



BILL NO: House Bill 297
TITLE: Criminal Law – Victims of Child Sex Trafficking – Safe Harbor and Service Response
COMMITTEE: Judiciary/Judicial Proceedings
HEARING DATE: February 9, 2023
POSITION: SUPPORT

TurnAround Inc. respectfully requests a favorable report on House Bill 297. This bill extends protections available to child sex trafficking victims first established by the Child Sex Trafficking Screening and Services Act of 2019. TurnAround, Inc. supports and advocates for survivors of intimate partner violence, sexual violence, and human trafficking. It has been an authoritative voice in the field for more than four decades. In 2011, TurnAround was Maryland’s first comprehensive service provider to establish a program for human trafficking survivors. We have served countless trafficking survivors over the years.

The Maryland Human Trafficking Task Force (MHTTF), formed in 2007, is a collaborative of multiple disciplines, including law enforcement, prosecutors, victim service organizations, and state government agencies. The Maryland Human Trafficking Law, § 11-303 of the Criminal Law Article¹, is the cornerstone of efforts to investigate and prosecute human trafficking in the State. It is the central item used to define what human trafficking is in the state, how resources should be allocated, and what should be focused on.

The MHTTF has identified specific opportunities to improve Maryland’s human trafficking-related statutes based on over a decade of local and national anti-trafficking experiences, consultation with state-based and federal partners, as well as time spent engaging with stakeholders across the state. These opportunities have been translated into the legislative changes to § 11-303 and related statutes delineated in SB 881/HB1276.

This well-balanced legislation is based on the collective knowledge and experience of the multiple disciplines represented within MHTTF. Reflected below are changes vital to the needs of, and requested by, law enforcement, prosecutors, victim advocates, and other stakeholders. These improvements are vital to supporting the important work of these partners and ensuring Maryland is a leader in ending human trafficking.

¹ All subsequent statutory references are to the Criminal Law Article of the Maryland Code unless otherwise specified.

Safe Harbor will protect child survivors from being charged with prostitution.

Buying and selling a child for sex is illegal. Being that child should not be. Nevertheless, child sex trafficking victims currently can be arrested, handcuffed, detained, strip searched, prosecuted, and incarcerated for prostitution. Child sex trafficking is the only crime for which the thing that makes you a victim also makes you criminally liable. Safe Harbor will protect child victims from all of that. As a child trafficking survivor told TurnAround recently, “Safe Harbor will bypass so much unnecessary trauma.”

Safe Harbor will protect children from prosecution for charges committed as a result of their trafficking.

In addition to protection from prostitution charges, Safe Harbor will also protect children who enter the juvenile justice system for a low-level crime but are later identified as a survivor of sex trafficking. Children are often forced to do things like hold drugs for their abuser. They might be forced to be present in a vacant building which is 4th degree burglary. An abuser might force a child to drive even though they’re too young to have a license. One survivor told us about being picked up for shoplifting tampons because her trafficker wouldn’t give her money for them. A child who has been sexually exploited should not be liable for offenses their abuser forced them to commit.

Safe Harbor will make it easier for children to come forward and report their exploitation.

The fear of punishment and prosecution currently prevents children from coming forward. There is no protection for them in the law right now. It makes no sense legally to disclose because they risk criminal charges. Even some attorneys representing trafficking victims are reluctant to disclose their client’s trauma to a court because criminal prostitution charges are possible.

Safe Harbor will get expert services to children faster.

If sex trafficking victims cannot be arrested on prostitution charges, they will be immediately cared for by experts in childhood sexual trauma. The Regional Navigator Program, established in 2019, already exists to receive these children in nearly every county of the State. For children already in the justice system, Safe Harbor will allow them to disclose safely, and they will immediately be transferred from the justice system to the Regional Navigator Program.

Safe Harbor will lead to more prosecutions of traffickers.

Children who do not need to fear law enforcement will be more likely to cooperate and aid prosecutors to build strong cases against their traffickers.

Safe Harbor is long overdue.

NY passed the first Safe Harbor law nearly 20 years ago. Thirty-eight states have passed some form of Safe Harbor. In fact, Maryland received a grade of F from Shared Hope International in their 2021 annual review of the effectiveness of state victim protection laws and ranked among the 10 worst states for the treatment of child victims. Maryland needs to pass Safe Harbor now and do better for our most vulnerable kids.

For the forgoing reasons, TurnAround and the Maryland Human Trafficking Task Force urges a favorable report to HB297.