

SENATE BILL 162

E1, E4

9lr0131
CF HB 234

By: **The President (By Request – Administration) and Senators Lee, Bailey, Carozza, Cassilly, Eckardt, Edwards, Gallion, Hershey, Hough, Jennings, Ready, Salling, Serafini, Simonaire, and West**

Introduced and read first time: January 21, 2019

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 12, 2019

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Crime of Violence – Human Trafficking**

3 FOR the purpose of classifying a certain offense of human trafficking as a crime of violence
4 under certain provisions of law; and generally relating to crimes of violence.

5 BY repealing and reenacting, without amendments,
6 Article – Criminal Law
7 Section 11–303(a), (b), and (c)(2)
8 Annotated Code of Maryland
9 (2012 Replacement Volume and 2018 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 14–101(a)
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2018 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Public Safety
17 Section 5–101(c)
18 Annotated Code of Maryland
19 (2018 Replacement Volume)

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

3 **Article – Criminal Law**

4 11–303.

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

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

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

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

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

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

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

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

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

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

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

32 14–101.

- 1 (a) In this section, “crime of violence” means:
- 2 (1) abduction;
- 3 (2) arson in the first degree;
- 4 (3) kidnapping;
- 5 (4) manslaughter, except involuntary manslaughter;
- 6 (5) mayhem;
- 7 (6) maiming, as previously proscribed under former Article 27, §§ 385 and
8 386 of the Code;
- 9 (7) murder;
- 10 (8) rape;
- 11 (9) robbery under § 3–402 or § 3–403 of this article;
- 12 (10) carjacking;
- 13 (11) armed carjacking;
- 14 (12) sexual offense in the first degree;
- 15 (13) sexual offense in the second degree;
- 16 (14) use of a firearm in the commission of a felony except possession with
17 intent to distribute a controlled dangerous substance under § 5–602(2) of this article, or
18 other crime of violence;
- 19 (15) child abuse in the first degree under § 3–601 of this article,
- 20 (16) sexual abuse of a minor under § 3–602 of this article if:
- 21 (i) the victim is under the age of 13 years and the offender is an
22 adult at the time of the offense; and
- 23 (ii) the offense involved:
- 24 1. vaginal intercourse, as defined in § 3–301 of this article;
- 25 2. a sexual act, as defined in § 3–301 of this article;

- 1 (6) escape in the first degree;
- 2 (7) kidnapping;
- 3 (8) voluntary manslaughter;
- 4 (9) maiming as previously proscribed under former Article 27, § 386 of the
5 Code;
- 6 (10) mayhem as previously proscribed under former Article 27, § 384 of the
7 Code;
- 8 (11) murder in the first or second degree;
- 9 (12) rape in the first or second degree;
- 10 (13) robbery;
- 11 (14) robbery with a dangerous weapon;
- 12 (15) sexual offense in the first, second, or third degree;
- 13 (16) home invasion under § 6–202(b) of the Criminal Law Article;
- 14 (17) **HUMAN TRAFFICKING UNDER § 11–303(B) OF THE CRIMINAL LAW**
15 **ARTICLE;**
- 16 (18) an attempt to commit any of the crimes listed in items (1) through [(16)]
17 (17) of this subsection; or
- 18 [(18)] (19) assault with intent to commit any of the crimes listed in items
19 (1) through [(16)] (17) of this subsection or a crime punishable by imprisonment for more
20 than 1 year.

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