



BILL NO: Senate Bill 480
TITLE: Criminal Procedure – Shieldable Conviction – Motion to Vacate Judgment
COMMITTEE: Judicial Proceedings
HEARING DATE: February 15, 2017
POSITION: **SUPPORT**

The Amara Legal Center strongly supports the passage of Senate Bill 480. The Amara Legal Center is a nonprofit legal services organization which provides free legal services to survivors of sex trafficking in Maryland, Virginia, and the District of Columbia. Senate Bill 480 would improve Maryland’s current vacatur statute by increasing the number of convictions eligible for vacatur and expanding the scope of the statute to include victims of labor trafficking. The Amara Legal Center supports this bill because it will help remove the barriers created by a criminal record that hinder many of our clients as they try to move forward from their trafficking experience.

Through our work with survivors of human trafficking, the Amara Legal Center recognizes the distinct and varied challenges these survivors of human rights abuses face in their attempts to rebuild their lives. Most survivors of human trafficking have been convicted of criminal offenses they were coerced or forced to commit in connection with their trafficking. The collateral consequences of these convictions produce substantial obstacles to recovery. Survivors with criminal records are often unable to secure safe housing, gainful employment, or public benefits and as a result they find themselves living in poverty and vulnerable to further exploitation.

In 2011, Maryland took action to address this problem, becoming the second state in the country to enact a law allowing survivors of human trafficking to vacate their convictions for prostitution offenses. Since its enactment, the vacatur statute has been a valuable mechanism for supporting survivors of human trafficking but the Amara Legal Center and other organizations working in the field have identified significant gaps in the statute’s reach. For example, many of Amara’s clients have convictions for criminal offenses other than prostitution such as trespassing, drug possession, or driving without a license, which are just as connected to their trafficking victimization but not eligible to be vacated under the current statute.

The amendments proposed in SB 480 would strengthen Maryland’s existing vacatur law by increasing the number of convictions eligible for vacatur to include common trafficking-related offenses beyond prostitution and expanding the scope of the statute to expressly include survivors of labor trafficking. Additionally, SB 480 would lessen the procedural burden placed on survivors seeking post-conviction relief by repealing the existing requirement that they receive the signature and consent of the State’s Attorney before filing any motion to vacate judgment. Under SB 480’s amendments, survivors would only need to provide a copy of the motion to the State’s Attorney before filing.



Adoption of SB 480 will enhance the effectiveness of Maryland's vacatur law and enable more survivors to rebuild their lives. For these reasons, the Amara Legal Center supports SB 480. We respectfully urge a favorable report.

Sincerely,

A handwritten signature in black ink that reads "Stacie Reimer". The signature is fluid and cursive, with the first name "Stacie" and last name "Reimer" clearly legible.

Stacie Reimer
Executive Director
Amara Legal Center