

Testimony of the Human Trafficking Prevention Project

BILL NO: House Bill 754
TITLE: Criminal Law – Sex Trafficking – Felony
COMMITTEE: Judiciary
HEARING DATE: February 28, 2023
POSITION: **FAVORABLE WITH SPONSOR AMENDMENTS**

House Bill 754 with sponsor amendments would make an important legislative change by properly codifying labor trafficking within the Human Trafficking subtitle of the Maryland Criminal Code. The Human Trafficking Prevention Project supports this bill because it will improve access to justice for those who have been trafficked for forms of labor *other than* commercial sex in the state of Maryland.

In 2019, the Maryland General Assembly enacted the Anti-Exploitation Act of 2019,¹ finally making labor trafficking a crime in the State of Maryland.² However, instead of being added to the new Human Trafficking subtitle enacted the same year via a companion bill,³ labor trafficking instead became its own subtitle, and now exists separately from the crime of human trafficking.⁴

Federal human trafficking law bifurcates the crime of human trafficking into two categories – labor and sex,⁵ and is generally defined by the use of force, fraud, or coercion to compel an individual to perform some form of labor or services. Forced labor exploitation occurs in industries such as agriculture and fishing, domestic work, construction, or manufacturing, and commonly includes situations involving debt bondage, where an individual’s debt is used to force or coerce them into performing labor.⁶ Despite being far more prevalent than sex trafficking,⁷ the prosecution of labor trafficking crimes, the identification of its victims, and the money awarded to combat it continues to lag far behind that of sex trafficking. Proper legal codification of labor trafficking within the Maryland Criminal Code is crucial to ensuring that service providers, the public, and law enforcement are clear that labor trafficking *is* human trafficking, and that a statewide response to it must be prioritized.

It is imperative that labor trafficking be properly codified as human trafficking under Maryland law because of the seriousness of the crime and the significant impact it has on some of Maryland’s most marginalized communities. Allowing labor trafficking to continue being represented as separate and distinct from the crime of human trafficking reinforces the lack of attention paid to it and impacts access to justice for its victims. For these reasons, the Human Trafficking Prevention Project supports HB 754 with sponsor amendments, and respectfully urges a favorable report.

*For more information, please contact:
Jessica Emerson, LMSW, Esq.
Director, Human Trafficking Prevention Project
jemerson@ubalt.edu*

¹ 2019 Maryland Laws Ch. 23 (H.B. 734).

² MD CODE ANN., CRIM. LAW §§ 3-1201-1203 (West, 2019).

³ 2019 Maryland Laws Ch. 22 (S.B. 690).

⁴ Subtitle 11 of the Maryland Criminal Code is entitled “Human Trafficking,” but only contains the prohibitions against trafficking a person for sex.

⁵ 22 U.S.C.A. § 7102(11).

⁶ International Labour Organization & Walk Free Foundation, *Global Estimates of Modern Slavery: Forced Labor and Forced Marriage* 10-11 (2017), available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575479.pdf.

⁷ *Id.* at 5, 10-11 (stating that, of the estimated 40.3 million people forced to work against their will on any given day, only 3.8 million of them are exploited through acts of commercial sex).