

SUPPORT HB 0833 – Criminal Law – Victims of Sex Trafficking – Safe Harbor and Service Response

MARYLAND ALLIANCE FOR JUSTICE REFORM
Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Delegate Luke Clippinger and Judiciary Committee Members
FROM: Christopher Providence, MAJR Executive Committee
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Maryland Alliance for Justice Reform (MAJR – www.ma4jr.org) strongly supports HB 0833, “Criminal Law – Victims of Sex Trafficking – Safe Harbor and Service Response.” This bill alters procedures that a law enforcement officer and court must follow when there is reason to believe a child who has been detained is a victim of “sex trafficking” and prohibits the criminal prosecution of or a delinquency proceeding against a minor for a “qualifying offense” or an offense under Title 3, Subtitle 11 of the Criminal Law Article (sex trafficking and forced marriage) if the minor committed the underlying act as a direct result of “sex trafficking.”

Sex traffickers are known to target runaway youth, homeless youth (many of whom have been abused, neglected, sexually assaulted, or put out of their homes because of their sexual orientation or gender identity), and youth with addiction issues, by exploiting their vulnerability. Research has shown that the majority of youth who enter the juvenile justice system are victims of sexual or physical abuse, rape, human trafficking, emotional abuse, domestic violence, interpersonal violence, or some other form of severe trauma. Minors forced to engage in commercial sex are placed at risk for prosecution under prostitution laws. Once convicted of prostitution, these young people go from being under the control of the sex trafficker to being under the control of the criminal justice system.

Safe Harbor Laws ensure that trafficked children are treated as victims, not criminals, and direct them to support services including medical care, counseling, safe housing, and remedial education. HB 0833 protects child victims of sex trafficking from unjust criminalization.

When the anti-trafficking organization Shared Hope International (www.sharedhope.org) convened in Washington, D.C., in November 2021 to grade states on their laws to protect victims of child sex trafficking, **Maryland was one of 40 states that received an F.** We must do better.

District of Columbia, Michigan, New Hampshire, New York, and other states have passed Safe Harbor Laws that protect minors from criminalization for prostitution. Delaware, District of Columbia, New Hampshire, and Vermont, and other states have passed Safe Harbor Laws that direct juvenile sex trafficking victims to specialized services. Legislation such as HB 0833 / SB 165 (“Juvenile Court – Jurisdiction – Ending Automatic Charging of Youth as Adults”) will go a long way to prevent vulnerable, traumatized youth who are victims of sex trafficking from being further victimized by Maryland’s juvenile justice system by directing them to needed wrap-around services instead of incarceration.

For these reasons, MAJR strongly supports HB 0833 to protect child victims of sex trafficking from being criminally prosecuted or proceeded against for crimes or civil offenses committed as a result of sex trafficking.