

HOUSE BILL 1198

D4, O1

9lr1661

By: **Delegate Cox**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Human Trafficking – Required Reporters**

3 FOR the purpose of requiring a clerk of the court who has reason to believe that an
4 applicant for a marriage license is a victim of certain offenses involving human
5 trafficking and is being coerced into a marriage to notify the appropriate law
6 enforcement agency; requiring an employee of the Family Investment
7 Administration who has reason to believe that a recipient of public assistance is a
8 victim of certain offenses involving human trafficking to notify the appropriate law
9 enforcement agency; requiring a law enforcement agency to attempt to interview
10 certain individuals under certain circumstances; and generally relating to the
11 required reporting and investigation of suspected human trafficking.

12 BY repealing and reenacting, without amendments,
13 Article – Criminal Law
14 Section 11–303
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2018 Supplement)

17 BY adding to
18 Article – Family Law
19 Section 2–411
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2018 Supplement)

22 BY adding to
23 Article – Human Services
24 Section 5–609
25 Annotated Code of Maryland
26 (2007 Volume and 2018 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Criminal Law**

3 11–303.

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

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

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

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

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

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

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

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

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

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

28 (c) (1) (i) Except as provided in paragraph (2) of this subsection, a person
29 who violates subsection (a) of this section is guilty of the misdemeanor of human trafficking
30 and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding
31 \$5,000 or both.

32 (ii) A person who violates subsection (a) of this section is subject to §
33 5–106(b) of the Courts Article.

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

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

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

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

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

15 Article – Family Law

16 2–411.

17 (A) A CLERK OF THE COURT WHO HAS REASON TO BELIEVE THAT AN
18 APPLICANT FOR A MARRIAGE LICENSE IS A VICTIM OF HUMAN TRAFFICKING UNDER
19 § 11–303 OF THE CRIMINAL LAW ARTICLE AND IS BEING COERCED TO ENTER INTO
20 A MARRIAGE SHALL NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY.

21 (B) AFTER RECEIVING A REPORT FROM A CLERK OF THE COURT IN
22 ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, THE APPROPRIATE LAW
23 ENFORCEMENT AGENCY SHALL ATTEMPT TO INTERVIEW THE APPLICANT FOR A
24 MARRIAGE LICENSE.

25 Article – Human Services

26 5–609.

27 (A) AN EMPLOYEE OF THE ADMINISTRATION WHO HAS REASON TO BELIEVE
28 THAT A RECIPIENT OF PUBLIC ASSISTANCE IS A VICTIM OF HUMAN TRAFFICKING
29 UNDER § 11–303 OF THE CRIMINAL LAW ARTICLE SHALL NOTIFY THE APPROPRIATE
30 LAW ENFORCEMENT AGENCY.

31 (B) AFTER RECEIVING A REPORT UNDER SUBSECTION (A) OF THIS SECTION,
32 THE APPROPRIATE LAW ENFORCEMENT AGENCY SHALL ATTEMPT TO INTERVIEW

1 **THE RECIPIENT OF PUBLIC ASSISTANCE.**

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