

# JUSTICE FOR SURVIVORS OF HUMAN TRAFFICKING: THE “TRUE FREEDOM” ACT OF 2020

## THE ISSUE:

- In addition to the abuse, coercive control and manipulation victims of human trafficking routinely face, many victims are also arrested for and convicted of crimes they are forced to commit by their traffickers.
- Trafficking survivors who have trafficking-related criminal records often experience difficulties obtaining safe housing and gainful employment, which keeps them trapped in poverty and vulnerable to continued exploitation.
- In 2011, Maryland became only the second state in the country to respond to this injustice by enacting a “vacating convictions” law, which allows survivors of sex trafficking to vacate, or, set aside their prostitution convictions.
- In the years since its enactment, however, Maryland’s vacatur law has proved woefully inadequate, as the law fails to provide relief for trafficking-related convictions other than prostitution such as trespassing and drug possession, and does not expressly include survivors of labor trafficking, who are also convicted of crimes they were forced to commit.
- Additionally, Maryland is one of only three states in the country requiring the consent of the agency that prosecuted the victim before the victim can file a vacatur request.
- Since 2010, over 40 states have enacted “vacating convictions” laws, the vast majority of which provide far greater legal relief to criminalized survivors with far fewer hurdles than Maryland’s vacatur law.

## HOW THIS BILL WILL HELP:

- Expands the number of criminal convictions eligible for vacatur
- Expressly allows criminalized victims of labor trafficking to access this form of relief
- Eliminates the need for the State’s Attorney’s consent before filing, which is consistent with the Maryland jurisprudence

## RESULTS FROM A NATIONAL SURVIVOR NETWORK (NSN) SURVEY:

In August of 2016, the NSN assessed the impact of criminal arrest and detention on 130 survivors of human trafficking:

- ✓ **91%** of survivors reported being arrested during the time they were being trafficked
- ✓ **60%** reported arrests for crimes **other than** prostitution
- ✓ **73%** reported barriers to employment because of their criminal records
- ✓ **58%** reported barriers to obtaining housing because of their criminal records
- ✓ **76%** have been unable to vacate their convictions, or can only clear a portion of their record
- ✓ **75%** did not report their trafficking at the time of arrest out of fear, threats made by their trafficker, or because no one ever asked them if they were trafficked

### Recommendations from Survivors:

“Our criminal history should be wiped clean as we deserve a fresh start.”

“We are victimized by the government after we were victimized [and] traumatized.”

“Please help us move forward to raise, protect, and provide for our families.”

“How can people who have been victimized get their lives together if [they cannot] work?”