

HOUSE BILL 754

E1
HB 1084/19 – JUD

3lr1238

By: **Delegate Crosby**

Introduced and read first time: February 8, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Sex Trafficking – Felony**

3 FOR the purpose of reclassifying, as a felony instead of a misdemeanor, certain sex
4 trafficking offenses; establishing a certain affirmative defense to a violation of
5 certain sex trafficking offenses; and generally relating to sex trafficking.

6 BY repealing and reenacting, with amendments,
7 Article – Criminal Law
8 Section 3–1102
9 Annotated Code of Maryland
10 (2021 Replacement Volume and 2022 Supplement)

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

13 **Article – Criminal Law**

14 3–1102.

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

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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.

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

(2) A person may not violate subsection (a) of this section with the use of or intent to use force, threat, coercion, or fraud.

(c) (1) (i) Except as provided in paragraph (2) of this subsection, a person who violates subsection [(a)] **(A)(1)(I), (II), (III), OR (IV)** of this section is guilty of the misdemeanor of sex 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)] **(A)(1)(I), (II), (III), OR (IV)** of this section is subject to § 5–106(b) of the Courts Article.

(2) A person who violates [subsection] **SUBSECTIONS (A)(1)(V) OR (VI) OR (b)** of this section is guilty of the felony of sex trafficking and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$15,000 or both.

(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.

(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.

1 (f) **(1)** IN A PROSECUTION UNDER THIS SECTION, IT IS AN AFFIRMATIVE
2 DEFENSE OF DURESS IF THE DEFENDANT COMMITTED THE ALLEGED VIOLATION AS
3 A RESULT OF BEING A VICTIM OF THE ACT OF ANOTHER WHO WAS CHARGED WITH
4 VIOLATING THE PROHIBITION AGAINST SEX TRAFFICKING UNDER THIS SECTION OR
5 UNDER FEDERAL LAW.

6 **(2)** It is not a defense to a prosecution under subsection (b)(1) or (e) of this
7 section that the person did not know the age of the victim.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2023.