

SENATE BILL 162

E1, E4

9lr0131
CF 9lr0132

By: **The President (By Request – Administration) and Senators Bailey, Carozza, Cassilly, Eckardt, Edwards, Gallion, Hershey, Hough, Jennings, Ready, Salling, Serafini, Simonaire, and West**
Introduced and read first time: January 21, 2019
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Crime of Violence – Human Trafficking**

3 FOR the purpose of classifying a certain offense of human trafficking as a crime of violence
4 under certain provisions of law; and generally relating to crimes of violence.

5 BY repealing and reenacting, without amendments,
6 Article – Criminal Law
7 Section 11–303(a), (b), and (c)(2)
8 Annotated Code of Maryland
9 (2012 Replacement Volume and 2018 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 14–101(a)
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2018 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Public Safety
17 Section 5–101(c)
18 Annotated Code of Maryland
19 (2018 Replacement Volume)

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

22 **Article – Criminal Law**

23 11–303.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

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

28 14–101.

29 (a) In this section, “crime of violence” means:

30 (1) abduction;

31 (2) arson in the first degree;

- 1 (3) kidnapping;
- 2 (4) manslaughter, except involuntary manslaughter;
- 3 (5) mayhem;
- 4 (6) maiming, as previously proscribed under former Article 27, §§ 385 and
5 386 of the Code;
- 6 (7) murder;
- 7 (8) rape;
- 8 (9) robbery under § 3–402 or § 3–403 of this article;
- 9 (10) carjacking;
- 10 (11) armed carjacking;
- 11 (12) sexual offense in the first degree;
- 12 (13) sexual offense in the second degree;
- 13 (14) use of a firearm in the commission of a felony except possession with
14 intent to distribute a controlled dangerous substance under § 5–602(2) of this article, or
15 other crime of violence;
- 16 (15) child abuse in the first degree under § 3–601 of this article,
- 17 (16) sexual abuse of a minor under § 3–602 of this article if:
 - 18 (i) the victim is under the age of 13 years and the offender is an
19 adult at the time of the offense; and
 - 20 (ii) the offense involved:
 - 21 1. vaginal intercourse, as defined in § 3–301 of this article;
 - 22 2. a sexual act, as defined in § 3–301 of this article;
 - 23 3. an act in which a part of the offender’s body penetrates,
24 however slightly, into the victim’s genital opening or anus; or
 - 25 4. the intentional touching of the victim’s or the offender’s
26 genital, anal, or other intimate area for sexual arousal, gratification, or abuse;
- 27 (17) home invasion under § 6–202(b) of this article;

1 (18) **HUMAN TRAFFICKING UNDER § 11–303(B) OF THIS ARTICLE;**

2 (19) an attempt to commit any of the crimes described in items (1) through
3 ~~[(17)] (18)~~ of this subsection;

4 ~~[(19)] (20)~~ continuing course of conduct with a child under § 3–315 of this
5 article;

6 ~~[(20)] (21)~~ assault in the first degree;

7 ~~[(21)] (22)~~ assault with intent to murder;

8 ~~[(22)] (23)~~ assault with intent to rape;

9 ~~[(23)] (24)~~ assault with intent to rob;

10 ~~[(24)] (25)~~ assault with intent to commit a sexual offense in the first degree;
11 and

12 ~~[(25)] (26)~~ assault with intent to commit a sexual offense in the second
13 degree.

14 **Article – Public Safety**

15 5–101.

16 (c) “Crime of violence” means:

17 (1) abduction;

18 (2) arson in the first degree;

19 (3) assault in the first or second degree;

20 (4) burglary in the first, second, or third degree;

21 (5) carjacking and armed carjacking;

22 (6) escape in the first degree;

23 (7) kidnapping;

24 (8) voluntary manslaughter;

25 (9) maiming as previously proscribed under former Article 27, § 386 of the

1 Code;

2 (10) mayhem as previously proscribed under former Article 27, § 384 of the
3 Code;

4 (11) murder in the first or second degree;

5 (12) rape in the first or second degree;

6 (13) robbery;

7 (14) robbery with a dangerous weapon;

8 (15) sexual offense in the first, second, or third degree;

9 (16) home invasion under § 6–202(b) of the Criminal Law Article;

10 (17) **HUMAN TRAFFICKING UNDER § 11–303(B) OF THE CRIMINAL LAW**
11 **ARTICLE;**

12 **(18)** an attempt to commit any of the crimes listed in items (1) through **[(16)]**
13 **(17)** of this subsection; or

14 **[(18)] (19)** assault with intent to commit any of the crimes listed in items
15 (1) through **[(16)] (17)** of this subsection or a crime punishable by imprisonment for more
16 than 1 year.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2019.