


MEMORANDUM

July 21, 2017

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Introduction:** Bill 27-17, Human Rights and Civil Liberties - Human Trafficking Prevention Committee – Established

Bill 27-17, Human Rights and Civil Liberties – Human Trafficking Prevention Committee - Established, sponsored by Council President Berliner at the request of the County Executive, is scheduled to be introduced on July 25. A public hearing is tentatively scheduled for September 19 at 1:30 p.m.

Bill 27-17 would:

- (1) establish the Human Trafficking Prevention Committee;
- (2) define the membership of the Committee; and
- (3) define the duties and responsibilities of the Committee.

Background

The County currently has a Human Trafficking Task Force that meets to develop methods of preventing human trafficking in the County. The current Human Trafficking Task Force is unable to officially advise the County Executive or the Council because it is not a permanent committee created by law. The Task Force would also like to be able to work with the Commission for Women to raise and spend money on human trafficking related issues. Bill 27-17 would establish a permanent committee with 15 voting members appointed by the Executive subject to Council confirmation. Under the Bill, the Executive should appoint:

- (1) an employee of the Montgomery County Public Schools;
- (2) an employee of the County State's Attorney's Office;
- (3) a member of the Montgomery County Judiciary;
- (4) an employee of the County Sheriff's Office;
- (5) a member of the County Council;
- (6) an employee of the County Police Department;
- (7) an employee of the County Department of Health and Human Services;
- (8) an employee of the County Office of Intergovernmental Relations;
- (9) an employee of the County Department of Correction and Rehabilitation;
- (10) a member of the County's Commission for Women;
- (11) a member of the Criminal Justice Coordinating Commission;
- (12) two voting members from two different advocacy organizations;

- (13) an owner or employee of a non-profit service provider; and
- (14) an academic advisor.

The Committee may also include an additional 8 nonvoting *ex officio* members.

The Bill would require the Committee to:

- (1) adopt rules and procedures as necessary to perform its functions;
- (2) keep a record of its activities and minutes of all meetings, which must be kept on file and open to the public during business hours upon request;
- (3) develop and distribute information about human trafficking in the County;
- (4) promote educational activities that increase the understanding of human trafficking in the County;
- (5) develop and recommend interagency coordinated strategies for reducing human trafficking in the County;
- (6) advise the Council, the Executive, County agencies, and State elected officials about human trafficking in the County, and recommend policies, programs, legislation, or regulations necessary to reduce human trafficking;
- (7) submit an annual report by October 1 of each year to the Executive and Council on the activities of the Committee, including the source and amount of any contributions received to support the activities of the Committee; and
- (8) establish three subcommittees: the Legislative Subcommittee; the Victim Services Subcommittee; and the Education and Outreach Subcommittee.

This packet contains:

| | <u>Circle #</u> |
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Bill No. 27-17
Concerning: Human Rights and Civil Liberties - Human Trafficking Prevention Committee – Established
Revised: July 19, 2017 Draft No. 3
Introduced: July 25, 2017
Expires: January 25, 2019
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the Request of the County Executive

AN ACT to:

- (1) establish the Human Trafficking Prevention Committee;
- (2) define the membership of the Committee;
- (3) define the duties and responsibilities of the Committee; and
- (4) generally amend the laws governing the prevention of human trafficking.

By amending

Montgomery County Code
Chapter 27, Human Rights and Civil Liberties
Article VIII, Section 27-62

| | |
|------------------------------|--|
| Boldface | <i>Heading or defined term.</i> |
| <u>Underlining</u> | <i>Added to existing law by original bill.</i> |
| [Single boldface brackets] | <i>Deleted from existing law by original bill.</i> |
| <u>Double underlining</u> | <i>Added by amendment.</i> |
| [[Double boldface brackets]] | <i>Deleted from existing law or the bill by amendment.</i> |
| * * * | <i>Existing law unaffected by bill.</i> |

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec 1. Section 27-62 is amended as follows:**

2 **Article VIII [RESERVED] HUMAN TRAFFICKING PREVENTION**
3 **COMMITTEE.**

4 **Sec. 27-62. [Reserved.] Human Trafficking Prevention Committee.**

5 (a) Members. The Executive must appoint, subject to confirmation by the
6 Council, a Human Trafficking Prevention Committee. The Committee
7 must have 15 voting members and up to 10 ex-officio nonvoting
8 members. Each voting member must, when appointed, reside in the
9 County.

10 (1) Voting members. The voting members must broadly reflect the
11 geographic, economic, and social diversity of the County. Each
12 voting member should be associated with an organization involved
13 in addressing some aspect of human trafficking or have a direct
14 interest in an issue related to human trafficking.

15 (A) One voting member should be an employee of the
16 Montgomery County Public Schools.

17 (B) One voting member should be an employee of the County
18 State's Attorney's Office.

19 (C) One voting member should be a member of the
20 Montgomery County Judiciary.

21 (D) One voting member should be an employee of the County
22 Sheriff's Office.

23 (E) One voting member should be a member of the County
24 Council.

25 (F) One voting member should be an employee of the County
26 Police Department.

- 27 (G) One voting member should be an employee of the County
- 28 Department of Health and Human Services.
- 29 (H) One voting member should be an employee of the County
- 30 Office of Intergovernmental Relations.
- 31 (I) One voting member should be an employee of the County
- 32 Department of Correction and Rehabilitation.
- 33 (J) One voting member should be a member of the County's
- 34 Commission for Women.
- 35 (K) One voting member should be a member of the Criminal
- 36 Justice Coordinating Commission.
- 37 (L) Two voting members should be from two different
- 38 advocacy organizations.
- 39 (M) One voting member should be an owner or employee of a
- 40 non-profit service provider.
- 41 (N) One voting member should be an academic advisor.
- 42 (2) Nonvoting members.
- 43 (A) The Committee must also include the following *ex officio*
- 44 nonvoting members:
- 45 (i) the Council President or the President's designee;
- 46 (ii) the County Executive or the Executive's designee;
- 47 (iii) the Director of the Department of Permitting Services
- 48 or the Director's designee;
- 49 (iv) the Director of the Commission on Human Rights or
- 50 the Director's designee; and
- 51 (v) the Director of the Office of Community Partnerships
- 52 or the Director's designee; and

- 53 (B) The Committee may also include the following ex officio
 54 nonvoting members:
- 55 (i) One Senator or the Senator's designee from the
 56 Montgomery County Delegation selected by the
 57 Chair of the County's Senate Delegation;
- 58 (ii) One Delegate or the Delegate's designee from the
 59 Montgomery County Delegation selected by the
 60 Chair of the County's House Delegation; and
- 61 (iii) the President or the President's designee of an
 62 appropriate health care agency located in the County
 63 that serves victims of human trafficking.
- 64 (3) Term. Each voting member serves a 3-year term. A voting member
 65 must not serve more than 2 consecutive full terms. A member
 66 appointed to fill a vacancy serves the rest of the unexpired term.
 67 Members continue in office until their successors are appointed
 68 and qualified.
- 69 (4) Compensation. Voting and nonvoting members must receive no
 70 compensation for their services.
- 71 (5) Removal. The Executive, with the consent of the Council, may
 72 remove a member for neglect or inability to perform the duties of
 73 the office, misconduct in office, or a serious violation of law.
 74 Before the Executive removes a member, the Executive must give
 75 the member notice of the reason for removal and a reasonable
 76 opportunity to reply.
- 77 (b) Chair and Vice Chair. The Committee must annually elect one voting
 78 member as chair and another as vice chair, and may elect other officers.

79 (c) Meetings. The Committee may meet at the call of the chair as often as
80 required to perform its duties, but at least six times each year. The
81 Committee must also meet if a majority of the voting members submit a
82 written request for a meeting to the chair at least 7 days before the
83 proposed meeting. A majority of the voting members are a quorum for
84 the transaction of business, and a majority of voting members present at
85 any meeting with a quorum may take an action.

86 (d) Staff. The Commission for Women must provide the Committee with
87 staff, offices, and supplies as are appropriate for it.

88 (e) Duties. The Committee must:

89 (1) adopt rules and procedures as necessary to perform its functions;

90 (2) keep a record of its activities and minutes of all meetings, which
91 must be kept on file and open to the public during business hours
92 upon request;

93 (3) develop and distribute information about human trafficking in the
94 County;

95 (4) promote educational activities that increase the understanding of
96 human trafficking in the County;

97 (5) develop and recommend interagency coordinated strategies for
98 reducing human trafficking in the County;

99 (6) advise the Council, the Executive, County agencies, and State
100 elected officials about human trafficking in the County, and
101 recommend policies, programs, legislation, or regulations
102 necessary to reduce human trafficking;

103 (7) submit an annual report by October 1 of each year to the Executive
104 and Council on the activities of the Committee, including the

105 source and amount of any contributions received to support the
 106 activities of the Committee; and

107 (8) establish three subcommittees: the Legislative Subcommittee; the
 108 Victim Services Subcommittee; and the Education and Outreach
 109 Subcommittee.

110 (f) Contributions. Notwithstanding the Ethics restrictions in Chapter 19A,
 111 the Committee may solicit and accept contributions from public and
 112 private sources to support the activities of the Committee. Committee
 113 staff must not solicit or accept contributions for the Committee, but may
 114 be assigned administrative tasks related to Committee fundraising.

115 (g) Advocacy. The Committee must not engage in any advocacy activity at
 116 the State or federal levels unless that activity is approved by the Office of
 117 Intergovernmental Relations.

118 **Sec 2. Transition - Staggered Terms.**

119 The individual terms of the voting members must be staggered. Of the voting
 120 members first appointed, five must be appointed for a 1-year term, five must be
 121 appointed for a 2-year term, and five must be appointed for a 3-year term.

LEGISLATIVE REQUEST REPORT

Bill 27-17

Human Rights and Civil Liberties - Human Trafficking Prevention Committee - Established

DESCRIPTION: This Bill establishes a Human Trafficking Committee.

PROBLEM: The current Human Trafficking Task Force is unable to officially advise the County Executive or Council because it does not have the written authority to do so. The Task Force would also like to be able to work with the Commission for Women to raise and spend money on human trafficking related issues.

GOALS AND OBJECTIVES: Change the current Human Trafficking Task Force from a temporary entity to a permanent Committee.

COORDINATION: Commission for Women and the Office of the County Attorney.

FISCAL IMPACT: Office of Management and Budget.

ECONOMIC IMPACT: Office of Finance.

EVALUATION: Subject to the general oversight of the County Executive and the County Council. The Office of the County Attorney will evaluate for form and legality.

EXPERIENCE ELSEWHERE: Unknown

SOURCE OF INFORMATION: Kathryn Lloyd
Associate County Attorney
Office of the County Attorney

Jodi Finkelstein
Executive Director
Commission for Women

APPLICATION WITHIN MUNICIPALITIES: N/A

PENALTIES: N/A




OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

July 13, 2017

TO: Roger Berliner, President
County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Legislation Establishing the Montgomery County Human Trafficking Prevention Committee

I am submitting for introduction the attached bill that would create the Montgomery County Human Trafficking Prevention Committee. The purpose of the bill is to move the current task force from a temporary entity to a permanent one.

The Montgomery County Human Trafficking Task Force was created in 2014 to increase understanding of the issue of human trafficking in Montgomery County and to develop interagency coordination of strategies for response and prevention. At the January 20, 2016, task force meeting, Bobbe Mintz, Chair and Women's Commissioner, suggested that the task force become a permanent entity that would function under the auspices of the Montgomery County Commission for Women. The task force members in attendance unanimously agreed.

The nature of human trafficking consistently changes and needs long-term attention. We must create a permanent entity that can address this horrific issue in a timely and sensitive manner. Your assistance is appreciated.

IL/jf

Attachment

Fiscal Impact Statement
Bill XX-17 – Committee on Human Trafficking

1. Legislative Summary

The Montgomery County Human Trafficking Prevention Task Force formed three years ago based on a recommendation from the Montgomery County Commission for Women (CFW). This bill makes the Montgomery County Human Trafficking Prevention Task Force a permanent committee under the CFW, allowing members to officially advise, recommend, advocate, etc., on issues pertaining to human trafficking.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

According to the CFW, this bill would have no impact on revenues or expenditures as this simply changes the current structure from a task force to a committee. The committee will be staffed by the executive director of the CFW. The executive director currently supports the task force which is chaired by a member of the CFW.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

See response #2.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable.

5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

Not applicable.

6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Not applicable.

7. An estimate of the staff time needed to implement the bill.

The executive director of the CFW estimates 40-50% of her time will be spent on the committee; however, this is time that was already spent on the task force.

8. An explanation of how the addition of new staff responsibilities would affect other duties.

This is currently a part of the executive director's duties. However, as the committee increases work volume, additional staffing may be needed.

9. An estimate of costs when an additional appropriation is needed.

Not applicable.

10. A description of any variable that could affect revenue and cost estimates.

Not applicable.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

12. If a bill is likely to have no fiscal impact, why that is the case.


A human trafficking prevention task force already exists in the county. This bill simply changes the structure from a task force to a committee.

13. Other fiscal impacts or comments.

Not applicable.

14. The following contributed to and concurred with this analysis:

Jodi Finkelstein, Executive Director, Montgomery County Commission for Women
Corey Orlosky, Office of Management and Budget



Jennifer A. Hughes, Director
Office of Management and Budget

4/20/17
Date

Economic Impact Statement
Bill #-17, Concerning: Committee on Human Trafficking

Background:

This legislation would create the Commission on Human Trafficking and outline the duties and responsibilities of the Commission on Human Trafficking. Currently, the Human Trafficking Task Force (Task Force) is unable to officially advise the County Executive and the County Council because the Task Force does not have written authority to advise the County Executive and the County Council. Bill #-17 would change the Task Force from a temporary entity to a permanent Commission on Human Trafficking.

1. The sources of information, assumptions, and methodologies used.

Sources of information: include:

- the Commission for Women (Commission);
- U.S. Department of Justice (Justice Department);
- Federal Bureau of Investigation (FBI), U.S. Department of Justice;
- PolarisProject.org;
- International Labour Organization (ILO);
- DoSomething.org; and
- United Nations International Children's Emergency Fund (UNICEF) USA.

According to the FBI, "human trafficking, believed to be the third largest criminal activity in the world, is a form of human slavery. Human trafficking includes forced labor, domestic servitude, and commercial sex trafficking." The Justice Department defines human trafficking as a crime under Title 18, Chapter 77, United States Criminal Code, as the act of compelling or coercing a victim person's labor, services, or commercial sex acts. According to the Justice Department, the coercion may be subtle or overt, physical or psychological.

According to UNICEFUSA, there are an estimated 21 million individuals trafficked around the world and \$32 billion in estimated profits generated globally from human trafficking. The International Labour Organization estimates that of the estimated 21 million individuals trafficked around the world, 68 percent are trapped in forced labor, 26 percent of children, and 55 percent of women and girls. ILO also reports that the forced labor and human trafficking is a \$150 billion industry worldwide. In 2015, an estimated 1 out of 5 endangered runaways report to the National Center for Missing and Exploited Children were likely child sex trafficking victims (source: PolarisProject.org).

Finally, the DoSomething.org reports that globally the average cost of a slave is \$90. The average age of a teen who enters the sex trade in the United States is 12 to 14 years old. Many of the teens are runaway girls. According to DoSomething.org, between 14,500 and 17,500 are trafficked into the United States every year and

Economic Impact Statement
Bill ##-17, Concerning: Committee on Human Trafficking

California "harbors three of the FBI's thirteen highest child sex trafficking areas in the nation."

In 2016, the Montgomery County Police Department investigated 29 cases of human trafficking in the County and three involved minors. However, these numbers only apply to those cases that are reported and investigated by the police. According to the information provided by the Commission, traffickers use violence, threats, deception and other manipulative tactics to force or coerce women and men to engage in acts against their will.

According to data provided by the National Human Trafficking Hotline regarding trafficking in the State of Maryland, nearly 540 cases in 2016 were reported to the national hotline. Of those 540 cases, 116 were female victims and six were male victims, 71 victims were adults and 57 victims were minors. According to a map provided in the report, most of the reported trafficking in the state occurred along the Baltimore-Washington corridor.

In preparation for the economic impact statement, the Department of Finance did not develop measurable or quantitative assumptions or methodologies. Given the topic of human trafficking, there is no quantitative analysis or data of the economic impact in the County. The only economic assumptions are qualitative. For example, Finance assumes that the victims of human trafficking have very modest incomes to meet a certain standard of living and must resort to other sources of income and employment that may result in becoming a victim of human trafficking. Finally, there are no data on the amount of income received by the victims of human trafficking and the amount of income for traffickers. Without detailed data on the incomes of the victims and traffickers, Finance cannot quantify the economic impacts with any specificity of human trafficking, particularly incomes related to the underground economy related to illegal activities.

2. A description of any variable that could affect the economic impact estimates.

The variables that could affect the economic impact are the total number of victims and traffickers and the amount of income, if any, they receive from human trafficking. However, as stated in paragraph #1, data on the total number and amount of income are not available.

3. The Bill's positive or negative effect, if any on employment, spending, savings, investment, incomes, and property values in the County.

Without specific economic data on the number of victims and traffickers and the amount of income derived from human trafficking, it is difficult to quantify the impact of human trafficking on the County's economy. Without economic data to determine the employment status of the victims and their source of income outside human trafficking (i.e., from legitimate economic activity), Finance cannot estimate

Economic Impact Statement
Bill #-17, Concerning: Committee on Human Trafficking

the economic loss to the County's economy through underemployment by the victims through illegitimate economic activity.

4. If a Bill is likely to have no economic impact, why is that the case?

Currently, there are no detailed data to measure the negative impact on the County's economy.

5. The following contributed to or concurred with this analysis: David Platt and Robert Hagedoorn, Finance.



Alexandre A. Espinosa, Director
Department of Finance

9/17/2017

Date