

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 382
Economic Matters

(Delegate Ebersole, *et al.*)

**Business Regulation - Innkeepers - Records and Human Trafficking Awareness
Training**

This bill requires an innkeeper to maintain a computerized recordkeeping system of all guest transactions and receipts. The records must be retained for at least six months. In addition, the bill requires the Governor's Office of Crime Control and Prevention (GOCCP) and the Maryland Department of Labor (MDL) to approve an education training program for the accurate and prompt identification and reporting of suspected human trafficking. An innkeeper must ensure that all employees of the lodging establishment receive the annual training. By October 1, 2021, and by October 1 annually thereafter, each innkeeper must certify to MDL that all employees of the lodging establishment have received the annual training.

Fiscal Summary

State Effect: The bill's requirements can be handled with existing budgeted resources, as discussed below.

Local Effect: Any additional enforcement activity can be handled with existing resources. Revenues are not materially affected.

Small Business Effect: Minimal overall. Potentially meaningful for some small business lodging establishments, as discussed below.

Analysis

Bill Summary: The training program must include a video presentation that offers guidance to employees of innkeepers on (1) the recognition of potential victims of human trafficking and (2) the activities commonly associated with human trafficking.

Current Law: State law does not require an innkeeper to maintain electronic records or ensure training is provided to the employees of lodging establishments. “Innkeeper” means the owner, operator, manager, or keeper of a lodging establishment or the agent of an owner, manager, or keeper of a lodging establishment. “Lodging establishment” means an inn, hotel, motel, or other establishment that has at least four rooms available for a fee to transient guests for lodging or sleeping purposes.

A person may not knowingly (1) engage in prostitution or assignation by any means; (2) keep, set up, occupy, maintain, or operate a building, structure, or conveyance for prostitution or assignation; (3) allow a building, structure, or conveyance owned or under the person’s control to be used for prostitution or assignation; (4) allow or agree to allow a person into a building, structure, or conveyance for prostitution or assignation; or (5) procure or solicit, or offer to procure or solicit, for prostitution or assignation. A person who violates any of those prohibitions is guilty of prostitution, a misdemeanor punishable by imprisonment for up to one year, and/or a \$500 maximum fine.

Law enforcement may issue a civil citation to require the posting of National Human Trafficking Resource Center (NHTRC) hotline signs for one year in lodging establishments where arrests leading to convictions for prostitution, solicitation of a minor, or human trafficking have occurred. Violators are subject to a civil penalty of up to \$1,000. Each guest room that does not have a sign is *not* a separate violation.

Background: Human trafficking is an umbrella term used to describe the activities involved when someone obtains or holds a person in compelled service. Major forms of human trafficking include forced labor, sex trafficking, bonded labor, debt bondage, involuntary domestic servitude, forced child labor, child soldiers, and child sex trafficking. Millions of adults and children are in forced labor, bonded labor, and forced prostitution around the world. A 2017 report by the International Labour Organization estimated 24.9 million individuals were victims of forced labor worldwide in 2016, with 4.8 million of these in forced sexual exploitation.

The NHTRC hotline, which receives funding from the U.S. Department of Health and Human Services, is available to answer calls 24 hours a day, 365 days a year. The hotline provides callers with a wide range of services such as crisis intervention, urgent and nonurgent referrals, and antitrafficking resources and technical assistance. The hotline received more than 41,000 contacts in 2018.

State Fiscal Effect: GOCCP and MDL advise that they can approve a training program in accordance with the bill with existing resources. MDL notes that the U.S. Department of Homeland Security's [Blue Campaign](#) offers educational videos on the indicators of human trafficking.

Small Business Effect: Small business lodging establishments that do not maintain computerized recordkeeping systems as required under the bill likely incur limited one-time costs to comply.

Additional Information

Prior Introductions: HB 673 of 2017, a similar bill, received an unfavorable report from the House Economic Matters Committee.

Designated Cross File: None.

Information Source(s): Governor's Office for Children; Maryland Department of Labor; U.S. Department of Homeland Security; National Human Trafficking Hotline; International Labour Organization; Department of Legislative Services

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mm/mcr

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