

HOUSE BILL 1202

E4, D1

7lr1822
CF SB 1018

By: **Delegates Morales, Anderson, Dumais, A. Miller, Moon, Mosby, Proctor, Queen, Reznik, and Sanchez**

Introduced and read first time: February 9, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Human Trafficking Victims – Establishment of Diversionary Docket and**
3 **Workgroup**

4 FOR the purpose of requiring the circuit administrative judge in each circuit to establish
5 and maintain a certain diversionary docket for minors; establishing the purpose of a
6 certain diversionary docket; providing for certain requirements for a participant in
7 the diversionary docket; establishing the Workgroup to Study Single–Point Entry for
8 Services and Criminal Immunity for Victims of Human Trafficking; providing for the
9 purpose, composition, chair, and staffing of the Workgroup; prohibiting a member of
10 the Workgroup from receiving certain compensation, but authorizing the
11 reimbursement of certain expenses; requiring the Workgroup to study and make
12 recommendations regarding certain matters; requiring the Workgroup to submit
13 preliminary reports on its findings and recommendations to the Governor and the
14 General Assembly on or before certain dates; requiring the Workgroup to submit a
15 final report on its findings and recommendations to the Governor and the General
16 Assembly on or before a certain date; providing for the termination of certain
17 provisions of this Act; and generally relating to resources for human trafficking
18 victims.

19 BY adding to

20 Article – Courts and Judicial Proceedings
21 Section 3–8A–35
22 Annotated Code of Maryland
23 (2013 Replacement Volume and 2016 Supplement)

24 BY adding to

25 Article – State Government
26 Section 9–3301 to be under the new subtitle “Subtitle 33. Workgroup to Study
27 Single–Point Entry for Services and Criminal Immunity for Victims of Human
28 Trafficking”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

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

Article – Courts and Judicial Proceedings

3–8A–35.

(A) (1) THE CIRCUIT ADMINISTRATIVE JUDGE OF EACH CIRCUIT SHALL:

**(I) ESTABLISH AND MAINTAIN A DIVERSIONARY DOCKET FOR
MINORS WHO ARE:**

**1. CHARGED WITH A CRIMINAL OFFENSE OR ALLEGED
TO HAVE COMMITTED A DELINQUENT ACT; AND**

**2. DETERMINED BY THE COURT TO HAVE BEEN VICTIMS
OF HUMAN TRAFFICKING; AND**

**(II) ADOPT PROCEDURES NECESSARY TO CARRY OUT THE
REQUIREMENTS OF THIS SECTION.**

**(2) A DIVERSIONARY DOCKET ESTABLISHED UNDER THIS
SUBSECTION SHALL BE USED AS AN ALTERNATIVE TO CONVICTION FOR AN OFFENSE
OR ADJUDICATION OF A CHILD AS DELINQUENT.**

**(B) A DIVERSIONARY DOCKET ESTABLISHED UNDER SUBSECTION (A) OF
THIS SECTION MAY BE USED ONLY IN CASES IN WHICH THE PERSON IS:**

(1) A MINOR AT THE TIME THAT:

(I) THE PERSON IS CHARGED WITH AN OFFENSE; OR

**(II) A PETITION IS FILED ALLEGING THAT THE PERSON
COMMITTED A DELINQUENT ACT;**

**(2) FOUND BY THE COURT TO HAVE COMMITTED THE OFFENSES OR
DELINQUENT ACTS ALLEGED AS A VICTIM OF HUMAN TRAFFICKING; AND**

**(3) CHARGED WITH AN OFFENSE OR IS ALLEGED TO HAVE
COMMITTED A DELINQUENT ACT WHICH, IF COMMITTED BY AN ADULT, WOULD BE AN
OFFENSE FOR:**

1 (I) DISORDERLY CONDUCT UNDER § 10-201(C)(2) OF THE
2 CRIMINAL LAW ARTICLE;

3 (II) DISTURBING THE PEACE UNDER § 10-201(C)(4) OF THE
4 CRIMINAL LAW ARTICLE;

5 (III) FAILURE TO OBEY A REASONABLE AND LAWFUL ORDER
6 UNDER § 10-201(C)(3) OF THE CRIMINAL LAW ARTICLE;

7 (IV) MALICIOUS DESTRUCTION OF PROPERTY IN THE LESSER
8 DEGREE UNDER § 6-301 OF THE CRIMINAL LAW ARTICLE;

9 (V) TRESPASS ON POSTED PROPERTY UNDER § 6-402 OF THE
10 CRIMINAL LAW ARTICLE;

11 (VI) POSSESSING OR ADMINISTERING A CONTROLLED
12 DANGEROUS SUBSTANCE UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE;

13 (VII) POSSESSING OR ADMINISTERING A NONCONTROLLED
14 SUBSTANCE UNDER § 5-618(A) OF THE CRIMINAL LAW ARTICLE;

15 (VIII) USE OR POSSESSION WITH INTENT TO USE DRUG
16 PARAPHERNALIA UNDER § 5-619(C)(2) OF THE CRIMINAL LAW ARTICLE;

17 (IX) DRIVING WITHOUT A LICENSE UNDER § 16-101 OF THE
18 TRANSPORTATION ARTICLE;

19 (X) DRIVING WHILE PRIVILEGE IS CANCELED, SUSPENDED,
20 REFUSED, OR REVOKED UNDER § 16-303 OF THE TRANSPORTATION ARTICLE;

21 (XI) DRIVING WHILE UNINSURED UNDER § 17-107 OF THE
22 TRANSPORTATION ARTICLE;

23 (XII) A PROSTITUTION OFFENSE UNDER § 11-306(A)(1) OF THE
24 CRIMINAL LAW ARTICLE, IF THE CONVICTION IS FOR PROSTITUTION AND NOT
25 ASSIGNATION; OR

26 (XIII) A THEFT OFFENSE UNDER § 7-104 OF THE CRIMINAL LAW
27 ARTICLE.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
29 as follows:

Article – State Government

**SUBTITLE 33. WORKGROUP TO STUDY SINGLE-POINT ENTRY FOR SERVICES AND
CRIMINAL IMMUNITY FOR VICTIMS OF HUMAN TRAFFICKING.**

9-3301.

**(A) THERE IS A WORKGROUP TO STUDY SINGLE-POINT ENTRY FOR
SERVICES AND CRIMINAL IMMUNITY FOR VICTIMS OF HUMAN TRAFFICKING.**

**(B) THE PURPOSE OF THE WORKGROUP IS TO STUDY ISSUES RELATING TO
A SINGLE POINT OF ENTRY INTO THERAPEUTIC FOSTER HOMES FOR MINORS WHO
ARE VICTIMS OF HUMAN TRAFFICKING.**

(C) THE WORKGROUP CONSISTS OF THE FOLLOWING MEMBERS:

**(1) TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY
THE PRESIDENT OF THE SENATE;**

**(2) TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY
THE SPEAKER OF THE HOUSE;**

**(3) THE SECRETARY OF EDUCATION, OR THE SECRETARY'S
DESIGNEE;**

**(4) THE SECRETARY OF JUVENILE SERVICES, OR THE SECRETARY'S
DESIGNEE;**

**(5) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE
SECRETARY'S DESIGNEE;**

**(6) THE SECRETARY OF HUMAN RESOURCES, OR THE SECRETARY'S
DESIGNEE;**

**(7) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S
DESIGNEE; AND**

**(8) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR'S
OFFICE OF CRIME CONTROL AND PREVENTION:**

**(I) ONE REPRESENTATIVE OF THE GOVERNOR'S OFFICE OF
CRIME CONTROL AND PREVENTION;**

1 (II) ONE REPRESENTATIVE OF A LOCAL LAW ENFORCEMENT
2 AGENCY;

3 (III) ONE REPRESENTATIVE OF THE MARYLAND JUDICIAL
4 CONFERENCE;

5 (IV) ONE REPRESENTATIVE OF TURNAROUND INC.;

6 (V) ONE REPRESENTATIVE OF FAIRGIRLS;

7 (VI) ONE REPRESENTATIVE OF THE UNIVERSITY OF MARYLAND
8 SAFE CENTER; AND

9 (VII) ONE REPRESENTATIVE OF THE UNIVERSITY OF MARYLAND
10 SCHOOL OF SOCIAL WORK.

11 (D) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE WORKGROUP.

12 (E) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION
13 SHALL PROVIDE STAFF FOR THE WORKGROUP.

14 (F) A MEMBER OF THE WORKGROUP:

15 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
16 WORKGROUP; BUT

17 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
18 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

19 (G) THE WORKGROUP SHALL:

20 (1) DESIGN A PLAN THAT WILL CREATE A SINGLE POINT OF ENTRY
21 INTO THERAPEUTIC FOSTER HOMES FOR MINORS WHO ARE VICTIMS OF HUMAN
22 TRAFFICKING;

23 (2) STUDY THE POTENTIAL COST OF A PROGRAM PROVIDING A SINGLE
24 POINT OF ENTRY INTO THERAPEUTIC FOSTER HOMES FOR MINORS WHO ARE
25 VICTIMS OF HUMAN TRAFFICKING; AND

26 (3) STUDY THE POTENTIAL FOR PROVIDING IMMUNITY IN
27 CONNECTION WITH PARTICIPATION IN A THERAPEUTIC FOSTER CARE
28 ENVIRONMENT FOR MINORS WHO ARE THE VICTIMS OF HUMAN TRAFFICKING AND
29 HAVE BEEN CHARGED WITH CRIMINAL OFFENSES OR DELINQUENT ACTS.

1 **(H) (1) ON OR BEFORE DECEMBER 1, 2017, THE WORKGROUP SHALL**
2 **SUBMIT A FIRST PRELIMINARY REPORT ON ITS FINDINGS AND RECOMMENDATIONS**
3 **TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, THE**
4 **GENERAL ASSEMBLY.**

5 **(2) ON OR BEFORE DECEMBER 1, 2018, THE WORKGROUP SHALL**
6 **SUBMIT A SECOND PRELIMINARY REPORT ON ITS FINDINGS AND**
7 **RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF**
8 **THIS ARTICLE, THE GENERAL ASSEMBLY.**

9 **(3) ON OR BEFORE DECEMBER 1, 2019, THE WORKGROUP SHALL**
10 **SUBMIT A FINAL REPORT ON ITS FINDINGS AND RECOMMENDATIONS TO THE**
11 **GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, THE GENERAL**
12 **ASSEMBLY.**

13 **SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
14 **1, 2017. Section 2 of this Act shall remain effective for a period of 3 years and, at the end of**
15 **June 30, 2020, with no further action required by the General Assembly, Section 2 of this**
16 **Act shall be abrogated and of no further force and effect.**