

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2019 Legislative Session

Bill No. CB-16-2019

Chapter No. 21

Proposed and Presented by Council Members Taveras and Glaros

Introduced by Council Members Taveras, Glaros, Franklin, Ivey, Harrison, Davis,
Anderson-Walker, Turner, Streeter, Dernoga and Hawkins

Date of Introduction July 23, 2019

BILL

1 AN ACT concerning

2 Local Prohibition of Human Sex and Human Labor Trafficking

3 For the purpose of prohibiting human sex and labor trafficking in Prince George’s County.

4 BY adding:

5 SUBTITLE 14. MORALS AND CONDUCT.

6 Sections 14-191, 14-192, 14-193 and 14-194

7 The Prince George's County Code

8 (2015 Edition; 2018 Supplement).

9 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
10 Maryland, that Sections 14-191, 14-192, 14-193 and 14-194 of the Prince George's County Code
11 be and the same are hereby added:

12 **SUBTITLE 14. MORALS AND CONDUCT.**

13 **DIVISION 19. HUMAN SEX TRAFFICKING AND HUMAN LABOR TRAFFICKING.**

14 **Sec. 14-191. Definitions.**

15 (a) As used in this Division:

16 (1) Coercion shall mean:

17 (A) Using or threatening to use physical force against an individual;

18 (B) Restraining, abducting, isolating, or confining an individual against the
19 individual’s will and without lawful authority;

20 (C) Threatening to restrain, abduct, isolate, or confine an individual against the
21 individual’s will and without lawful authority;

1 (D) Controlling or directing the activity of an individual through debt bondage;

2 (E) Destroying, concealing, removing, confiscating, withholding, or possessing
3 an actual or purported passport, immigration document, or governmental identification document
4 of an individual;

5 (F) Causing or threatening to cause psychological harm to an individual;

6 (G) Controlling or threatening to control an individual’s access to a controlled
7 dangerous substance;

8 (H) Exposing or disseminating or threatening to expose or disseminate any fact
9 or information that would tend to subject an individual to criminal or immigration proceedings;

10 (I) Threatening to notify an agency or unit of the State or Federal Government
11 that an individual is present in the United States in violation of Federal Immigration Law;

12 (J) Exploiting an individual’s physical impairment, developmental disability,
13 intellectual disability, or mental disorder; or

14 (K) Using a plan, pattern, or scheme with intent to:

15 (i) Cause an individual to believe that failure to perform an act will result
16 in the use of force, restraint, abduction, isolation, or confinement;

17 (ii) Cause psychological harm to a person; or

18 (iii) Engage in any activity described in subsection (A) through (K) of this
19 subsection.

20 (2) **Controlled Dangerous Substance** shall mean the definition in Section 14-164(a)
21 of the County Code.

22 (3) **Debt Bondage** shall mean the status or condition of an individual who provides
23 labor, services, or sex acts to pay a real or alleged debt, where:

24 (A) The value of the labor, services, or sex act is not applied toward the
25 liquidation of the debt;

26 (B) The nature of the labor, services, or sex act is not limited or defined; or

27 (C) The amount of the debt does not reasonably reflect the value of items,
28 services, or other things of value for which the debt was incurred.

29 (4) **Developmental Disability** shall mean a severe chronic disability of an individual
30 that:

31 (A) Is attributable to a physical or mental impairment, other than the sole

1 diagnosis of mental illness, or to a combination of mental and physical impairments;

2 (B) Is manifested before the individual attains the age of 22;

3 (C) Is likely to continue indefinitely;

4 (D) Results in an inability to live independently without external support or
 5 continuing and regular assistance; and

6 (E) Reflects the need for a combination and sequence of special,
 7 interdisciplinary, or generic care, treatment, or other services that are individually planned and
 8 coordinated for the individual.

9 (5) **Human Sex Trafficking shall mean:**

10 (A) knowingly:

11 (i) Taking or causing another to be taken to any place for prostitution;

12 (ii) Placing, causing to be placed, or harboring another in any place for
 13 prostitution;

14 (iii) Persuading, inducing, enticing, or encouraging another to be taken to or
 15 placed in any place for prostitution;

16 (iv) Receiving consideration to procure for or place in a house of
 17 prostitution or elsewhere another with the intent of causing the other to engage in prostitution or
 18 assignation;

19 (v) Engaging in a device, scheme, or continuing course of conduct
 20 intended to cause another to believe that if the other did not take part in a sexually explicit
 21 performance, the other or a third person would suffer physical restraint or serious physical harm;
 22 or

23 (vi) Destroying, concealing, removing, confiscating, or possessing an actual
 24 or purported passport, immigration document, or government identification document of another
 25 while otherwise violating or attempting to violate this subsection.

26 (B) A parent, guardian, or person who has permanent or temporary care or
 27 custody or responsibility for supervision of another consenting to the taking or detention of the
 28 other for exchange of commercial sex of a minor for money.

29 (C) knowingly taking or detaining another with the intent to use force, threat,
 30 coercion, or fraud to compel the other to marry the person or a third person or perform a sexual
 31 act, sexual contact, or vaginal or rectal intercourse.

1 (6) **Intellectual Disability** shall mean a developmental disability that is evidenced by
 2 significant below average intellectual functioning and impairment in the adaptive behavior of an
 3 individual.

4 (7) **Human Labor Trafficking** shall mean:

5 (A) knowingly:

6 (i) Taking, placing, harboring, persuading, inducing, or enticing another by
 7 force, fraud, or coercion to provide services or labor; or

8 (ii) Receiving a benefit or thing of value from the provision of services or
 9 labor by another that was induced by force, fraud, or coercion.

10 (8) **Mental Disorder** shall mean a behavioral or emotional illness that results from a
 11 psychiatric disorder. It includes a mental illness that so substantially impairs the mental or
 12 emotional functioning of an individual as to make care or treatment necessary or advisable for
 13 the welfare of the individual or for the safety of the person or property of another. It does not
 14 include an intellectual disability.

15 **Sec. 14-192. Prohibited Conduct.**

16 (a) A person shall not engage in human sex trafficking.

17 (b) A person shall not engage in human labor trafficking.

18 **Sec. 14-193. Penalties.**

19 (a) A person who violates Section 14-192 is guilty of a misdemeanor and on conviction is
 20 subject to imprisonment not exceeding 6 months and a fine not exceeding One Thousand Dollars
 21 (\$1,000.00).

22 (b) A person who knowingly benefits financially or by receiving anything of value from
 23 participation in a venture that includes an act described in subsection (a) of this section is subject
 24 to the same penalties that would apply if the person had violated that subsection.

25 (c) A person who knowingly aids, abets, or conspires with one or more other persons to
 26 violate subsection (a) or (b) of this section is subject to the same penalties that apply for a
 27 violation of that subsection.

28 (d) It is not a defense to a prosecution under this section that the person did not know the
 29 age of the victim.

30 **Sec. 14-194. Assessment of Victim Protection Needs.**

31 The Human Relations Commission, through the Prince George's County Human Trafficking

1 Task Force, shall no later than one year from the effective date of this statute create, distribute,
2 and analyze the data resulting from a universal survey that produces a report outlining how
3 existing entities capture the number of trafficking complaints, suspected trafficking cases, and
4 how existing laws and regulations address the needs of trafficking victims. This report should
5 suggest improvement and modification. The report should also outline how existing programs
6 respond or fail to respond to the needs of trafficking victims and the interplay of such existing
7 programs with county-funded service programs. The final report shall be delivered to the
8 County Council and County Executive no later than March 15, 2021.

9 * * * * *

10 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
11 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
12 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
13 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
14 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
15 Act, since the same would have been enacted without the incorporation in this Act of any such
16 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
17 or section.

18 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
19 calendar days after it becomes law.

Adopted this 10th day of September, 2019.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Chair

ATTEST:

Donna J. Brown
Acting Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.