



Maryland
Hospital Association

**House Bill 242 – Criminal Procedure- Motion to Vacate Judgement- Human Trafficking
(True Freedom Act of 2020)**

Position: Support

January 28, 2020

House Judiciary Committee

MHA Position

Maryland's 61 nonprofit hospitals and health systems care for millions of people each year, treating 2.3 million in emergency departments. Among the individuals served, inevitably, are victims of human trafficking. Studies show that human trafficking survivors are likely to have contact with the health care system during their exploitation due to the negative health consequences associated with trafficking.^{i,ii}

Human trafficking is a form of modern-day slavery, characterized by the use of “force, fraud or coercion” to exert control over a person for the purpose of exploitation.ⁱⁱⁱ Maryland law allows survivors of sex trafficking to “vacate”—or not be charged for—prostitution convictions committed during their time of exploitation. **HB 242 would expand the offenses that can be vacated to include low-level, non-violent crimes, such as trespassing, and other “survival-based crimes.”**

Caregivers in Maryland's hospitals are on the frontlines of the human trafficking crisis. This is one reason we partnered with the University of Maryland SAFE Center for Human Trafficking and the Maryland Human Trafficking Task Force to update the state's guidelines for medical providers. The [2020 Human Trafficking Guidelines for Healthcare Providers](#) emphasize the importance of providing trauma-informed care and linking survivors to community resources when appropriate. However, having a criminal history can impact a survivor's ability to rebuild their lives by limiting their access to housing and employment.^{iv} Criminal record relief is “crucial” and “key to reducing vulnerability and isolation for survivors.”^v Viewing human trafficking as a public health issue means treating survivors not as criminals, but as individuals who need support to continue their journey of healing.

For these reasons, we urge a *favorable* report on HB 242.

For more information, please contact:

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ⁱ Lederer, L., Wetzel, C. (2014). “The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Health care Facilities.” A. Annals of Health Law, Volume 23, Issue 1, 61-91.

ⁱⁱ Goldberg, A., Moore, J., Houck, C., Kaplan, D., Barron, C. (2016). “Domestic Minor Sex Trafficking Patients: A Retrospective Analysis of Medical Presentation”. Journal of Pediatric and Adolescent Gynecology. Volume 30

ⁱⁱⁱ Joint Commission. (2018). “Quick Safety 42: Identifying Human Trafficking Victims”.

^{iv} National Survivor Network (2016). “National Survivors Network Member Survey: Impact of Criminal Arrest and Detention on Survivors of Human Trafficking”.

^v American Bar Association Commission on Domestic & Sexual Violence. (n.d.) “Workable Solutions for Criminal Record Relief: Recommendations for Prosecutors Serving Victims of Human Trafficking: A Report by the Survivor Reentry Project.