



April 23, 2024

FISCAL AND POLICY NOTE

TO: Jennifer A. Jenkins
Council Administrator

Colette R. Gresham, Esq.
Acting Deputy Council Administrator

THRU: Josh Hamlin 
Director of Budget and Policy Analysis

FROM: Roger G. Banegas 
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement
CB-023-2024 Prohibiting County Contractors and Subcontractors from engaging in labor trafficking and sex trafficking

CB-023-2024 (*Proposed and sponsored by:* The Chair of the Council at the request of the County Executive)

Assigned to the Government Operations and Fiscal Policy (GOFP) Committee

AN ACT CONCERNING COUNTY CONTRACTORS AND SUBCONTRACTORS for the purpose of prohibiting County contractors and subcontractors from engaging in labor trafficking and sex trafficking.

Fiscal Summary

Direct Impact

Expenditures: Potential increase in expenditures related to increased workload for the Office of Human Rights.

Revenue: No revenue impact likely.

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Indirect Impact

None likely.

Legislative Summary:

CB-023-2024¹, proposed and sponsored by the Chair of the Council at the request of the County Executive, was presented on March 19, 2024, and was referred to the Government Operations and Fiscal Policy (GOFP) Committee. The proposed Bill would amend provisions of the Prince George's County Code related to human sex trafficking and human labor trafficking. Contractors and Subcontractors with a written contract with the County will be prohibited from engaging in human sex trafficking or human labor trafficking, subject to enforcement by the Office of Human Rights.

Background/Current Law:

According to the U.S. Department of Justice, modern prohibitions of human trafficking in the United States have their roots in the 13th Amendment to the U.S. Constitution, which barred slavery and involuntary servitude in 1865². Congress has passed a number of comprehensive bills designed to combat human trafficking. The Trafficking Victims Protection Act of 2000 (TVPA)³, *Pub. L. No. 106-386*, allowed the U.S. government to launch a campaign against modern forms of slavery domestically and internationally. The TVPA established the framework for the “3 P’s” (protection, prevention, and prosecution) of the fight against human trafficking.

Under the current law, the provisions pertaining to human sex trafficking and human labor trafficking are outlined in Subtitle 14. *Morals and Conduct*. Division 19. *Human Sex Trafficking and Human Labor Trafficking*. Through the enactment of CB-16-2019⁴, Section 14-191 provides the definitions for Human Sex Trafficking as (A) knowingly (i) taking or causing another to be taken to any place for prostitution, (ii) placing, causing to be placed, or harboring another in any place for prostitution, (iii) persuading, inducing, enticing, or encouraging another to be taken or placed in any place of prostitution..., and Human Labor Trafficking as (A) knowingly (i) Taking, placing, harboring, persuading, inducing, or enticing another by force, fraud, or coercion to provide services or labor; or (ii) Receiving a benefit or thing of value from the provision of services or labor by another that was induced by force, fraud, or coercion.

Additionally, Section 14-192 prohibits a person from engaging in (a) human sex trafficking and (b) human labor trafficking. Any person who violates Section 14-192 is guilty of a misdemeanor

¹ [CB-023-2024](#)

² [U.S. Department of Justice - Human Trafficking](#)

³ [Congress - Public Law No. 106-386](#)

⁴ [CB-016-2019](#)

and, on conviction, is subject to imprisonment not exceeding 6 months and a fine not exceeding One Thousand Dollars (\$1,000.00).

Resource Personnel:

- Renee Battle-Brooks, OHR
 - Felipe Urquilla, OHR
-

Discussion/Policy Analysis:

CB-023-2024:

If enacted, the proposed Bill would amend the Prince George's County Code Subtitle 2. *Administration*. Division 12. *Office of Human Rights*. and Subtitle 10A. *Purchasing*. Division 6. *Special Provisions*. to add sections 2-231.09, 2-231.10 and 10A-148.

The proposed bill adds §2-231.09 to provide the definition of prohibition of sex trafficking and labor trafficking by Contractors within the County. The definition is stated as follows:

- (a) Contractor having a written contract with the County for the provision of services, including construction and construction management services, as defined by Sec. 10A-101(12) of the Prince George's County Code, shall not, during the performance of the contract, through its employees or agents, engage in human sex trafficking or human labor trafficking as defined by Sec. 14-191, Subtitle 14 of The Prince George's County Code.

The proposed bill would also add provisions, through **§2-231.10(a)**, for any person to be able to file a complaint with the Office of Human Rights if they believe that a Contractor or Subcontractor's employees or agents do not comply with the prohibitions against human sex trafficking and human labor trafficking set in §14-191 of Subtitle 14 of the Prince George's County Code. **§2-31.10(b)** sets the requirements for the complaint filed, which are as follows:

- (1) be filed under oath;
- (2) include the particulars of the alleged violation, the name and address of the Contractor alleged to have committed the violation as set forth in Sec. 14-191, Subtitle 14, of the Prince George's County Code, and
- (3) any other information required by the Office of Human Rights.

§2-231.10(c) provides that if after an investigation by the Office of Human Rights, the Contractor is found to ***have not been in violation*** of the prohibitions against human sex trafficking and human labor trafficking, the Office of Human Rights must dismiss the complaint and mail copies of its findings to the Respondent-Contractor, the Complainant, and the Office of Central Services.

On the opposite side, **§2-231.10(d)** provides that if an investigation by the Office of Human Rights finds a Contractor ***to be in violation*** of the prohibition against human sex trafficking and human

labor trafficking, then the Office of Human Rights will refer the decision to the Office of Central Services who will be required to initiate suspension and debarment proceedings pursuant to §10A-148 and consider any other relief available to the Office of Central Services, including but not limited to, contract termination and breach of contract damages. Additionally, **§2-231.10(e)** provides that if an investigation or finding made by the Office of Human Rights under this section is not intended to rule out an investigation or criminal prosecution by the State's Attorney's Office or any law enforcement agency.

Lastly, the proposed bill adds subsections 16-18 to Section 10A-148. *Debarment; suspension of bidders and offerors*⁵. With the new additions, **§10A-148(b)** would state that The Purchasing Agent shall establish regulations and procedures for the debarment and suspension pending a final determination on debarment of any person who has:

- (16) Following an investigation by the Office of Human Rights pursuant to 14-191, Subtitle 14, of the Prince George's County Code, has been found to have violated the prohibition against human sex trafficking and human labor trafficking.
- (17) Been convicted of, plead nolo contendere, or been sentenced pursuant to the Child Sex Trafficking Screening and Services Act, the Anti-Exploitation Act of 2019, Human Trafficking & Prostitution Offenses 2019, or other comparable State, Federal, U.S. Territory, or District of Columbia statute for violation of criminal laws prohibiting human labor trafficking or human sex trafficking.
- (18) Been found in violation of the wage and hours requirements Maryland Annotated Code, Labor and Employment Code §§ 3-401, *et seq.*

Fiscal Impact:

- *Direct Impact*

Enactment of CB-023-2024 may have an adverse direct fiscal impact on the County to the extent that the number of complaints to be investigated necessitates additional expenditures on staffing for the Office of Human Rights to accommodate the increased workload.

- *Indirect Impact*

Enactment of CB-023-2024 is not likely to have any indirect fiscal impact on the County.

- *Appropriated in the Current Fiscal Year Budget*

No.

⁵ [Prince George's County Code - Sec. 10A-148](#)

Effective Date of Proposed Legislation:

The Act shall take effect forty-five (45) days after it becomes law.

If you require additional information or have questions about this fiscal impact statement, please reach out to me via phone or email.