



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 242
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judiciary Committee to report favorably on House Bill 242.

House Bill 242 - Motion to Vacate Conviction for Victims of Human Trafficking

Maryland helped lead the nation in 2011 when it became the second state to permit victims of human sex trafficking to vacate convictions for prostitution if the person was acting under duress caused by being a victim of human trafficking. Criminal Procedure §8-302. Over twenty-five states have followed suit. Since then, advocates for survivors of sex trafficking have found that most trafficking victims have convictions for a multitude of other minor crimes. These convictions hamper their ability to start a new life and heal from the effects of trafficking.

House Bill 242 will permit sex trafficking survivors to ask the court to vacate any offense that is a result of being a victim of human trafficking if the offense is a "qualifying offense". "Qualifying offense" is defined in the bill and includes a range of petty crimes which victims of trafficking are often involved with as a result of being trafficked. HB242 also eliminates the law's current requirement that the State's Attorney consent to a victim's motion. MCASA urges the Committee to make this change: prosecutors are not judges and should not be in a position to deny access to the court. They have ample opportunity under the bill to oppose a motion. That is the role of a prosecutor. The court should decide whether a motion is granted or denied.

Survivors who were convicted of forced criminal activity should be supported, not penalized. HB242 would provide victims of human trafficking with a mechanism to erase convictions that should never have occurred in the first place.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to
report favorably on House Bill 242**