



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

Summary. -- The Maryland Human Trafficking Task Force (MHTTF) and its members urge a favorable report for House Bill 459 as it will make a significant impact on the ability to combat human trafficking across the state.

Too often, because they are coerced by their abusers to lie to law enforcement about their trafficking experience or because they are too fearful of their own assumed criminal liability to share the truth, victims are arrested for crimes their traffickers have forced them to commit. Data obtained from a national survey of both sex and labor trafficking survivors echoes this need for access to broader relief, with 64% of victims surveyed having been arrested for crimes other than prostitution that were directly linked to their trafficking experience. Of those surveyed, 80% reported barriers to employment because of their criminal records, while 50% reported barriers to accessing housing.

Criminalized survivors of trafficking suffer when they are unable to obtain relief. The American Bar Association has catalogued approximately 47,000 federal, state, and local issues that individuals with a criminal record face including access to employment, housing, and benefits. These consequences carry with them the additional risk for survivors of continued exploitation by a trafficker due the inability to find an exit the commercial sex trade.

HB 459 addresses the need to bring the current affirmative defense provisions in line with the modern understanding of the realities of human trafficking. The non-violent offenses added to the existing affirmative defense provision are those which advocates have found to be among the most common crimes victims are forced by their abusers to commit in furtherance of their abuser(s)'s criminal enterprises and in order to further assert control over their victims through isolation brought on by impending arrests for those actions. Because of this, HB 459 will help to promote a more collaborative relationship between law enforcement and victims by ensuring that victims are less fearful of retribution for crimes they were forced to commit and thus more open to reporting the cruelties committed against them and others.

For these reasons, the Maryland Human Trafficking Task Force supports HB 459. We respectfully urge a favorable report.

About MDHTTF. -- Formed in 2007 by the U.S. Attorney's Office, the Attorney General of Maryland, and the State's Attorney for Baltimore City, MHTTF serves as the lead investigative, prosecutorial, and victim services coordinating body for anti-human trafficking activity in the State of Maryland. MDHTTF has grown to include most law enforcement agencies in the State, all child serving state agencies, the Federal Bureau of Investigations, Homeland Security Investigations, most local State's Attorney's Offices and dozens of victim service agencies.

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