

HOUSE BILL 933

E2, E1
SB 993/12 – JPR

3lr2274

By: **Delegates Lee, Aumann, Bobo, DeBoy, Dumais, Eckardt, Frick, Glass, Glenn, Gutierrez, Guzzone, A. Kelly, Krebs, Luedtke, McComas, McDonough, Morhaim, Pendergrass, S. Robinson, F. Turner, Valderrama, and M. Washington**

Introduced and read first time: February 7, 2013

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 16, 2013

CHAPTER _____

1 AN ACT concerning

2 **Crimes – Human Trafficking of Minor – Defense of Ignorance of Victim’s Age**

3 FOR the purpose of providing that a person charged with a certain human trafficking
4 offense involving a minor may not assert as a defense that the person did not
5 know the age of the victim; and generally relating to human trafficking of
6 minors.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Law
9 Section 11–303
10 Annotated Code of Maryland
11 (2012 Replacement Volume and 2012 Supplement)

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

14 **Article – Criminal Law**

15 11–303.

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

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.



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

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

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

7 (iv) receive consideration to procure for or place in a house of
8 prostitution or elsewhere another with the intent of causing the other to engage in
9 prostitution or assignation;

10 (v) engage in a device, scheme, or continuing course of conduct
11 intended to cause another to believe that if the other did not take part in a sexually
12 explicit performance, the other or a third person would suffer physical restraint or
13 serious physical harm; or

14 (vi) destroy, conceal, remove, confiscate, or possess an actual or
15 purported passport, immigration document, or government identification document of
16 another while otherwise violating or attempting to violate this subsection.

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

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

22 (2) A person may not knowingly take or detain another with the intent
23 to use force, threat, coercion, or fraud to compel the other to marry the person or a
24 third person or perform a sexual act, sexual contact, or vaginal intercourse.

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

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

31 (2) A person who violates subsection (b) of this section is guilty of the
32 felony of human trafficking and on conviction is subject to imprisonment not exceeding
33 25 years or a fine not exceeding \$15,000 or both.

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

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

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

11 (F) IT IS NOT A DEFENSE TO A PROSECUTION UNDER SUBSECTION
12 (B)(1) OF THIS SECTION THAT THE PERSON DID NOT KNOW THE AGE OF THE
13 VICTIM.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.