

HOUSE BILL 1152

E1, D4, J1

9lr2243

By: **Delegates Cox, Boteler, and Impallaria**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Interstate Human Trafficking of Minors Prohibition Act**

3 FOR the purpose of establishing that certain persons who are required to provide certain
4 notice or make certain reports of suspected child pregnancy as required by this Act
5 may not knowingly fail to provide the notice or make the report; providing certain
6 penalties for a violation of a certain provision of this Act; prohibiting a person from
7 bringing or causing another to bring a minor into the State to commit certain
8 violations of the law prohibiting human trafficking; prohibiting the Criminal Injuries
9 Compensation Board from paying for abortion services under certain circumstances;
10 prohibiting the Governor from including a certain appropriation in the annual State
11 budget; prohibiting an agency or unit of State government from using certain funds
12 for certain purposes; requiring an officer, employee, or agent of the State who
13 encounters a certain child to notify and make certain reports to a certain State's
14 Attorney; requiring a certain report made under this Act to include certain
15 information under certain circumstances; providing that a certain minor is not
16 eligible to receive certain benefits under a medical assistance plan established by the
17 State; and generally relating to human trafficking.

18 BY adding to

19 Article – Criminal Law

20 Section 3–602.2

21 Annotated Code of Maryland

22 (2012 Replacement Volume and 2018 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – Criminal Law

25 Section 11–303

26 Annotated Code of Maryland

27 (2012 Replacement Volume and 2018 Supplement)

28 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Criminal Procedure
 2 Section 11–816.1
 3 Annotated Code of Maryland
 4 (2018 Replacement Volume)

5 BY adding to
 6 Article – Criminal Procedure
 7 Section 11–1008
 8 Annotated Code of Maryland
 9 (2018 Replacement Volume)

10 BY adding to
 11 Article – Family Law
 12 Section 5–705.5
 13 Annotated Code of Maryland
 14 (2012 Replacement Volume and 2018 Supplement)

15 BY adding to
 16 Article – Health – General
 17 Section 15–150
 18 Annotated Code of Maryland
 19 (2015 Replacement Volume and 2018 Supplement)

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

22 **Article – Criminal Law**

23 **3–602.2.**

24 (A) A PERSON WHO IS REQUIRED TO PROVIDE NOTICE OF A SUSPECTED
 25 CHILD PREGNANCY OR MAKE A WRITTEN REPORT OF A SUSPECTED CHILD
 26 PREGNANCY UNDER § 5–705.5 OF THE FAMILY LAW ARTICLE MAY NOT KNOWINGLY
 27 FAIL TO PROVIDE THE REQUIRED NOTICE OR MAKE THE REQUIRED WRITTEN
 28 REPORT.

29 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
 30 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR
 31 IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

32 11–303.

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

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

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

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

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

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

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

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

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

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

23 **(3) A PERSON MAY NOT BRING OR CAUSE ANOTHER TO BRING A**
24 **MINOR INTO THE STATE TO COMMIT A VIOLATION OF SUBSECTION (A) OR (B)(2) OF**
25 **THIS SECTION.**

26 (c) (1) (i) Except as provided in paragraph (2) of this subsection, a person
27 who violates subsection (a) of this section is guilty of the misdemeanor of human trafficking
28 and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding
29 \$5,000 or both.

30 (ii) A person who violates subsection (a) of this section is subject to §
31 5–106(b) of the Courts Article.

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

35 (d) A person who violates this section may be charged, tried, and sentenced in any

1 county in or through which the person transported or attempted to transport the other.

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

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

9 (f) It is not a defense to a prosecution under subsection (b)(1) of this section that
10 the person did not know the age of the victim.

11 Article – Criminal Procedure

12 11–816.1.

13 (a) Notwithstanding any other provision of this title, only the provisions of §
14 11–1007 of this title and any applicable regulations adopted to carry out the provisions of
15 that section apply to reimbursement for forensic examinations and other eligible expenses
16 for cases involving rape, sexual offenses, or child sexual abuse.

17 (b) **(1) [As] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
18 **SUBSECTION, AS** required under § 11–1007 of this title, the Board shall pay for forensic
19 examinations and other eligible expenses for cases involving rape, sexual offenses, or child
20 sexual abuse.

21 **(2) THE BOARD MAY NOT PAY FOR ABORTION SERVICES PROVIDED**
22 **UNDER § 11–1007 OF THIS TITLE IF IT IS DETERMINED THAT THE PERSON WHO**
23 **RECEIVED THE SERVICES IS A MINOR WHO IS NOT A RESIDENT OF THE STATE AND**
24 **WHOSE PRESENCE IN THE STATE IS A DIRECT RESULT OF BEING BROUGHT INTO THE**
25 **STATE IN RELATION TO A VIOLATION OF § 11–303 OF THE CRIMINAL LAW ARTICLE.**

26 11–1008.

27 **(A) THE GOVERNOR MAY NOT INCLUDE AN APPROPRIATION IN THE ANNUAL**
28 **STATE BUDGET TO BE USED TO PROVIDE FUNDS FOR ABORTION SERVICES OR**
29 **REIMBURSEMENT FOR ABORTION SERVICES OR EXPENSES RELATED TO ABORTION**
30 **SERVICES PROVIDED TO A MINOR WHO IS NOT A RESIDENT OF THE STATE AND**
31 **WHOSE PRESENCE IN THE STATE IS A DIRECT RESULT OF BEING BROUGHT INTO THE**
32 **STATE IN RELATION TO A VIOLATION OF § 11–303 OF THE CRIMINAL LAW ARTICLE.**

33 **(B) AN AGENCY OR UNIT OF STATE GOVERNMENT MAY NOT USE FUNDS**
34 **RECEIVED FROM AN APPROPRIATION IN THE ANNUAL STATE BUDGET FOR A**

1 PURPOSE DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

2 Article – Family Law

3 5–705.5.

4 (A) AN OFFICER, EMPLOYEE, OR AGENT OF THE STATE WHO ENCOUNTERS
5 A CHILD WHO THE OFFICER, EMPLOYEE, OR AGENT HAS REASON TO BELIEVE IS
6 PREGNANT, SHALL NOTIFY THE STATE’S ATTORNEY FOR THE COUNTY IN WHICH THE
7 CHILD WAS ENCOUNTERED.

8 (B) AN INDIVIDUAL WHO NOTIFIES A LOCAL STATE’S ATTORNEY UNDER
9 SUBSECTION (A) OF THIS SECTION SHALL MAKE:

10 (1) AN ORAL REPORT, BY TELEPHONE OR DIRECT COMMUNICATION
11 TO THE STATE’S ATTORNEY, AS SOON AS POSSIBLE; AND

12 (2) A WRITTEN REPORT TO THE STATE’S ATTORNEY NOT LATER THAN
13 48 HOURS AFTER THE ENCOUNTER THAT CAUSED THE INDIVIDUAL TO BELIEVE
14 THAT THE CHILD WAS PREGNANT.

15 (C) INsofar AS IS REASONABLY POSSIBLE, AN INDIVIDUAL WHO MAKES A
16 REPORT UNDER THIS SECTION SHALL INCLUDE IN THE REPORT THE FOLLOWING
17 INFORMATION:

18 (1) THE NAME, AGE, AND HOME ADDRESS OF THE CHILD;

19 (2) THE NAME AND HOME ADDRESS OF THE CHILD’S PARENT OR
20 OTHER PERSON WHO IS RESPONSIBLE FOR THE CHILD’S CARE;

21 (3) THE WHEREABOUTS OF THE CHILD; AND

22 (4) ANY INFORMATION THAT WOULD HELP TO DETERMINE WHETHER
23 THE CHILD IS A VICTIM OF HUMAN TRAFFICKING.

24 Article – Health – General

25 15–150.

26 THE COST OF ABORTION SERVICES PROVIDED TO A MINOR WHO IS NOT A
27 RESIDENT OF THE STATE, AND WHOSE PRESENCE IN THE STATE IS THE DIRECT
28 RESULT OF BEING BROUGHT INTO THE STATE IN RELATION TO A VIOLATION OF §
29 11–303 OF THE CRIMINAL LAW ARTICLE IS NOT ELIGIBLE TO RECEIVE BENEFITS
30 UNDER A MEDICAL ASSISTANCE PLAN ESTABLISHED BY THE STATE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2019.