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March 28, 2023

Delegate Luke Clippinger, Chair  
Delegate David Moon, Vice Chair  
Judiciary Committee  
House Office Building  
Annapolis, MD 21401

**RE: Senate Bill 292- Criminal Law - Victims of Child Sex Trafficking and Human Trafficking - Safe Harbor and Service Response**

Position: **Support**

Dear Chair Clippinger, Vice-Chair Moon, and Members of the Committee:

The Maryland Psychological Association represents over 1000 doctoral level psychologists throughout the state. We write in **SUPPORT of Senate Bill 292**, which would offer much-needed protection to children who are victims of human and sex trafficking. The issue of human and sex trafficking is one that significantly affects the economically vulnerable, persons with disabilities, and runaway youth, with disproportionate vulnerability for youth who identify as gay, lesbian, bisexual, and transgender (APA, 2017).

Given our team’s collective expertise in child development, trauma, and the harmful effects of incarceration, we view SB 292 as common-sense legislation that aligns with psychological science. Respectfully, the very notion that a child could be prosecuted for prostitution is an affront to the basic science of human development.

Children who fall victim to human and sex trafficking have been robbed of their dignity and agency. Without this bill, the adults who are abusing these children could be more empowered to use law enforcement to coerce and control their minor victims who do not yet have the maturity to consider alternatives solutions to desperate circumstances. Therefore, we urge a **FAVORABLE REPORT** for SB 292.

As written, the bill outlines steps in the notification process that are sufficiently adaptable to prioritize the safety of a child who is suspected to be a victim of human or sex trafficking. Furthermore, the “qualifying offenses” listed in SB 292 accurately reflect problematic behaviors that may be more likely to occur if a child is lacking safety, or in an otherwise coercive situation, such as human or sex trafficking.

As experts in child development and human behavior, we see that both empirical research and professional experience remind us that such acts—theft, substance abuse, and unsafe sexual acts to name a few—rarely happen in the absence of severe and pervasive trauma.

Other offenses such as fraud, trespassing, and unlawful driving, may be prevalent in a child who is struggling to survive, attempting to escape, or under coercive control. These behaviors are more likely to be remedied by ensuring the social and emotional welfare of the child, not incarceration. As outlined in Greene, 2020:

- “Even in jurisdictions where minors cannot be arrested for prostitution, trafficked youth are arrested for survival behaviors, like shoplifting, burglary, or drug running coerced by traffickers. Girls who run away from placement or schools, often to avoid further harm or to cope with the aftermath of harm, are confined in a misguided attempt to keep them safe.”

Other experts who support this bill and the children impacted by sex and human trafficking have already provided evidence to illustrate the need for legislation such as SB 292. We invite the committee to consider key points provided by the American Psychological Association:

- Variables that contribute to a person’s vulnerability to being trafficked include membership in a marginalized group; prior victimization and trauma; disabilities; immigrant or refugee status; and family disruption. These may be magnified by globalization, poverty, political instability, and war.
- “Safe Harbor” legislation would provide policy provisions that conceptualize trafficked persons involved in illegal activities (e.g., prostitution) as victims rather than criminals, and support funding for legal protection and psychosocial safeguards for victims.
- For a more complete list of materials that reflect the American Psychological Association’s prioritization of human trafficking, visit: <https://www.apa.org/pi/women/committee/trafficking-resources>

For the reasons noted above the Maryland Psychological Association asks for a **FAVORABLE** report on **Senate Bill 292**.

Thank you for considering our comments on SB 292. If we can be of any further assistance, please do not hesitate to contact MPA’s Legislative Chair, Dr. Pat Savage [atmpalegislativecommittee@gmail.com](mailto:atmpalegislativecommittee@gmail.com).

Respectfully submitted,

*Rebecca Resnick, Psy.D.*

Rebecca Resnick, Psy.D.  
President

*R. Patrick Savage, Jr., Ph.D.*

R. Patrick Savage, Jr., Ph.D.  
Chair, MPA Legislative Committee

cc: Richard Bloch, Esq., Counsel for Maryland Psychological Association  
Barbara Brocato & Dan Shattuck, MPA Government Affairs

References:

1. American Psychological Association. 2017. Resolution on Human trafficking in the United States, Especially of Women and Girls. Washington, DC: American Psychological Association. Retrieved from: <http://www.apa.org/about/policy/trafficking-women-girls>.
2. Green, H. (2020, August 1). Criminalizing trauma. Section on Child Maltreatment Newsletter. <https://www.apadivisions.org/division37/publications/newsletters/maltreatment/2020/08/criminalizing-trauma>