

Testimony of the Human Trafficking Prevention Project

BILL NO: House Bill 745
TITLE: Family Law – Protective Orders – Crimes of Violence and Stalking
COMMITTEE: Economic Matters
HEARING DATE: February 16, 2023
POSITION: **SUPPORT**

House Bill 745 will improve Maryland’s Peace Order laws by extending the duration of a Peace Order to 1 year, and empower the court to exercise its discretion to determine if a Peace Order respondent should be ordered to relinquish their firearms during the duration of the order. The Human Trafficking Prevention Project supports this bill because it will provide improved legal protections for individuals who trade sex, including survivors of human trafficking, who are frequently subjected to stalking by non-intimate partners.

As originally drafted, HB 745 would incorporate non-intimate partner victims of stalking to the protective order statute and change the eligibility requirements for permanent protective orders. As drafted, the HTPP would join many of our partner organizations in opposing HB 745. However, with sponsor amendments, HB 745 is a much-improved bill that contains a superior pathway to a permanent protective order for victims of domestic violence.

Maryland offers two types of civil orders for victims seeking safety, a peace order and a protective order. Protective Orders primarily address issues unique to those in an intimate partner or familial relationship. Peace Orders are a form of relief available to those that do not meet the relationship requirements of a Protective Order. This clear delineation is valuable for pro se litigants to understand which order to apply for. It also allows for the enhanced protections available pursuant to a Protective Order since it limits those eligible for relief.

People who trade sex are put at heightened risk of stalking, given that they routinely rely on the internet to connect with customers, a practice which exposes them to unique online safety and privacy challenges. A recent study from UMD focusing on the link between digital safety and stalking and/or harassment reported that “sex workers are facing new challenges in protecting their digital privacy and security and avoiding serious consequences such as stalking, blackmail, and social exclusion.¹ Stalking is also frequently reported by survivors of human trafficking, a crime which is largely accomplished by surveillance as a method of control. Those subjected to stalking typically experience mood, anxiety, and posttraumatic stress symptoms that are difficult and complex to treat.²

House Bill 745 improves Maryland’s Peace Order laws and would bring our laws more in-line with the protections available in other states. The current Peace Order is limited in duration, and HB 745 would extend the length of a Peace Order to 1 year. In addition, it would empower the court to exercise its discretion in cases to determine if a Peace Order respondent should be ordered to relinquish their firearms during the duration of the order. Certain victims in dating relationships are not eligible for a Protective Order and these remedies would now be available to them.

¹ Allison McDonald, et. al., *“It’s Stressful Having All These Phones: Investigating Sex Workers’ Safety Goals, Risks, and Practices Online* (2021), <https://www.usenix.org/system/files/sec21fall-mcdonald.pdf>.

² Stephen Noffsinger, *What Stalking Victims Need to Restore Their Mental and Somatic Health: Victims’ Mood, Anxiety, and Posttraumatic Stress Symptoms Require Prompt Care* (2015). *Current Psychiatry*, Vol. 14, No. 6.

House Bill 745 also proposes critical and beneficial modifications to the Permanent Protective Order. The relief available under a Permanent Protective Order is limited in nature to a stay away order, but increasing the eligibility and empowering the court to exercise its discretion in cases could benefit many victims of domestic violence. The current eligibility requirements for a Permanent Protective Order do not appreciate that many victims do not pursue or desire criminal court involvement. Victims want to be safe. HB 745 will help them achieve that safety with an expansion in eligibility for a Permanent Protective Order.

For these reasons, the Human Trafficking Prevention Project supports House Bill 745 with sponsor amendments. We respectfully urge a favorable report.