

## Maryland State Report State Ratings 2014

The Polaris annual state ratings process tracks the presence or absence of 10 categories of state statutes that Polaris believes are critical to a comprehensive anti-trafficking legal framework. It is important to note that these 10 categories are not exhaustive of all the important legislation that helps combat human trafficking in a given state. Moreover, the ratings do not assess the effectiveness or implementation of these laws, nor the anti-trafficking efforts of task forces, law enforcement, prosecutors, judges, service providers, and advocates in the state. The purpose of the annual state ratings process is to document laws on the books, to motivate legislators and policy advocates, and to focus the attention of states on the statutes that still need to be enacted in order to achieve a strong anti-trafficking legal framework.

**Rating:** Tier One (green)

**Total Points:** 7

**Credited Categories:** 1 Sex Trafficking; 2 Labor Trafficking; 3(a) Asset Forfeiture; 3(b) Investigative Tools; 5 No Requirement of Force, Fraud, or Coercion for Minor Victims of Sex Trafficking; 6 Posting of a Hotline; and 10 Vacating Convictions.

**Categories Still Needed:** 4(a) Training for Law Enforcement; 4(b) Human Trafficking Task Force; 7 Safe Harbor for Minors; 8 Victim Assistance; and 9 Civil Remedy.

**Category By Category Break-Down:**

### Category 1: Sex Trafficking Statute

#### §11-303. Pandering

Prohibited--In general

(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;
- (iii) persuade, induce, entice, or encourage another to be taken to or placed in any place for prostitution;
- (iv) receive consideration to procure for or place in a house of prostitution or elsewhere another with the intent of causing the other to engage in prostitution or assignation;
- (v) engage in a device, scheme, or continuing course of conduct intended to cause another to believe that if the other did not take part in a sexually explicit performance, the other or a third person would suffer physical restraint or serious physical harm; or
- (vi) destroy, conceal, remove, confiscate, or possess an actual or purported passport, immigration document, or government identification document of another while otherwise violating or attempting to violate this subsection.

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



#### Minor status of victim

- (b) (1) A person may not violate subsection (a) of this section involving a victim who is a minor.
- (2) A person may not knowingly take or detain another with the intent to use force, threat, coercion, or fraud to compel the other to marry the person or a third person or perform a sexual act, sexual contact, or vaginal intercourse.

#### Penalty

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

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

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

#### Venue

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

#### Persons who benefit from participation or aiders or abettors to violations

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

#### Ignorance of age of victim not a defense

(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.

### **Category 2: Labor Trafficking Statute**

#### **§ 3-701. Extortion generally.**

(a) Scope of section.- This section does not apply to legitimate efforts by employees or their representatives to obtain certain wages, hours, or working conditions.

(b) Obtaining or attempting to obtain property prohibited.- A person may not obtain, attempt to obtain, or conspire to obtain money, property, labor, services, or anything of value from another person with the person's consent, if the consent is induced by wrongful use of actual or threatened:

- (1) force or violence;
- (2) economic injury; or
- (3) destruction, concealment, removal, confiscation, or possession of any immigration or government identification document with intent to harm the immigration status of another person.

(c) Penalty - Property value of \$500 or more.- If the value of the property, labor, or services is \$500 or more, a person who violates this section is guilty of the felony of extortion and on



conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

(d) Penalty - Property value less than \$500.- If the value of the property, labor, or services is less than \$500, a person who violates this section is guilty of the misdemeanor of extortion and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding \$500 or both.

(e) Limitation.- A prosecution for a felony under this section shall be instituted within 5 years after the crime was committed.

### **Category 3(a): Asset Forfeiture**

#### **§ 13-501**

The following are subject to forfeiture:

- (1) except as provided in § 13-503 of this subtitle, a motor vehicle used in connection with a violation of and conviction under § 11-303 of the Criminal Law Article;
- (2) money used in connection with a violation of and conviction under the human trafficking law, found in close proximity to or at the scene of the arrest for a violation of the human trafficking law; and
- (3) except as provided in § 13-503 of this subtitle, real property used in connection with a violation of and conviction under § 11-303 of the Criminal Law Article.

### **Category 3(b): Investigative Tools**

#### **§ 10-406. Authorized wire, oral, or electronic interceptions**

(a) The Attorney General, State Prosecutor, or any State's Attorney may apply to a judge of competent jurisdiction, and the judge, in accordance with the provisions of § 10-408 of this subtitle, may grant an order authorizing the interception of wire, oral, or electronic communications by investigative or law enforcement officers when the interception may provide or has provided evidence of the commission of:

- (11) Extortion;
- (15) A human trafficking offense under § 11-303 of the Criminal Law Article;

### **Category 4(a): Training for Law Enforcement**

None.

### **Category 4(b): Human Trafficking Task Force**

None.

### **Category 5: No Requirement of Force, Fraud, or Coercion for Sex Trafficking of Minors**

Yes. See § 11-303(b).

### **Category 6: Posting of a Human Trafficking Hotline**



**§ 15-207 Posting of sign relating to human trafficking**

- (a) (1) The Department shall design a sign that states the following:  
“REPORT HUMAN TRAFFICKING: National Human Trafficking Resource Center -- 1-888-373-7888. CALL FOR HELP IF YOU OR SOMEONE YOU KNOW:
- Is being forced to have sex without consent
  - Has had an ID or documents taken away
  - Is being threatened by or is in debt to an employer
  - Wants to leave a job but cannot freely do so.
- TOLL-FREE. 24/7. CONFIDENTIAL. INTERPRETERS AVAILABLE.

This sign is required under State law.”

- (2) The sign shall:
- (i) be at least 3 by 5 inches in size;
  - (ii) contain the text required under paragraph (1) of this subsection in English, Spanish, and any other languages required by the federal Voting Rights Act;
  - (iii) draw attention to the phone number of the National Human Trafficking Resource Center Hotline by showing the phone number in bold type; and
  - (iv) be placed on the Department website.
- (b) (1) A State, county, or municipal law enforcement agency may issue a civil citation to a lodging establishment requiring it to post prominently in each guest room for 1 year the sign that is identical to the notice required to be placed on the website of the Department under subsection (a) of this section, if the lodging establishment is located on property where arrests leading to convictions of prostitution, solicitation of a minor, or human trafficking under Title 11, Subtitle 13 of the Criminal Law Article have occurred.
- (2) A State, county, or municipal law enforcement agency shall consider any assistance it receives from a lodging establishment in an investigation leading to a conviction under paragraph (1) of this subsection in determining whether to issue a citation under this subsection.
- (c) (1) The owner of a lodging establishment that violates subsection (b)(1) of this section is subject to a civil penalty not exceeding \$1,000.
- (2) Each guest room that does not have a sign is not a separate violation.

**Business Regulation § 19-103.**

- (a) In this section, “truck stop” means a facility:
- (1) the primary purpose of which is to provide services to long-haul truck drivers; and
  - (2) that provides:
    - (i) shower facilities to the truck drivers for a fee; or
    - (ii) parking for the truck drivers’ vehicles.
- (b) (1) The owner of a privately owned bus station or truck stop shall post the National Human Trafficking Resource Center Hotline information sign described in § 15-207 of this article in each restroom of the bus station or truck stop.
- (2) A sign required under this section shall be posted:
- (i) on the inside of each stall door in the restroom; or
  - (ii) on the back of the door at the entrance to the restroom.
- (c) (1) An agency that enforces this section and determines that a violation of this section has occurred shall notify the business owner of the bus station or truck stop, or the business owner’s agent, of the violation.



(2) If the business owner of the bus station or truck stop does not post signs as required under this section within 24 hours after receiving the notice required under paragraph (1) of this subsection, the business owner is subject to a civil penalty not exceeding \$1,000.

(3) For each restroom in which a business owner fails to post a sign in accordance with this section, the business owner is subject to a separate civil penalty.

#### **Transportation §8–655.**

(a) The Administration shall post the National Human Trafficking Resource Center Hotline information sign described in § 15–207 of the Business Regulation Article in each restroom at a rest area within the right-of-way of an interstate or State highway.

(b) A sign required under this section shall be posted:

- (1) On the inside of each stall door in the restroom; or
- (2) On the back of the door at the entrance to the restroom.

#### **Category 7: Safe Harbor**

None.

#### **Category 8: Victim Assistance**

None.

#### **Category 9: Civil Remedy**

None.

#### **Category 10: Vacating Convictions**

#### **§ 8-302. Motion to vacate judgment of prostitution**

(a) A person convicted of prostitution under § 11-306 of the Criminal Law Article may file a motion to vacate the judgment if, when the person committed the act or acts of prostitution, the person was acting under duress caused by an act of another committed in violation of the prohibition against human trafficking under § 11-303 of the Criminal Law Article or under federal law.

(b) A motion filed under this section shall:

- (1) Be in writing;
- (2) Be signed and consented to by the State's Attorney;
- (3) Be made within a reasonable period of time after the conviction; and
- (4) Describe the evidence and provide copies of any documents showing that the defendant is entitled to relief under this section.

(c) (1) except as provided in paragraph (2) of this subsection, the Court shall hold a hearing on a motion filed under this section if the motion satisfies the requirements of subsection (1)(b) of this section.

(2) The Court may dismiss a motion without a hearing if the Court finds that the motion fails to assert grounds on which relief may be granted.



- (d) (1) In ruling on a motion filed under this section, the Court may vacate the conviction, modify the sentence, or grant a new trial.
- (2) The court shall state the reasons for its ruling on the record.
- (e) A defendant in a proceeding under this section has the burden of proof.

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If you would like assistance in enacting laws to fill in the gaps, please contact the Polaris Policy Program at [policy@polarisproject.org](mailto:policy@polarisproject.org).