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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