

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: Judiciary
HEARING DATE: March 28, 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).