



**HB0242 - Criminal Procedure - Motion to Vacate Judgment - Human Trafficking
(True Freedom Act of 2020)**

Presented to the Hon. Luke Clippinger and Members of the House Judiciary Committee
January 28, 2020 at 1:00 p.m.

POSITION: SUPPORT

NARAL Pro-Choice Maryland **urges the House Judiciary Committee a favorable report on HB0242, Criminal Procedure - Motion to Vacate Judgment - Human Trafficking (True Freedom Act of 2020), sponsored by Delegate Vanessa Atterbeary.**

Our organization is an advocate for reproductive health, rights, and justice. We seek to protect and advance every individual's power to make personal decisions about one's own life, body, and future. In doing so, we support each individual's freedom to exercise control over their sexual and reproductive lives, as well as their bodily autonomy and safety. We believe that victims of human trafficking should not be discouraged from seeking help because they fear retribution for engaging in unlawful acts as part of their victimization.¹

HB0242 expands the existing definition of "qualifying offenses" for which a victim of human trafficking could petition for expungement. Currently, only prostitution is counted as a qualifying offense. This means that victims who did other things as a direct result of trafficking – such as possessing fraudulent identification documents, engaging in vehicle-related offenses, committing misdemeanor theft, or providing false information to law enforcement officers – are vulnerable to prosecution. Threats of criminalization in committing such acts frustrates the willingness of victims to come forward in fear for being caught in the criminal justice system as offenders. Many survivors who have shared about their experiences after being rescued have described how they felt scared to tell the truth to police for fear of being punished by their traffickers. With the law as it currently stands, victims who feel this fear may face prosecution for false testimony to a police officer if they eventually do muster up the courage to come forward later.

Vacating judgement of crimes committed while under the control of human traffickers provides improved opportunities for successful reintegration of survivors into the community. The unemployment rate for individuals with a criminal record are significantly higher² than for those without one. By having a criminal record as a result of unlawful acts committed while in a human trafficking situation, victims are less likely to have the same opportunities for meaningful employment or eligibility to access certain services. In order to keep those rescued from human trafficking safe from revictimization, economic and social stability will be key for long-term survival³.

We strongly support HB0242 as it will assist human trafficking survivors in their healing and makes it safer for victims to attempt escape with less fear of legal retribution. For these reasons, **NARAL Pro-Choice Maryland urges a favorable committee report on HB0242.** Thank you for your time and consideration.

¹ National Human Trafficking Hotline. (2018). *Hotline Statistics*. [online] Available at: <https://humantraffickinghotline.org/states> [Accessed 18 Feb. 2019].

² DiGregorio, Z. (2017). *Criminal Records and Unemployment: The Impact on the Economy*. [online] Wharton Public Policy Initiative. Available at: <https://publicpolicy.wharton.upenn.edu/live/news/207-1-criminal-records-and-unemployment-the-impact-on> [Accessed 18 Feb. 2019].

³ Publications.iom.int. (2010). *The Causes and Consequences of Re-trafficking: Evidence from the IOM Human Trafficking Database* - | IOM Online Bookstore. [online] Available at: <https://publications.iom.int/books/causes-and-consequences-re-trafficking-evidence-iom-human-trafficking-database> [Accessed 18 Feb. 2019].

