

TESTIMONY BY STEVEN WAGNER
BEFORE THE MARYLAND HOUSE OF DELEGATES
COMMITTEE ON THE JUDICIARY
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Contact: Steven Wagner
202.544.3344
wagner@renewalforum.org

My name is Steven Wagner. I represent the Renewal Forum, a non-profit organization working with states to deal more effectively with human trafficking within their borders.

I want to applaud Delegate Benson and her colleagues for undertaking to improve Maryland's response to the tragic phenomenon of human trafficking. The creation of a statewide human trafficking task force to evaluate current anti-trafficking strategies and to devise new initiatives is an important step toward the abolition of all forms of human exploitation in Maryland. And abolition must be our goal in this endeavor.

You have heard already that slavery has returned to American shores. You have heard that 14,500 – 17,500 victims per year are coming into the United States from other countries; that since the federal Trafficking Victims Protection Act was passed in 2000, this means somewhere between 100,000 and 120,000 individuals from other countries have been enslaved here. Maryland's share of that toll of human misery is roughly 2,000 children, women, and men.

But what you may not have heard or have focused on is that the far larger population of human trafficking victim consists of U.S. citizens who are under the age of 18. The federal law holds that any juvenile, under the age of 18, who is exploited for the purpose of commercial sex is a victim of human trafficking. A review by the Renewal Forum of social science literature yields estimates of this population ranging from 200,000 – 375,000 per year – well more than ten times the rate of victimization of foreign nationals. And Maryland's share of this annual toll is 4,000 – 7,000 girls and boys.

The Renewal Forum recently evaluated state laws on human trafficking. Maryland made a good start with the passage last year of a law to define the criminal act of trafficking. But Maryland gets a failing grade, in our analysis, for efforts to identify and

protect victims, and for providing for the restoration of victims. There is more work to be done.

Because it is a central component of human trafficking, I encourage you to look also at the legal environment in Maryland regarding the commercial sexual exploitation of children. You have defined in law that a juvenile exploited for the purpose of commercial sex is a victim of trafficking – that’s good. But in Maryland, for-pay sex with a minor is effectively decriminalized because the age of the victim is not defined in your prostitution statutes. Nor is the pimping of a minor an aggravating circumstance. Nor is being the victim of human trafficking an affirmative defense against violations of prostitution and other statutes. As you look to improve your response to human trafficking, I encourage you to also look at making Maryland less hospitable to the commercial sexual exploitation of children generally.

We have found it is vital for states to vigorously pursue the abolition of human trafficking within their boundaries, because the federal government is simply inadequate to the task – it simply does not have resources enough to end human trafficking nationally. And all too often in too many places, its will to do so is lacking. We have further found that this is not a task law enforcement agencies can handle by themselves. What is needed is community-wide response, and social movement for abolition. I think that we in the anti-trafficking movement are today where the anti-domestic violence movement was 30 or so years ago. And the parallels are instructive.

The creation of a statewide anti-trafficking task force, such as proposed in HB 245, will bring necessary energy and creativity to the task before us. A task force will bring accountability for results; it will tap all of the instrumentalities of state government to find the victims and defeat the traffickers. As we have learned elsewhere, the passage of a good anti-trafficking statute is only the first step. Of greater importance is how aggressively that statute is implemented. Thank you for the opportunity to be with you today.

Additional Renewal Forum commentary on the Maryland Anti-Trafficking Statute:

Maryland has criminalized trafficking of persons for the purposes of sex and labor. In addition, it has made it a felony to benefit from trafficking and has provided for enhanced penalties for minors. Maryland does not include an enhanced penalty for holding a minor in involuntary servitude nor does it define the age of a minor in the statute.

Maryland should enact an affirmative defense for trafficking victims for crimes committed under the direction of their captors. It should also establish training policies for law enforcement as well as require support for victim certification. Finally, Maryland should establish a fund for trafficking victims to provide restorative services, which could be funded by the forfeiture of any property gained from the act of trafficking.

Maryland has not taken any steps to provide for the victims of trafficking after they are found. It should require court ordered restitution and restoration for victims of trafficking from their traffickers. In addition, Maryland should provide trafficking victims a private right of action against their captors. Maryland should explicitly provide victims access to their normal crime victims services. And finally, Maryland should establish a taskforce to study human trafficking in the state and to recommend the best policies to abolish human trafficking from the state.