



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

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.<sup>2</sup> 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.<sup>3</sup> 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.

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<sup>1</sup> Shared Hope International, *Report Cards on Child & Youth Sex Trafficking: 2021 Toolkit* 40-43 (2021), <https://reportcards.sharedhope.org/wp-content/uploads/2021/10/2021Toolkit.pdf>.

<sup>2</sup> Shared Hope International, *Report Cards on Child & Youth Sex Trafficking: Analysis Report Maryland* 6-7 (2021), <https://reportcards.sharedhope.org/wp-content/uploads/2021/11/2021-State-Analysis-MD.pdf>.

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