

Maryland



The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact policy@polarisproject.org.

GOOD FOR SURVIVORS:

Legal Effect:

In Maryland, the law returns the survivor to pre-record status. This means that for all practical purposes, once the process is complete, it is as if the offense never happened. For example, a statute receiving the highest ranking indicates that the conviction is vacated "on the merits" - meaning the charges never should have been brought in the first place. The highest-ranking statutes also include the automatic destruction of the records so they cannot be used against the survivor in the future.

Hearing Requirement:

Attending a hearing can be traumatizing for survivors as well as expensive. Maryland has a conditional hearing requirement. This means the hearing is required at the court's discretion or under objection from certain state authorities such as prosecutors. Ideally, survivors could apply for relief, and based on the evidence provided, the court could decide to grant relief without having a hearing.

Arrests and Adjudication Relief:

Maryland allows trafficking survivors to clear their criminal record of arrests, adjudications, convictions, incident reports, non-prosecuted cases, and related records.

NEEDS IMPROVEMENT:

Survivor Must Notify Victim When Applying for Relief:

The statute requires a survivor to notify any victims of the original offense before applying

for relief. In some cases, the victims of the original offense can submit impact statements that may impact the ability of the survivor to receive criminal record relief. This is problematic because the victim may not be aware of the survivor's victimization, or they may have been connected to the victimization as a trafficker or buyer. In these scenarios, notifying the victim may put the trafficking survivor at risk. Further, notifying a victim and allowing them to submit a statement puts the blame on the survivor for an offense they committed under coercion, force, or threat.

Offenses Covered:

The narrow scope of offenses currently covered by the criminal record relief statute in Maryland is inadequate because relief only applies to specific low-level offenses - yet the range of offenses for which survivors are arrested and prosecuted is much broader. Ideally, legislators in Maryland would expand the statute to include all offenses so more survivors are eligible for relief.

Court Can Take Other Factors Into Account:

In Maryland, the statute allows the courts to make decisions on whether the survivor may obtain criminal record relief by judging the survivor on factors like their rehabilitation efforts, the relationship the survivor had with their trafficker, etc. This places the onus of responsibility and judgment on the survivor, even though the original conviction was tied to their own victimization.



Statute: [Md. Code Ann., Crim. Proc. § 8-302](#)