



Testimony to the House Judiciary Committee
House Bill 242: Criminal Procedure –Motion to Vacate Judgment-Human Trafficking
(True Freedom Act of 2020)

January 28, 2020

**** SUPPORT ****

Baltimore Child Abuse Center (BCAC) supports HB 242. HB 242 provides human trafficking survivors the opportunity to move the court to vacate judgments for convictions arising out of non-violent offenses related to their trafficking victimization.

BCAC is Maryland's first accredited children's advocacy center and a chartered member of the National Children's Alliance and the Maryland Children's Alliance. Working in a multidisciplinary team, BCAC provides child abuse victims -- including human trafficking survivors -- with forensic interviews, medical treatment, family advocacy, and mental health services. Since 2011, BCAC's Anti-Human Trafficking & Exploitation Program has assisted over 80 trafficking survivors in the Baltimore region. In addition, our new missing and runaway youth program has already assisted almost 50 clients, 14 of which have received trauma-certified mental health therapy. Runaway/missing youth are often prey for traffickers.

Trafficking victims are generally coerced to commit other crimes. At BCAC, the majority of victims we have encountered have criminal charges related to their trafficking victimization. Victims are routinely coerced by their traffickers to, e.g., transport other victims, hold weapons, possess drugs, or commit additional crimes such as trespassing. This practice allows traffickers to escape criminal responsibility for many illegal activities that benefit them. It also, unfortunately, prevents a victim from obtaining an enhanced quality of life following their victimization.

Maryland's vacatur laws are insufficient in meeting the needs of the Maryland survivors. Current vacatur law only focuses on prostitution-related charges, not the other non-violent crimes that survivors were forced to commit. Also, Maryland's expungement law provides that crimes that are committed together must be treated as a unit, and if one charge cannot be expunged, then none can. Furthermore, Maryland is one of only two states that require the consent of the agency that prosecuted them to file a vacatur request.

We have witnessed firsthand the negative outcomes that result from trafficking-related criminalization. Survivors can be limited in their opportunities to thrive. Some may be prevented from serving in our armed forces, obtaining safe housing, accessing medical benefits, or obtaining gainful employment. Vacatur helps survivors avoid limitations that keep them vulnerable to continued exploitation.

For these reasons, Baltimore Child Abuse Center supports HB 242.

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