House Bill 297
Criminal Law - Victims of Child Sex Trafficking and Human Trafficking– Safe
Harbor and Service Response
Judiciary Committee – February 9, 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 HB0297. 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. WDC thanks Delegate Bartlett and her co-sponsors for sponsoring this legislation to clear up the apparent confusion between child criminals and child victims for law enforcement officials and the courts.

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.

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[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.

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 HB0297 and strongly urge a favorable Committee report.

Diana E. Conway   Beth Tomasello
WDC President   WDC Advocacy Committee

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[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