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BILL NO: House Bill 459  
TITLE: Criminal Law – Victims of Human Trafficking – Affirmative Defense  
COMMITTEE: Judiciary  
HEARING DATE: February 11, 2020  
POSITION: **SUPPORT**

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House Bill 459 would enable survivors of human trafficking to offer the affirmative defense of having been trafficked when charged with a wider range of crimes. The Women's Law Center of Maryland (WLC) supports HB 459 because this type of relief is a best practices for assisting trafficked people to recover and move forward.

Under current law, trafficking survivors can raise the defense of having been trafficked if they are charged with prostitution. HB 459 would expand the list of crimes for which this defense can be asserted to include a broad range of *minor* crimes that are typical of people who have been trafficked.

Many human trafficking victims are convicted of crimes they were forced to commit by their trafficker. Data recently obtained from a national survey of both sex and labor trafficking survivors supports the epidemic of criminalization as well the impact it has on a victim's ability to become self-sufficient and heal from the trauma of their trafficking experience. Of the survivors surveyed, 91% of survivors reported being arrested during the time they were being trafficked, 60% of which were for crimes other than prostitution. Of that 91%, over 40% reported being arrested nine times or more, while over 50% reported that every single arrest on their criminal record was trafficking-related. Barriers resulting from their criminal records were significant as well, with 73% reporting barriers to employment, and 58% reporting barriers to accessing housing.

House Bill 459 would allow survivors the opportunity to seek relief from their circumstances earlier in the criminal process rather than after conviction. Maryland's current vacatur law, once at the forefront of these laws in the country, only allows for vacatur of convictions for prostitution, no other crimes (there is a bill to expand this law as well, which has passed out of both committees). Recognizing that survivors of trafficking are not charged solely with the sole crime of prostitution is important to assist them in moving forward, and allows them to do so earlier in the criminal process.

For all the foregoing reasons, the WLC supports House Bill 459 and urges a favorable report.

*The Women's Law Center of Maryland is a private, non-profit, legal services organization that advocates for the rights of women through legal representation to individuals and strategic initiatives to achieve systemic change. The Women's Law Center operates two hotlines, the Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County, and the statewide Collateral Legal Assistance for Survivors and Multi-Ethnic Domestic Violence Projects.*