

HOUSE BILL 1198

D4, O1

(9lr1661)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegate Cox**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Human Trafficking – Required ~~Reporters~~ Posting**

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 to prominently~~
12 ~~post a certain sign with information on the National Human Trafficking Resource~~
13 ~~Center Hotline in public information areas of a courthouse; requiring certain~~
14 ~~departments and independent units of the Executive Branch of State government to~~
15 ~~prominently post a certain sign with information on the National Human Trafficking~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



Resource Center Hotline in certain locations, and generally relating to the National Human Trafficking Resource Center Hotline.

~~BY repealing and reenacting, without amendments,~~

~~Article — Criminal Law~~

~~Section 11-303~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2018 Supplement)~~

~~BY adding to~~

~~Article — Family Law~~

~~Section 2-411~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2018 Supplement)~~

~~BY adding to~~

~~Article — Human Services~~

~~Section 5-609~~

~~Annotated Code of Maryland~~

~~(2007 Volume and 2018 Supplement)~~

BY adding to

Article – Courts and Judicial Proceedings

Section 2-215

Annotated Code of Maryland

(2013 Replacement Volume and 2018 Supplement)

~~BY adding to~~

~~Article — State Government~~

~~Section 8-506~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2018 Supplement)~~

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

~~**Article — Criminal Law**~~

~~11-303.~~

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

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

~~(ii) place, cause to be placed, or harbor another in any place for~~

~~prostitution;~~

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 ~~(e) (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 of human trafficking~~
23 ~~and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding~~
24 ~~\$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.~~

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

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

~~Article – Family Law~~

~~2-411.~~

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

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

~~Article – Human Services~~

~~5-609.~~

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

~~(B) AFTER RECEIVING A REPORT UNDER SUBSECTION (A) OF THIS SECTION, THE APPROPRIATE LAW ENFORCEMENT AGENCY SHALL ATTEMPT TO INTERVIEW THE RECIPIENT OF PUBLIC ASSISTANCE.~~

Article – Courts and Judicial Proceedings

2-215.

THE CLERK OF THE COURT SHALL PROMINENTLY POST THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE INFORMATION SIGN DESCRIBED IN § 15-207 OF THE BUSINESS REGULATION ARTICLE IN PUBLIC INFORMATION AREAS OF EACH COURTHOUSE.

~~Article – State Government~~

1 ~~§ 506.~~

2 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
3 ~~INDICATED.~~

4 ~~(2) "DEPARTMENT" MEANS A PRINCIPAL DEPARTMENT OF THE~~
5 ~~EXECUTIVE BRANCH OF STATE GOVERNMENT.~~

6 ~~(3) "INDEPENDENT UNIT" MEANS A UNIT IN THE EXECUTIVE BRANCH~~
7 ~~OF STATE GOVERNMENT THAT IS NOT IN A DEPARTMENT.~~

8 ~~(B) EACH DEPARTMENT AND INDEPENDENT UNIT SHALL PROMINENTLY~~
9 ~~POST THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE~~
10 ~~INFORMATION SIGN DESCRIBED IN § 15 207 OF THE BUSINESS REGULATION~~
11 ~~ARTICLE IN EACH LOCATION OF THE DEPARTMENT OR INDEPENDENT UNIT THAT~~
12 ~~SERVES OR IS OPEN TO THE PUBLIC.~~

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.