

HOUSE BILL 241

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5lr1462

By: **Delegates Aumann, Adams, Arentz, Barkley, Carey, Carozza, Chang, Clippinger, Cluster, Fisher, Frick, Ghrist, Glass, Grammer, Gutierrez, Hettleman, S. Howard, Impallaria, Jones, Kramer, Krebs, Lafferty, Lierman, Long, Mautz, McComas, Metzgar, Miele, W. Miller, Ready, Reilly, B. Robinson, Serafini, Simonaire, Szeliga, Valderrama, West, C. Wilson, and K. Young**

Introduced and read first time: February 2, 2015

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Human Trafficking – Adult Victim – Penalty**

3 FOR the purpose of making the crime of human trafficking in a case in which the victim of
4 the crime is an adult a felony, rather than a misdemeanor; making a conforming
5 change; and generally relating to human trafficking.

6 BY repealing and reenacting, with amendments,
7 Article – Criminal Law
8 Section 11–303
9 Annotated Code of Maryland
10 (2012 Replacement Volume and 2014 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That the Laws of Maryland read as follows:

Article – Criminal Law

14 11–303.

15 (a) (1) A person may not knowingly:

16 (i) take or cause another to be taken to any place for prostitution;

17 (ii) place, cause to be placed, or harbor another in any place for
18 prostitution;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) persuade, induce, entice, or encourage another to be taken to or
2 placed in any place for prostitution;

3 (iv) receive consideration to procure for or place in a house of
4 prostitution or elsewhere another with the intent of causing the other to engage in
5 prostitution or assignation;

6 (v) engage in a device, scheme, or continuing course of conduct
7 intended to cause another to believe that if the other did not take part in a sexually explicit
8 performance, the other or a third person would suffer physical restraint or serious physical
9 harm; or

10 (vi) destroy, conceal, remove, confiscate, or possess an actual or
11 purported passport, immigration document, or government identification document of
12 another while otherwise violating or attempting to violate this subsection.

13 (2) A parent, guardian, or person who has permanent or temporary care or
14 custody or responsibility for supervision of another may not consent to the taking or
15 detention of the other for prostitution.

16 (b) (1) A person may not violate subsection (a) of this section involving a victim
17 who is a minor.

18 (2) A person may not knowingly take or detain another with the intent to
19 use force, threat, coercion, or fraud to compel the other to marry the person or a third person
20 or perform a sexual act, sexual contact, or vaginal intercourse.

21 (c) (1) [(i)] Except as provided in paragraph (2) of this subsection, a person
22 who violates subsection (a) of this section is guilty of the [misdemeanor] **FELONY** of human
23 trafficking and on conviction is subject to imprisonment not exceeding 10 years or a fine
24 not exceeding \$5,000 or both.

25 [(ii) A person who violates subsection (a) of this section is subject to §
26 5–106(b) of the Courts Article.]

27 (2) A person who violates subsection (b) of this section is guilty of the felony
28 of human trafficking and on conviction is subject to imprisonment not exceeding 25 years
29 or a fine not exceeding \$15,000 or both.

30 (d) A person who violates this section may be charged, tried, and sentenced in any
31 county in or through which the person transported or attempted to transport the other.

32 (e) (1) A person who knowingly benefits financially or by receiving anything of
33 value from participation in a venture that includes an act described in subsection (a) or (b)
34 of this section is subject to the same penalties that would apply if the person had violated
35 that subsection.

1 (2) A person who knowingly aids, abets, or conspires with one or more other
2 persons to violate any subsection of this section is subject to the same penalties that apply
3 for a violation of that subsection.

4 (f) It is not a defense to a prosecution under subsection (b)(1) of this section that
5 the person did not know the age of the victim.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2015.