



MARYLAND
CATHOLIC
CONFERENCE

March 28, 2023

SB 292

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

House Judiciary 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/>