



MARYLAND

Legal System	Constitution	Bill of Rights	Form of Government
Common Law Statutory Law	Written	Yes	Republic

A. Criminal Statutes

1. Trafficking and Related Offenses

a. Md. Code Ann., Crim. Law § 3-1102 (2019) – Sex Trafficking

i. Summary

The Maryland offense of sex trafficking provides that:

[a] person may not knowingly:

- (i) take or cause another to be taken to any place for prostitution;
- (ii) place, cause to be placed, or harbor another in any place for prostitution;
- (iii) persuade, induce, entice, or encourage another to be taken to or placed in any place for prostitution;
- (iv) receive consideration to procure for or place in a house of prostitution or elsewhere another with the intent of causing the other to engage in prostitution or assignation;
- (v) engage in a device, scheme, or continuing course of conduct intended to cause another to believe that if the other did not take part in a sexually explicit performance, the other or a third person would suffer physical restraint or serious physical harm; or
- (vi) destroy, conceal, remove, confiscate, or possess an actual or purported passport, immigration document, or government identification document of another while otherwise violating or attempting to violate this subsection.

Md. Code Ann., Crim. Law § 3-1102(a)(1).

“A parent, guardian, or person who has permanent or temporary care or custody or responsibility for supervision of another may not consent to the taking or detention of the other for prostitution.” Md. Code Ann., Crim. Law § 3-1102(a)(2).

“A person may not violate [Md. Code Ann., Crim. Law § 3-1102(a)] involving a victim who is a minor.” Md. Code Ann., Crim. Law § 3-1102(b)(1). Nor may a person violate Md. Code Ann., Crim. Law § 3-1102(a) “with the use or intent to use force, threat, coercion, or fraud.” Md. Code Ann., Crim. Law § 3-1102(b)(2).

Maryland provides for the same punishment as if the person committed the offense for those who benefit from, or aid, abet, or conspire to commit, sex trafficking. Md. Code Ann., Crim. Law § 3-1102(e). A person benefits if the person knowingly benefits “financially or by receiving anything of value from participation in a venture that includes an act described.” Md. Code Ann., Crim. Law § 3-1102(e)(1).

“It is not a defense to a prosecution under [Md. Code Ann., Crim. Law § 3-1102(a) or (e)] that the person did not know the age of the victim.” Md. Code Ann., Crim. Law § 3-1102(f).

ii. Sentencing

A person who violates Md. Code Ann., Crim. Law § 3-1102(a) commits sex trafficking, a misdemeanor, and on conviction is subject to imprisonment not exceeding 10 years, a fine not exceeding USD 5,000, or both. Md. Code Ann., Crim. Law § 3-1102(c)(1)(i). A person who violates Md. Code Ann., Crim. Law § 3-1102(b) for sex trafficking a minor or sex trafficking through force, threat, coercion, or fraud, commits a felony, subject to imprisonment not exceeding 25 years, a fine not exceeding USD 15,000, or both. Md. Code Ann., Crim. Law § 3-1102(c)(2).

iii. Statute of Limitations

Maryland has no general statute of limitations for felonies. For misdemeanors punishable by imprisonment, prosecution can be brought at any time. Md. Code Ann., Cts. & Jud. Proc. § 5-106(b)(1). Accordingly, there is no statute of limitations for prosecuting sex trafficking in Maryland.

b. Md. Code Ann., Crim. Law § 3-1202 (2019) – Labor Trafficking

i. Summary

Maryland provides a separate statute for labor trafficking, which provides that “[a] person may not knowingly:

- (1) take, place, harbor, persuade, induce, or entice another by force, fraud, or coercion to provide services or labor; or
- (2) receive a benefit or thing of value from the provision of services or labor by another that was induced by force, fraud, or coercion.”

Md. Code Ann., Crim. Law § 3-1202(a).

A state’s attorney or the Maryland Attorney General may investigate and prosecute a violation of Md. Code Ann., Crim. Law § 3-1202. Md. Code Ann. Crim. Law § 3-1203.

As used in the Maryland labor trafficking statute:

“Coercion” includes actual or threatened:

- (1) use of physical force against an individual;
- (2) restraint, abduction, isolation, or confinement of an individual against the individual’s will and without lawful authority;
- (3) control or direction of the activity of an individual through debt bondage [defined in Md. Code Ann., Crim. Law § 3-1201(d)];
- (4) destruction, concealment, removal, confiscation, withholding, or possession of an actual or purported passport, immigration document, or governmental identification document of an individual;
- (5) infliction of serious psychological harm to an individual;
- (6) control of an individual’s access to a controlled dangerous substance [defined in Md. Code Ann., Crim. Law § 3-1201(c)];

- (7) exposure or dissemination of any fact or information that would tend to subject an individual to criminal or immigration proceedings;
- (8) notification to an agency or unit of the State or federal government that an individual is present in the United States in violation of federal immigration law; and
- (9) exploitation of a vulnerable adult [defined in Md. Code Ann., Crim. Law § 3-1201(e)].

Md. Code Ann., Crim. Law § 3-1201(b).

ii. Sentencing

A violation of Md. Code Ann., Crim. Law § 3-1202 is a felony. A person convicted of this statute is subject to imprisonment not exceeding 25 years, a fine not exceeding USD 15,000, or both. Md. Code Ann., Crim. Law § 3-1202(c).

iii. Statute of Limitations

There is no statute of limitations for a labor trafficking prosecution in Maryland.

c. Md. Code Ann., Crim. Law § 3-1103 (2019) – Use of Force, Threat, Coercion or Fraud to Compel Marriage

i. Summary

It is a crime to knowingly “take or detain another with the intent to use force, threat, coercion, or fraud to compel the other to marry any person.” Md. Code Ann., Crim. Law § 3-1103(a)(1). It also is a crime to knowingly “receive a financial benefit or thing of value in relation to a violation of this subsection[] or aid, abet, or conspire with another to violate this subsection.” Md. Code Ann., Crim. Law § 3-1103(a)(2),(3).

ii. Sentencing

A violation of Md. Code Ann., Crim. Law § 3-1103(a) is a felony. A person convicted under this statute is subject to imprisonment not exceeding 25 years, a fine not exceeding USD 15,000, or both. Md. Code Ann., Crim. Law § 3-1103(b).

iii. Statute of Limitations

Maryland has no general statute of limitations for felonies.

d. Md. Code Ann., Crim. Proc. §§ 13-502 et seq. (2019) – Forfeiture

A motor vehicle, money, or real property used in connection with the violation of a human trafficking law is subject to forfeiture. Md. Code Ann. § 13-502. However, if the owner of the motor vehicle or real property can prove by a preponderance of the evidence that the violation of the human trafficking law was committed without the owner’s actual knowledge, the motor vehicle or real property may not be forfeited. Md. Code Ann., Crim. Proc. § 13-503(a).

A forfeiture proceeding about money shall be filed within 90 days after the final disposition of criminal proceedings that arise out of the human trafficking law. Md. Code Ann., Crim. Proc. § 13-517(c)(1).

e. Md. Code Ann., Crim. Proc. § 11-603 (2017) – Restitution

A victim of human trafficking or the state may request restitution: (1) if there is evidence that property of the victim was stolen, damaged, destroyed, converted, unlawfully obtained, or its value substantially decreased as a direct result of the crime, Md. Code Ann., Crim. Proc. § 11-630(a)(1); or (2) if there is evidence that the victim suffered

actual medical, dental, hospital, counseling, funeral, or burial expenses or losses; direct out-of-pocket loss; loss of earnings; or expenses incurred with rehabilitation as a direct result of the crime. Md. Code Ann., Crim. Proc. § 11-603(a)(2).

“A judgment of restitution does not preclude ... the victim who suffered personal physical or mental injury, out-of-pocket loss of earnings, or support from bringing a civil action [lawsuit] to recover damages from the restitution obligor.” Md. Code Ann., Crim. Proc. § 11-603(1). “A civil verdict shall be reduced by the amount paid under the criminal judgment of restitution.” Md. Code Ann., Crim. Proc. § 11-603(2).

f. Md. Code Ann., Crim. Law §§ 11-303, 306, 307 (2019) – Affirmative Defense

In a prosecution for engaging in prostitution, soliciting or offering to procure or solicit prostitution, or for allowing or keeping a house of prostitution, a defendant has an affirmative defense of duress if the defendant committed the act as a result of being a victim of human trafficking. The defendant must assert the defense at least 10 days prior to trial. Md. Code Ann., Crim. Law §§ 11-303(c), 11-306(c), 11-307(c).

g. Md. Code Ann., Crim. Law § 3-603 (2019) – Sale of a Minor

Maryland prohibits the selling, bartering, trading, or the offer to sell, barter, or trade, a minor for money, property, or anything else of value. A violation is a felony, punishable by imprisonment not exceeding five years, a fine not exceeding USD 10,000, or both. Md. Code Ann., Crim. Law § 3-603.

h. Md. Code Ann., Crim. Law § 9-804 (2020) – Participation in Criminal Organization with Knowledge of Criminal Organization’s Engagement in Organized Crime

Crimes including sex trafficking (Md. Code Ann., Crim. Law § 3-1102) and forced marriage (Md. Code Ann., Crim. Law § 3-1103) are “underlying crimes” in Maryland’s statute that criminalizes participation in a criminal organization or knowingly participating in an underlying crime at the direction of a criminal organization. Md. Code Ann., Crim. Law §§ 9-801, 9-804(a).

i. Md. Code Ann., Crim. Proc., § 8-302 (2020) – Vacatur of Judgment

A person convicted of a qualifying offense may file a motion to vacate the judgement if the person’s participation was a direct result of being a victim of human trafficking.

j. Md. Code Ann., Crim. Proc. § 10-110 (2021) – Expungement

Maryland allows victims of human trafficking to file for expungement of a police record, court record, or other record maintained by the state for certain offenses.

2. Online Child Sexual Exploitation and Child Pornography Offenses

Md. Code Ann., Crim. Law § 11-207 – Child Pornography, Production or Distribution

Md. Code Ann., Crim. Law § 11-208 – Possession of Visual Representation of Child Under 16 Engaged in Certain Sexual Acts

Md. Code Ann., Crim. Law § 11-208.1 – Interactive Computer Service Providers; Child Pornography

Md. Code Ann., Crim. Law § 3-324 – Sexual Solicitation of a Minor

3. Md. Code Ann., Crim. Proc. § 11-704 (2017) – Sex Offender Registry

Maryland provides for a tiered sex offender registry, requiring registration for anyone convicted of a sex offense, with limited exceptions. Md. Code Ann., Crim. Proc. § 11-704(a). A “sex offender” is anyone convicted of a Tier I

through Tier III offense. Md. Code Ann., Crim. Proc. § 11-701(l)(1). Tier I includes misdemeanor violations involving sexual offenses. Md. Code Ann., Crim. Proc. § 11-701(o). Tier II includes sex trafficking, engaging in prostitution, soliciting or offering to procure or solicit prostitution, house of prostitution, forced marriage, and persuasion or enticement of individuals under the age of 16. Md. Code Ann., Crim. Proc. § 11-701(p). Tier III includes felony violations involving sexual offenses. Md. Code Ann., Crim. Proc. § 11.701(q).

B. Civil Liability Statutes

No Maryland statutes regarding civil lawsuits specific to human trafficking were found. A trafficking victim may be able to pursue a civil lawsuit under general liability statutes. Refer to Section A.1.e.

C. Additional Statutes Specific to Human Trafficking

1. Md. Code Ann., Lab. & Empl. § 3-507.2 (2018) – Maryland Wage Payment and Collection Law

An employee may initiate a civil lawsuit against an employer for the nonpayment of wages two weeks after the date on which the employer was required to have paid the wages. The employee may also recover an amount not exceeding three times the amount of unpaid wages, reasonable attorney's fees, and other costs. Md. Code Ann., Lab. & Empl. § 3-507.2.

More information is available at: <https://www.dllr.state.md.us/labor/wages/>.

2. Md. Code Ann., Bus. Reg. § 15-207 (2019) – Posting of Sign Regarding Human Trafficking

The Department of Business Regulation must create a sign on human trafficking with information about the National Human Trafficking Resource Center and its phone number and identifying risk factors. Md. Code Ann., Bus. Reg. § 15-207(a). The sign must be placed prominently in all bus stations, truck stops, adult entertainment establishments, public areas of each courthouse, and interstate and state highway rest areas. Md. Code Ann., Bus. Reg. § 19-103; Md. Code Ann., Cts. & Jud. Pro. § 2-215; Md. Code Ann., Transp. § 8-655. A state, county, or municipal law enforcement agency may require a lodging establishment to display the sign in every guest room for one year if arrests leading to convictions for prostitution, solicitation of a minor, or human trafficking occurred on the premises. Md. Code Ann., Bus. Reg. § 15-207(b).

3. Md. Code Ann., Educ. § 7-432 (2011) – Human Trafficking Resource Information for Educational Staff, Parents, and Students

The Maryland Department of Health must consult with experts and create resource information on human trafficking, including strategies for prevention of trafficking of children and create materials for distribution that describe local, State, and national human trafficking resources for students, parents, counselors, and school personnel. The law also requires that the Department of Education provide human trafficking awareness and training for Directors of Student Services in local education agencies.

4. Md. Code Ann., Fam. Law §§ 5-701, 5-702 (2020) – Mandatory Reporting of Suspected Child Sexual Abuse

Maryland's child protection statutes require reporting of suspected sexual abuse, which is defined to include sex trafficking of a child. Md. Code Ann., Fam. Law §§ 5-701(y)(2), 5-702(1).

5. Md. Code Ann., Fam. Law § 5-704.4 (2020) – Safe Harbor Regional Navigator Grant Program for Youth Sex Trafficking Victims

The Safe Harbor Regional Navigator Grant Program supports services for youth victims of sex trafficking. In addition, a local department that receives a report of suspected abuse or neglect involving a child who is a suspected victim

of sex trafficking, or a law enforcement officer who has reason to believe a detained child is such a victim, shall contact the appropriate regional navigator, as defined in this statute, for the jurisdiction where the trafficking occurred or where the child resides. Md. Code Ann., Fam. Law § 5-704.3; Md. Code Ann., Cts. & Jud. Proc. § 3-8A-14(D).

More information about the Safe Harbor Regional Navigator Grant Program can be found at: <http://goccp.maryland.gov/grants/programs/rnpg/>.

6. Md. Code Ann., Pub. Safety (2019) – Police Training on Human Trafficking and Victims

The Commission may require the curriculum for entrance-level police training and in-service level police training at least every three years to include special training and study of human trafficking laws, the services and support available to victims, and the rights and appropriate treatment of victims.

7. Md. Code Ann., State Gov't § 7-303 (2019) – Address Confidentiality for Human Trafficking Victims

This law creates a confidentiality program for victims of human trafficking so that their identities do not need to be released in public information requests.

8. Md. Code Ann., Transp. § 16-807.2 (2019) – Commercial Driver Training on Human Trafficking

Commercial driver license training schools must include education and training on recognizing, preventing, and effective reporting of human trafficking.

D. Significant Cases

1. *Jones v. State*, 199 A.3d 717 (Md. Ct. Spec. App. 2019)

The defendant was convicted on three counts of human trafficking of a minor and one count of receiving the earnings of a prostitute. The defendant took a 17-year-old female to two “outcalls” for the purpose of forcing her to engage in sexual activity for money, and the defendant took all the money that she received.

The Court of Special Appeals of Maryland affirmed the convictions for human trafficking, finding sufficient evidence supported the conviction. The court rejected the defendant’s contention that the victim’s testimony alone could not be sufficient to convict if there was contradicting testimony from other witnesses.

2. *Rogers v. State*, 226 A.3d 261 (Md. 2020)

The defendant pleaded guilty to one count of human trafficking under Md. Code Ann., Crim. Law § 11-303(a). During the statement of facts at the plea proceeding, the age of the victim was never determined. Under Maryland law, a person convicted of human trafficking is required to register as a sex offender if the victim was a minor. The defendant was later contacted and instructed to register as a sex offender.

The Court of Appeals of Maryland reversed the sex offender registration requirement, holding that the sex offender registry was sufficiently punitive to require that the registration elements be proven beyond a reasonable doubt. The appellate court also held that the Department of Public Safety and Correctional Services lacked the authority to determine the victim’s age for the purposes of the registration requirement.

E. Academic Research/Papers

Hon. Andrea M. Leahy & Jared A. McClain, *Hearsay and Abuse: Where Past Is Present*, 48 U. BALT. L. REV. 67 (2018).

Joshua T. Carback, *Cybersex Trafficking: Toward a More Efficient Prosecutorial Response*, 54 No. 1 CRIM. L. BULL. 3 (2018).

F. Resources

Baltimore County Government, Human Trafficking Workgroup:

[https://www.baltimorecountymd.gov/boards-commissions/executive/human-trafficking#:~:text=Contact%3A%20Call%20443%2D849%2D,or%20text%20BeFree%20\(233733\)](https://www.baltimorecountymd.gov/boards-commissions/executive/human-trafficking#:~:text=Contact%3A%20Call%20443%2D849%2D,or%20text%20BeFree%20(233733))

Criminal Injuries Compensation Board:

<https://www.dpscs.state.md.us/victimservs/cicb/index.shtml>

Frederick County Human Trafficking Response Team:

<https://frederickcountymd.gov/7672/Human-Trafficking-Response-Team>

Maryland Coalition Against Sexual Assault:

<https://mcasa.org/providers/resources-on-specific-topics/human-sex-trafficking>

Maryland Human Trafficking Task Force:

<http://www.mdhumantrafficking.org/>

Maryland Sexual Assault Reimbursement Unit:

<http://goccp.maryland.gov/victims/saru/>

Maryland State Board of Victim Services:

<http://goccp.maryland.gov/victims/board-of-victim-services/>

National Human Trafficking Hotline (Maryland):

<https://humantraffickinghotline.org/state/maryland>

Prince George’s County Human Trafficking Task Force:

<https://www.endhumantraffickingpgc.org/>

Shared Hope International, Maryland Report Card (2019):

http://sharedhope.org/PICframe9/reportcards/PIC_RC_2019_MD.pdf

Shared Hope International, Maryland Analysis and Recommendations (2019):

http://sharedhope.org/PICframe9/analysis/PIC_AR_2019_MD.pdf

University of Maryland SAFE Center for Human Trafficking Survivors:

<https://www.umdsafecenter.org/about-us/>

U.S. Department of Health & Human Services, *Maryland: Efforts to Combat Human Trafficking* (2017):

https://www.acf.hhs.gov/sites/default/files/documents/otip/maryland_profile_efforts_to_combat_human_trafficking.pdf

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