibiting trafficked minors from being placed in juvenile detention or being prosecuted if they committed an offense as a direct result of being a victim of sex trafficking or being a victim of human trafficking.

Far too often, the judicial system penalizes minors who have been exploited, without consideration given to the awful abuse they endured as a result of their trafficking. Girls in the juvenile justice system are disproportionately victims of sexual violence.¹ Approximately 73 percent of all juvenile justice involved girls, nationally, have histories of physical and sexual abuse.² The juvenile justice system often fails to address and, instead, exacerbates the trauma that caused the girls to be arrested in the first place, with some experiencing new incidents of abuse while locked up.³

¹ Malika Saada Saar, Rebecca Epstein, Lindsay Rosenthal, and Yasmin Vafa, "The Sexual Abuse to Prison Pipeline: The Girls' Story" (Human Rights Project for Girls, Georgetown Law Center on Poverty and Inequality, Ms. Foundation for Women, 2015): 7, [The Sexual Abuse To Prison Pipeline: The Girls' Story \(georgetown.edu\)](https://www.georgetown.edu/news/the-sexual-abuse-to-prison-pipeline-the-girls-story).

² Francine Sherman, Annie E. Casey Foundation, Pathways to Juvenile Justice Reform: Detention Reform and Girls Challenges and Solutions (2005).

³ Saar, et al, 12.

No child should be imprisoned as a direct consequence of their victimization. Rather, they should be treated as the victims that they are and provided resources and services to help them.

This bill would serve to protect vulnerable children by preventing child trafficking victims from becoming trapped in the legal system. It is an important step to take towards ending the sexual abuse to prison pipeline. We strongly urge you to support this bill and strongly urge a favorable Committee report. Thank you for your consideration.

Sincerely,



Kevin Redden, Chair
Montgomery County Commission on Juvenile Justice



VSAB SB292 2023.pdf

Uploaded by: Leslie Frey

Position: FAV



VICTIM SERVICES ADVISORY BOARD

February 14, 2023

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

Re: Support – SB 292 - Criminal Law - Victims of Child Sex Trafficking - Safe Harbor and Service Response

Dear Chairman Smith:

Senate Bill 292 alters the procedures that a law enforcement officer and a court are required to follow when either has reason to believe that a detained child is a victim of sex trafficking. Minors may not be criminally prosecuted or have proceedings brought against them as delinquent children for certain crimes or civil offenses if the minors committed the crime or civil offense as a direct result of sex trafficking. Among various notification requirements, the law enforcement officer must alert the regional navigator to determine the child's service needs.

The Montgomery County Victim Services Advisory Board (VSAB) advises the County Council and County Executive on meeting the needs of crime victims. These include victims of a broad range of violent crimes, including rape, domestic violence, sexual assault, and human trafficking. The number and severity of sexual assault and domestic violence cases referred to Montgomery County HHS Trauma Services increased substantially in the last several years when comparing intake data. Victims of child sex trafficking are often runaways fleeing untenable situations of family abuse, drug addiction and homelessness, making them easy prey for sex offenders. Traffickers often target victims with these and other vulnerabilities including those who struggle with mental health issues, as well as recent migration/relocation challenges. (<https://polarisproject.org/wp-content/uploads/2022/01/Human-Trafficking-Trends-in-2020-by-Polaris.pdf>).

Maryland was ranked as one of the 10 worst states (44th place) to receive a failing grade in every category listed by the Shared Hope International 2021 Report on Child & Youth Sex Trafficking. The report examined both "safe harbor" laws to prevent minors' prosecution and the state infrastructure for connecting children with needed help and resources. Maryland needs to do more to identify these children and to provide them with help. Senate Bill 292 protects children who are charged with prostitution or solicitation, theft, drug possession, and other nonviolent crimes committed under pressure from those controlling their activity. The notification requirements ensure that children who are victims of sex trafficking will receive the assistance they need.

VSAB asks the committee to issue a favorable report on SB 292.

Sincerely,

Neda Bolourian
VSAB Co-chair

Department of Health and Human Services

Trafficking - safe harbor - testimony - senate - 2

Uploaded by: Lisae C Jordan

Position: FAV



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
Fax: 301-565-3619

For more information contact:
Lisae C. Jordan, Esquire
443-995-5544
www.mcasa.org

Testimony Supporting Senate Bill 292 **Lisae C. Jordan, Executive Director & Counsel** February 14, 2023

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 292.

Senate Bill 292

Safe Harbor – Preventing Prosecution of Minor Victims of Sex Trafficking

“Safe Harbor” refers to the practice of prohibiting prosecution or juvenile proceedings against youth for prostitution or other crimes and instead providing services. Maryland is making slow but steady progress in its efforts to respond to sex trafficking. In 2012, sex trafficking was added to the definition of child abuse and this gave more trafficked children access to services from the Department of Human Services. In 2019, the legislature enacted the Child Sex Trafficking Screening and Services Act of 2019, initiating the creation of a network of “Regional Navigators” to help provide case management and services to youth survivors. Both the Department of Human Services and the Department of Juvenile Services are tasked with screening for trafficking in an effort to identify victims and provide better responses.

Despite this progress, Maryland is lagging 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 particularly with regard to access to justice.

Protection from Prosecution

Senate Bill 292 is the next step in improving Maryland's response to children and adolescents who are victims of sex trafficking. This bill would prohibit prosecution of these victims in either the criminal or

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>; see also,

<https://reportcards.sharedhope.org/year2022/maryland/>

² *Id.*

juvenile justice systems for a specified list of relatively low level non-violent crimes. Prosecution for “qualifying offenses” is prohibited. These are the same crimes that adult survivors of sex trafficking can seek to have vacated. Two crimes are added to this list: unauthorized use of a motor vehicle, and soliciting (but not paying for) prostitution. Prosecution in adult or juvenile proceedings would be prohibited when the act alleged is a direct result of sex trafficking. Determination of this issue would be by a judge after a motion from child’s counsel, the State’s Attorney, or the Court and both DHS and a Regional Navigator would be notified of determinations.

SB292 is carefully balanced to provide services, not punishment. It does not and should not address every case and fix every problem, but it is a necessary piece of justice.

Violent Crimes

The protected crimes in SB292 do not include protection from prosecution from violent crimes. While there has been discussion of whether safe harbor should extend to assault in the second degree, MCASA believes that this would be bad policy because it would elevate the needs of one victim over another, disregard crime victim rights, and create great risks. In particular, MCASA is concerned that prohibiting prosecution of assault could incentivize adult traffickers to encourage minors who are helping manage other victims to beat the other victims because they could not be prosecuted for assault. There are simply other better ways to address the needs of sex trafficking victims who commit violent crimes and the legislature should not explore these as a separate policy issue. SB292 will provide “safe harbor” for nonviolent offenses.

SB292 continues Maryland’s progress towards a workable and sensitive safe harbor policy to address sex trafficking of children and adolescents in Maryland.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to report favorably on Senate Bill 292**

sb292.pdf

Uploaded by: Matthew Pipkin

Position: FAV

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 292
Criminal Law – Victims of Child Sex Trafficking and Human
Trafficking – Safe Harbor and Service Response
DATE: February 1, 2023
(2/14)
POSITION: Support

The Maryland Judiciary supports Senate Bill 292. This bill would amend the Courts and Judicial Proceedings Article, the Criminal Procedure Article, and the Family Law Article. It would change the required procedures for the police and the court when a child is alleged to have committed a delinquent act and the child might be a victim of sex trafficking. It also prohibits a youth from being detained for any offense for which an adult may petition the court for vacatur of a conviction on the basis of being trafficked, if the youth committed the act as a result of being trafficked.

The Judiciary supports the intention of the bill, and notes that legislation to support minors who have been victims of sex trafficking should be a priority. The proposed legislation provides an important step towards addressing the needs of minor victims of human trafficking. Maryland's lack of statutory protections for youth who commit delinquent acts as a direct result of being trafficked has been noted by advocacy groups such as Shared Hope International, a national nonprofit that performs in-depth analyses of each state's laws, services, and protections for victims of human trafficking.

cc. Hon. Jeff Waldstreicher
Judicial Council
Legislative Committee
Kelley O'Connor

SB 292_MNADV_FAV.pdf

Uploaded by: Melanie Shapiro

Position: FAV



BILL NO: Senate Bill 292
TITLE: Criminal Law - Victims of Child Sex Trafficking - Safe Harbor and Service Response
COMMITTEE: Judicial Proceedings
HEARING DATE: February 14, 2023
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 292.**

Senate Bill 292 will provide a safe harbor for child victims of sex trafficking. Trafficking and domestic violence are both based on power and control dynamics. It is also all too common for a victim of trafficking to be in love with or in a relationship with their trafficker, whether that relationship violates statutory rape laws or not. Traffickers lure their victims with promises of love, clothing, food, and shelter. They prey on children's vulnerabilities which may include living in poverty, involvement with the child welfare system, or a mental health diagnosis. Then the traffickers might beat or rape or brand child victims and force them to commit acts of prostitution. Other offenses may be committed as well at the direction of the trafficker or as acts of survival.

Yet Maryland's laws do not treat child victims of sex trafficking as victims they treat them as delinquents. Our laws allow for exploited children, for victimized children to be arrested, to be detained and to be prosecuted for the very acts that their trafficker forced them to do. We must amend Maryland's laws to join the other states that treat child victims of sex trafficking as victims and recognize that they should not be prosecuted or stigmatized for being a victim of horrific crimes. Under existing law child sex trafficking is a form of abuse. Services for child victims of sex trafficking are available through the Regional Navigators established in 2019.

Providing Safe Harbor for child victims of sex trafficking Maryland is a crucial step to improving the status of Maryland who continues to receive a failing grade in its treatment of child victims of sex trafficking according to Shared Hope International. SB 292 creates a necessary process for shifting a child from a punitive system to a protective system if their victimization is identified after a delinquency case commenced. Extending the safe harbor protections to offenses related to a child's victimization including status offenses and charges such as theft and trespass is a first step to improving Maryland's treatment of child victims of sex trafficking.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 292.**

For further information contact Melanie Shapiro • Public Policy Director • 301-852-3930 • mshapiro@mnadv.org

1997 Annapolis Exchange Parkway, Suite 300 • Annapolis, MD 21401
Tel: 301-429-3601 • E-mail: info@mnadv.org • Website: www.mnadv.org

OfficeofSecretaryofState_Favorable_SB292.pdf

Uploaded by: Michael Lore

Position: FAV

STATE OF MARYLAND

EXECUTIVE DEPARTMENT

WES MOORE

GOVERNOR

ARUNA MILLER

LT. GOVERNOR



**OFFICE OF THE SECRETARY OF STATE
STATE HOUSE**

ANNAPOLIS, MARYLAND 21401
(410) 974-5521
TOLL FREE 888-874-0013
FAX (410) 974-5190
TDD: 800-735-2258

SUSAN C. LEE
SECRETARY OF STATE

February 14, 2023

Senate Judicial Proceedings Committee

SB 292 - Criminal Law - Victims of Child Sex Trafficking and Human Trafficking - Safe Harbor and Service Response

The Office of the Secretary of State requests a favorable report on Senate Bill 292. This is our letter of information about the Safe Harbor for Youth Victims of Sex Trafficking. It has been nearly a decade since this office [initiated and chaired the 2015 in-depth study on the same issue](#). The goals of this legislation are ingrained within our mission to shield the whereabouts of crime survivors under the Address Confidentiality Program, [including survivors of human trafficking](#).

Despite two final reports issued from the Workgroup [in 2017, and 2018](#), as well as important [legislation from 2019](#) in this space, Maryland does not provide Safe Harbor for Youth Victims of Human Trafficking. This status has led to a [failing grade from Shared Hope International's Child and Youth Report Card](#). Their Maryland specific [in-depth analysis](#) is worth reading, but the main takeaway from their insights for the purpose of this hearing is that we can earn high-marks and protect child survivors of trafficking if we simply pass this legislation before you today.

Please stand with youth survivors of trafficking who are accused of minor crimes, so that they may seek and receive vital resources to allow them to regain their lives back. The Address Confidentiality Program has several survivors who identify, or whose families identify their children as survivors of trafficking, but far more are misidentified as merely survivors of intimate partner violence. Our vital services should be available to both categories of victims, but those who commit crimes under duress deserve this relief and the ability to live in safety going forward. Free from the influence of their abusers and traffickers, and in this limited circumstance, free from an arrest and the long-term harm that interaction may cause. We want youth victims of human trafficking to seek services, not run away from them, but the status quo reinforces distrust of law enforcement, which is drilled into the heads of trafficked children, and revictimizes those who we should instead encourage to seek help.

For these reasons, the Office of the Secretary of State asks for a favorable report on SB 292.

SB292_FAV_UMB_PARI_FiniganCarr Feb2023.pdf

Uploaded by: Nadine Finigan-Carr

Position: FAV

BILL NO: Senate Bill 292
TITLE: Criminal Law – Victims of Child Sex Trafficking and Human Trafficking – Safe Harbor and Service Response
COMMITTEE: Judicial Proceedings
HEARING DATE: February 13, 2023
POSITION: SUPPORT

The 2017 Protecting Victims of Trafficking Act defined child sex trafficking and provided for youth who have experienced trafficking to receive a trauma-informed, child-centered response via the child welfare system as opposed to the juvenile justice system. Senate Bill 292 would extend the protections available to child sex trafficking victims established by the 2017 Act and codified in the Child Sex Trafficking Screening and Services Act of 2019 by providing additional protections especially for those youth trafficking victims who have been charged with prostitution and other related crimes. The University of Maryland School of Social Work’s Prevention of Adolescent Risks Initiative (PARI) supports this bill because it protects as opposed to criminalizes the most vulnerable victims, the children of Maryland, and provides them with much needed services.

Over the past decade, PARI has worked diligently in collaboration with the Governor’s Office of Crime Prevention, Youth, and Victim Services, the Maryland Human Trafficking Task Force and Maryland’s Departments of Human Services and Juvenile Services to build the infrastructure for our state to address the issue of child sex trafficking. For the past few years, we have served as the Training and Technical Assistance provider for Maryland’s Regional Navigator program assisting in the coordination of their service response with state agencies and victim service providers.

Our work has allowed the state to better understand the risks and protective factors for youth; and, to train stakeholders from numerous disciplines to be able to better support those youth at risk and already being trafficking in our communities. Despite all of this, Maryland is currently ranked behind forty-two other states and the District of Columbia in our legal response to child sex trafficking¹. When Shared Hope International published their 2021 annual review of the effectiveness of victim protection laws, we received an F and ranked in the bottom 10 states for treatment of child victims of sex trafficking nationwide.²

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.*

Traffickers often target runaway and homeless youth, as well as children who have been abused or neglected. When minors are forced to engage in commercial sex, it places them at risk for prosecution under prostitution laws. When child trafficking victims are convicted of prostitution, they are often transferred from the control of a trafficker to the control of the juvenile justice system. Services currently being provided to Maryland youth who have experienced the trauma of trafficking do not extend to youth who are incarcerated for actions stemming from their trafficking experience. This Safe Harbor law will ensure that trafficked children are treated as victims, not criminals, and provide access to medical care, safe housing, remedial education, and counseling services.

Maryland's trafficked youth deserve better. Safe Harbor Laws protect child victims of sex trafficking from unjust criminalization. Further, because this law will redirect arrested minors from juvenile delinquency proceedings to child protection proceedings, it will give sexually exploited children access to specialized services needed to become productive citizens as they transition to adulthood. Our focus in Maryland needs to become prevention and protection NOT incarceration for youth who have experienced trafficking.

For all the reasons stated above, UMSSW Prevention of Adolescent Risks Initiative supports SB 292 and respectfully encourages a favorable report.

A handwritten signature in purple ink that reads "Nicole M. Ly-Carr". The signature is written in a cursive style and is positioned to the left of a vertical line.

JJMU TESTIMONY IN SUPPORT OF SB 292 - Victims of C

Uploaded by: Nick Moroney

Position: FAV



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
JUVENILE JUSTICE MONITORING UNIT

TESTIMONY IN SUPPORT OF SB 292: JUVENILE COURT - JURISDICTION
Judicial Proceedings Committee
February 14, 2023

Submitted by Nick Moroney, director, and Margi Joshi, senior monitor, Juvenile Justice Monitoring Unit

The Juvenile Justice Monitoring Unit (JJMU) supports SB 292. The JJMU is a state agency within the Maryland Attorney General's office. We work to prevent abuse and ensure appropriate services in the deep end of Maryland's juvenile justice system. Our reports are at: <https://www.marylandattorneygeneral.gov/pages/jjm/default.aspx>

The passage of SB 292 is a critical step needed to minimize the exposure of victims of sex trafficking and human trafficking to the harmful effects of incarceration and justice system involvement and instead provide opportunities for community-based interventions to help abused and traumatized children and young people youth to heal and, we hope, to thrive. Incarceration in general is a failed approach to meeting young people's needs and so detracts from rather than enhances community safety. Studies have shown that confinement endangers the mental and physical well-being of children and young people and stymies their overall development as well as, ultimately, their future chances of educational and career success.

Child victims of sex trafficking suffer from complex trauma and a history of sexual and physical abuse. Because of this, they face unique challenges that require specifically tailored treatment resources and services in normalized, community-based settings. The correctional approach in jails and prisons and in juvenile detention centers and placement centers includes exposure to strip searches and shackling and a reliance on physical and mechanical restraints and seclusion to maintain behavioral compliance – all of which exacerbate underlying mental health and trauma-related conditions and further re-traumatize sex trafficking victims. Girls and boys who are sex trafficked are victims of child abuse and justice system involvement exposes these victims to further harm and perpetuates the maltreatment by abusers that they have experienced by subjecting them to the routine practices that come with incarceration, including forced separation from family and community.

Additionally, there is a real danger of further predation once incarcerated. A survey of incarcerated youth in 2018 found that 7% reported being victimized sexually in the prior year, most by staff or other incarcerated youth. In 2021, a girl housed in a Maryland juvenile system facility was "groomed" by a male staffer who subsequently entered into a sexual relationship with her after she was released. Victims of sex trafficking are safer in the community (rather than in congregate facilities) as they can access individualized treatment through resources and services provided by specially trained and qualified professionals who can help victims to address their individual situation and circumstances.

For all of the above detailed reasons, the JJMU supports SB 292 and respectfully urges the committee to give the bill a favorable report.

JJMU TESTIMONY IN SUPPORT OF SB 292 - Victims of C

Uploaded by: Nick Moroney

Position: FAV



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
JUVENILE JUSTICE MONITORING UNIT

TESTIMONY IN SUPPORT OF SB 292: JUVENILE COURT - JURISDICTION
Judicial Proceedings Committee

February 14, 2023

Submitted by Nick Moroney, director, and Margi Joshi, senior monitor, Juvenile Justice Monitoring Unit

The Juvenile Justice Monitoring Unit (JJMU) supports SB 292. The JJMU is a state agency within the Maryland Attorney General's office. We work to prevent abuse and ensure appropriate services in the deep end of Maryland's juvenile justice system. Our reports are at: <https://www.marylandattorneygeneral.gov/pages/jjm/default.aspx>

The passage of SB 292 is a critical step needed to minimize the exposure of victims of sex trafficking and human trafficking to the harmful effects of incarceration and justice system involvement and instead provide opportunities for community-based interventions to help abused and traumatized children and young people to heal and, we hope, to thrive. Incarceration in general is a failed approach to meeting youth needs and so detracts from rather than enhances community safety. Studies have shown that confinement endangers the mental and physical well-being of children and young people and stymies their overall development as well as, ultimately, their future chances of educational and career success.

Child victims of sex trafficking suffer from complex trauma and a history of sexual and physical abuse. Because of this, they face unique challenges that require specifically tailored treatment resources and services in normalized, community-based settings. The correctional approach in jails and prisons and in juvenile detention centers and placement centers includes exposure to strip searches and shackling and a reliance on physical and mechanical restraints and seclusion to maintain behavioral compliance – all of which exacerbate underlying mental health and trauma-related conditions and further re-traumatize sex trafficking victims. Girls and boys who are sex trafficked are victims of child abuse and justice system involvement exposes these victims to further harm and perpetuates the maltreatment by abusers that they have experienced by subjecting them to the routine practices that come with incarceration, including forced separation from family and community.

Additionally, there is a real danger of further predation once incarcerated. A survey of incarcerated youth in 2018 found that 7% reported being victimized sexually in the prior year, most by staff or other incarcerated youth. In 2021, a girl housed in a Maryland juvenile system facility was "groomed" by a male staffer who subsequently entered into a sexual relationship with her after she was released. Victims of sex trafficking are safer in the community (rather than in congregate facilities) as they can access individualized treatment through resources and services provided by specially trained and qualified professionals who can help victims to address their individual situation and circumstances.

For all of the above detailed reasons, the JJMU supports SB 292 and respectfully urges the committee to give the bill a favorable report.

SB 292 - MoCo_Morningstar_FAV (GA 23).pdf

Uploaded by: Sara Morningstar

Position: FAV



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 292

DATE: February 14, 2023

SPONSOR: Senator Waldstreicher, et al.

ASSIGNED TO: Judicial Proceedings

CONTACT PERSON: Sara Morningstar (Sara.Morningstar@montgomerycountymd.gov)

POSITION: SUPPORT

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

Senate Bill 292 is a reintroduction of legislation that passed the House in 2022 but failed to advance in the Senate. This “Safe Harbor” bill seeks to protect minors (17 years old and younger) who are victims of sex trafficking by prohibiting police officers from charging the child with a crime associated with being a victim of sex trafficking (e.g., prostitution, truancy, running away, etc.). It would also require that the police contact the regional navigator, the local child welfare services department and/or the child’s parent/guardian (if deemed safe to do so). The bill also prohibits the alleged victim from being detained in a juvenile detention facility. Montgomery County supports this legislation. It is also a legislative priority of the Commission for Women as well as the Maryland Human Trafficking Prevention Task Force, and Montgomery County’s Human Trafficking Task Force.

Maryland was recently ranked as one of the 10 worst states in the country to receive a failing grade in every category listed by the Shared Hope International 2021 report on child and youth sex trafficking. There is a gap in services for vulnerable minors who find themselves victimized due to unsafe familial environments, mental illness, substance use, stigma, and immigration issues. This bill would offer more safeguards to ensure these children are protected and that the right agencies are involved in their care.

Montgomery County supports Senate Bill 292 and urges that the Committee adopt a favorable report.

SB292 Testimony.pdf

Uploaded by: Sophie Aron

Position: FAV



UNIVERSITY OF MARYLAND
SAFE CENTER

BILL NO: Senate Bill 292
TITLE: Criminal Law - Victims of Child Sex Trafficking and Human Trafficking
- Safe Harbor and Service Response
COMMITTEE: Judiciary/Judicial Proceedings
HEARING DATE: February 14, 2023
POSITION: SUPPORT

TESTIMONY IN SUPPORT OF HB297

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

From:

Sophie Aron, MSW, Research and Program Coordinator, University of Maryland SAFE Center for Human Trafficking Survivors

Date: February 14, 2023

The University of Maryland Support, Advocacy, Freedom, and Empowerment (SAFE) Center for Human Trafficking Survivors provides survivor-centered and trauma-informed services that empower trafficking survivors to heal and reclaim their lives. The SAFE Center offers a one-stop-shop for survivors of sex and labor trafficking of all nationalities, ages, and genders to access multi-disciplinary services, including four direct services programs: social services, legal, behavioral health, and economic empowerment.

The SAFE Center aims to prevent trafficking and better serve trafficking survivors through research and policy advocacy. The SAFE Center is an initiative of the University of Maryland Strategic Partnership: MPowering the State – a collaboration between the University of Maryland, Baltimore and the University of Maryland, College Park. We are part of the Graduate School, University of Maryland, Baltimore.

The University of Maryland SAFE Center supports the passage of SB292 Criminal Law - Victims of Child Sex Trafficking and Human Trafficking - Safe Harbor and Service Response because this law ensures minor victims of sex trafficking, commercial sexual exploitation, and human trafficking in Maryland are treated as victims of child abuse. Between June 2013 and July 2022, there have been 931 reports of child sex trafficking screened by Maryland DSS CPS Screening Units.¹ These youth require a child welfare, rather than juvenile justice, response to ensure they are safe, stable, and connected to proper trauma-specific treatment. By ensuring child victims of trafficking are not charged with crimes stemming from their trafficking, SB292 will prevent victims from being criminalized, detained in juvenile detention, improperly labeled, or shrugged off as delinquents, offenders, or “frequent flyer” runaways.

In 2019, the University of Maryland SAFE Center was appointed by the Governor’s Office of Crime Prevention, Youth, and Victim Services as the Regional Navigator for victims of sex trafficking under the age of 24 in Montgomery County and in 2020, was also appointed as the Regional Navigator for Prince George’s County. As the Regional Navigator for these counties, we work to:

¹ 2013-2021 Child Electronic Social Services Information Exchange (CHESSIE), Child Juvenile & Adult Management System (CJAMS); DHS- SSA, as analyzed and reported by the Prevention of Adolescent Risks Initiative, University of Maryland, Baltimore School of Social Work



- Increase awareness in Montgomery and Prince George's counties of sex trafficking involving youth victims aged 24 and under.
- Effectively identify child and youth victims of sex trafficking.
- Receive referrals involving suspected or confirmed child sex trafficking victims from both counties' law enforcement departments, Child Welfare Services offices, and other youth-serving organizations in the jurisdictions.
- Connect suspected or confirmed child sex trafficking victims with critical services, including safety planning, emergency response, basic living needs, trauma counseling, connection to drug and alcohol abuse treatment centers, legal services, victim advocacy, and case management.
- Implement a methodology to evaluate and report gaps in services in Montgomery County and Prince George's County for sex trafficking victims aged 24 and under.

In serving as the Regional Navigator, we have seen first-hand how trafficked youth are often criminalized as a result of their trafficking. Between 2010 and 2020, there were 1098 arrests in Maryland of young people ages 21 and under for Prostitution & Commercialized Vice.¹ Of these arrests, 110 were of minor children (ages 17 and under), including 33 arrests for prostitution of children *15 years old and younger*. This unacceptable response to young people defined by federal and state law as victims of sex trafficking requires immediate intervention. In fact, **Maryland ranks behind forty-two other states, plus the District of Columbia, in their legal response to child sex trafficking.**² Maryland not only received an F from Shared Hope International on the effectiveness of its victim protection laws in their 2022 annual review but was also ranked in the bottom 15 states for treatment of child victims of sex trafficking nationwide.³

SB292 builds on Maryland's critical 2019 Child Sex Trafficking Screening & Services law that established the Regional Navigator grant program and expanded access to services for victims of sex trafficking under the age of 24. SB292 ensures that "a minor child may not be criminally prosecuted or proceeded against as a delinquent child.... for a qualifying offense...if the minor committed the underlying act as a direct result of sex trafficking or human trafficking." This critical protection would ensure that Maryland has a true Safe Harbor law for minor victims of sex and labor trafficking. SB292 also strengthens reporting requirements to ensure law enforcement, the Maryland Department of Human Services and the Local Departments of Social Services, and Regional Navigators collaborate effectively and follow appropriate information-sharing procedures.

For these reasons, the UM SAFE Center supports the passage of SB292: Criminal Law - Victims of Child Sex Trafficking and Human Trafficking - Safe Harbor and Service Response.

Sophie Aron
Research and Program Coordinator
Sophie.aron@umaryland.edu
301-802-9819

¹ *Id.*

² 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>.

³ *Id.*

SB0292 UNFAVORABLE vmcavoy.pdf

Uploaded by: vince mcavoy

Position: UNF

SB0292 Senator Waldstreicher / JPR Hearing
UNFAVORABLE

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

I urge an UNFavorable on this bill. This bill will bring more and younger children into the business of prostitution, child pornography and child trafficking. It will also increase crime in areas where prostitution exists. Additionally, the Maryland Judicial Conference is against the bill.

https://mgaleg.maryland.gov/cmte_testimony/2022/cap/1-WsM-Ph-OC76oS5HfEX3gtNy5TAgtNqR.pdf

Ending charges of prostitution will not help those who've ended up in prostitution, whether by their own choice or through coercion.

<https://catwinternational.org/wp-content/uploads/2019/09/Ten-Reasons-for-NOT-Legalizing-Prostitution.pdf>

Lawmakers, I strongly urge an UNFavorable on this will. The intent is to minimize those youth who get caught up in prostitution. There is an awful methodology used in Annapolis hearing rooms that to free one young criminal lawmakers & jailers must empty the prisons.....out of empathy & kindness, they so delude themselves.. The advocates are frequently former convicts, employing relativistic ethics.. This bill has been contemplated in California, where citizens determined the harm would far outweigh any good. Hispanic Sheriffs have been outspoken about the harm such a bill brings. And the actual harm is increased numbers and duration of teen prostitution. Communities' crime

[Violent crime rates as a proxy for social determinants of STD rates: the consistent state-level correlation between violent crime and reported STDs in the United States, 1981–2010. Sex Health. 2013] and disease will increase. American and illegal alien children will be victimized by such a bill. Note which demographic(s) will be harmed. This bill aims to harm them. "...note a troubling pattern for Black Americans. Chlamydia,

gonorrhea, HIV and syphilis top the list of most reported new sexually transmitted infections (STIs) globally. STD rates are typically 5-8 times higher for African Americans or Black people than for non-Hispanic White people. This year's data suggest that the city with the highest STD rate was Jackson, Mississippi, which was followed by Baltimore....

...The new data shows gonorrhea cases in women — which have gradually increased since 2014 — went up steeply last year. .. infections among women grew more sharply in recent year, data shows... ..Black and Latino women accounted for the majority of female gonorrhea and syphilis cases, officials said."

<https://patch.com/new-york/new-york-city/syphilis-gonorrhea-surge-among-nyc-women-healthofficials-say>

AS A REMINDER TO THE LAWMAKERS, I HAVE BROUGHT SOLUTIONS/BILLS TO ANNAPOLIS FOR ABOUT A DECADE TO REDUCE THE INCIDENCE OF DRUG USE, TEEN CRIME AND PROSTITUTION, ET CETERA ET CETERA.

You simply don't seem concerned about fixing these issues as you ignore nationally-recognized experts on reducing fatherlessness in Maryland. HIV is spreading and will spread even more with this bill. "Baltimore has the highest rate of Sexually Transmitted Diseases (STD) in the U.S. and D.C. isn't far behind, according to a new study... CDC attributes the following factors to the rise of STDs in the U.S.: Drug use,...Decreased condom use among vulnerable groups, including young people and gay and bisexual men"

<https://wjla.com/news/local/baltimore-dc-20-us-cities-highest-std-rates>

This bill will have the effect of legalizing prostitution for children. In just the last year, New York and NYC have been testbeds of such awful policy.

It will bring a generational curse of these teens, similar to the pre Rudy Guiliani era in NYC, which was both dangerous in disease spread and with crime spreading. Prostitution And Massage Parlors Now Legal In New York City as reported APRIL 23, 2021

"...NEW YORK, NY – The 80's are back. New York City's rising crime and violence will now be joined by legal prostitution as the city's district attorney said his office will no longer prosecute prostitution. Although the laws of the state prohibit prosecution, Mayor Bill DeBlasio's action essentially legalizes the activity in the city of New York. ...the Office's new policy to decline-to-prosecute prostitution and unlicensed massage,...preventing unnecessary future contacts with the criminal justice system, eliminating the collateral consequences associated with having a prostitution case or conviction, and empowering New Yorkers to interact with law enforcement without fear of arrest or deportation. D.A. Vance also moved to dismiss 5,080 Loitering for the Purpose of Prostitution cases, following New York State's repeal of the statute known as "Walking While Trans" earlier this year..." This shows the high prevalence of transgenders leaning on state support systems as they continue (what was often) prison prostitution on the streets, spreading cases of HIV. Shop owners in City - one being a (well-known) homosexual-owned coffee shop - have told me that they are a blight to business in addition to disease & mental health concerns.

"...Black, Brown and East Asian women and girls, immigrants, and LGBTQ+ people have been disproportionately... 'loitering for the purpose of prostitution' and 'unlicensed practice of a profession' ...we will decline to prosecute these arrests outright, providing services and supports solely on a voluntary basis

<https://www.shorenewsnetwork.com/2021/04/23/prostitution-and-massage-parlors-now-legal-in-newyork-city/>

Instead of mandatory testing, temporary cessation of prostitution while imprisoned and appropriate shunting of cases for those who merit juvenile adjudication, all children will be permanently freed to their own youthful devices and tendencies on the streets. Prostitution and drug addicts will not seek help until they are walking **disease-spreader**, bringing communities across Maryland to increased harm and danger. But our neighbors to the north will solidify child trafficking as a workable business model up and down the Mid-Atlantic with this bill. Children will increasingly be trafficked across state lines and - with our porous national borders - in and out of the country when police don't

arrest children caught up in the sex trade. "Philadelphia has the fourth highest transmission rate with 2,827 per 100,000 inhabitants. Jackson, Mississippi, **Baltimore, Maryland** and San Francisco, California occupy the top three spots. Chlamydia, gonorrhea and syphilis are the three sexually transmitted diseases with the highest growth in infections. Together, they increased by nearly 30% between 2015 and 2019. Within the top 20 cities with the most infections, New York has the most HIV cases (97,206), Atlanta followed with 31,833, Miami..."

<https://www.aldianews.com/leadership/advocacy/std-numbers-us>

These increases in New York happened directly as a result of such laxity as seen in the Sponsor's bill. "Health Department Reports an Increase in Sexually Transmitted Infections in New York City From 2019 to 2020 ... Primary and secondary syphilis diagnoses increased among both men and women; gonorrhea diagnoses increased among women from 2019 to 2020..."

October 13, 2021 — The Health Department today released preliminary data on sexually transmitted infections (STIs) in 2019 and 2020 in New York City. According to the New York City STI Surveillance Data Report (PDF), from 2019 to 2020, rates of primary and secondary (P&S) syphilis – the stages during which syphilis is most infectious – increased 9% for men and 24% for women, rates of gonorrhea increased 5% for women and decreased 19% for men..."

<https://www1.nyc.gov/site/doh/about/press/pr2021/health-department-reports-increase-in-sti.page>

<https://blackdoctor.org/cities-with-the-most-stds/>

<https://rollingout.com/2021/08/14/this-list-of-cities-with-the-highest-std-transmission-rates-maysurprise-you/>

I strongly urge an unfavorable. Quit allowing these misguided bills which remove pinch points which can straighten out our fatherless children. And, if you wish to prevent their interaction with the criminal justice system in the first place, take heed with the many ways we bring to reduce fatherlessness each year.

Humbly

~vince

NASW Maryland - 2023 SB 292 LOI - Safe Harbor - Se

Uploaded by: Mary Beth DeMartino

Position: INFO

Judicial Proceedings

Senate Bill 292: Criminal Law – Victims of Child Sex Trafficking and Human Trafficking – Safe Harbor and Service Response

February 14, 2023

****Letter of Information****

The Maryland Chapter of the National Association of Social Workers represents social workers statewide. We strongly support the intent of SB292: Criminal Law – Victims of Child Sex Trafficking and Human Trafficking – Safe Harbor and Service Response, which would ensure a non-criminal response that emphasizes services for youth apprehended for sex-trafficking and related crimes. As one witness in the House Bill hearing indicated, “this legislation is critical to victims of child sex-trafficking.”

We would, however, be remiss if we didn’t point out that when a youth with high intensity needs has parents or kin unwilling or unable to provide safe care, literally the only foster care placement option may be a hotel. As the witness from the public defender’s office pointed out, what some youth need is a bona fide ‘safe harbor’ in community-based facilities to meet their unique needs. Few would consider a hotel to offer that ‘safe harbor’ to a sex or human trafficked youth.

In addition, the vital importance of rapport building was emphasized as critical to engaging with victims in reparative work. If as anticipated, there are child victims in need of the ‘safe harbor’ of a foster care placement instead of detention, having a sufficient number of foster care caseworkers to attend to individual and family needs is also critical. Right now, the Department of Human Services has the highest vacancy rate among state agencies.

In short, we strongly support SB292, but know it cannot be successful without a full continuum of resources for victims, including foster care placements able to meet their unique needs and caseworkers in sufficient numbers to build the rapport that can be reparative.

Judith Schagrin, LCSW-C
Co-Chair, Legislative Committee

SB0292_DHS_INFO.pdf

Uploaded by: Rachel Sledge

Position: INFO

Date: February 14, 2023

Bill number: SB0292

Committee: Senate Judicial Proceedings Committee

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

DHS Position: **LETTER OF INFORMATION**

The Maryland Department of Human Services (DHS) thanks the Committee for the opportunity to provide written information regarding Senate Bill 292 (SB 292).

DHS supports the intention of SB 292 to address the revictimization and expanded impact of trauma on individuals who are suspected of an alleged criminal offense if the child is determined to be a victim of sex or human trafficking and the qualifying offense was the direct result of trafficking. Victims of trafficking deserve the best trauma informed care that can be provided.

Since 2013, the Social Services Administration (SSA) has partnered with the University of Maryland School of Social Work to develop a comprehensive child welfare response to child trafficking and this partnership has led to collaboration between Local Departments of Social Services (LDSSs), the Regional Navigators, the Governor's Office of Crime Prevention, Youth and Victim Services and the Maryland Human Trafficking Task Force. DHS has representation at the monthly Victims of Trafficking meeting which is a subcommittee of the Maryland Human Trafficking Task Force. In 2015, The University of Maryland School of Social Work and DHS/SSA developed training about human trafficking and the commercial sexual exploitation of children in the child welfare system. In 2019, this training became required for new child welfare employees through the Child Welfare Academy's foundation track. In 2021, a workgroup composed of representatives from the LDSS and Regional Navigator Programs developed a report on best practice recommendations for how to support collaboration and coordination of services through this initiative. This workgroup generated creative solutions to address barriers to serving Trafficking victims, as well as practice guidance for future Regional Navigator Programs and LDSS. Aside from work related to sex trafficking, DHS participates in the Maryland Child Labor Trafficking Learning Collaborative to support the State's efforts to better understand the issue of child labor trafficking and to develop best practice recommendations for improving identification of labor trafficking victims and access to services.

The Regional Navigator program has been a great start to providing specialized services for victims of trafficking. As of January 2023, the Regional Navigator Program is active in ten jurisdictions with ten more jurisdictions that have recently been awarded grant funding; however, the positions have not been filled. The ten jurisdictions with active Regional Navigator Programs have seen turnover and do not all currently have someone in the position. The positions are not state positions, but rather grant funded. The Regional Navigator program does not offer specialized placement or housing services that many victims of trafficking require. The bill is unclear as to what will occur in the jurisdictions without the Regional Navigator position filled.

DHS is committed to serving vulnerable populations including children and adolescents who have been victimized through trafficking. Experiences from the LDSS in serving victims of trafficking demonstrates a



need for a broad array of evidence-based treatment that is not necessarily available in all jurisdictions. Even when treatment programs exist, they may not meet the needs of individuals who have been traumatized by repeated victimization that often occurs from trafficking. To effectively implement the intentions of SB 292 as it is currently written specialized services for the population must also be addressed.

The Department is grateful to offer the aforementioned information on SB 292 for the Committee's consideration during your deliberations and welcomes the opportunity to discuss further.

