

"POST-CONVICTION RELIEF FOR VICTIMS OF SEX TRAFFICKING"

Street Address
City, ST ZIP Code
Phone
Email

FADE IN:

SCENE NAME

[Young woman with loan applications, FHA forms, school applications, etc. Maybe cut to pretend caserecord to show her criminal record]

GUY 1

As a judge, it may seem like there is little you can do to help victims of human trafficking. But there is one important where you do have an active role - postconviction relief.

GUY 2

Guy 2

Post-conviction relief is hugely important for survivors of sex trafficking. Being trafficked can result in criminal convictions that - even years after being recovered from the situation - can prevent survivors from getting a job, receiving public assistance, getting student loans, housing assistance, applying for a loan, obtaining immigration relief, military service, and so on.

Without post-conviction relief, a survivor's criminal record can keep make them vulnerable to re-victimization and keep them trapped in the very circumstances that they want to escape.

Perhaps most importantly, the criminal record can keep survivors from healing from their trauma. Post-conviction relief can be an opportunity for the survivor to reclaim their narrative, to empower themselves, to reclaim their space and their story.

CHARACTER NAME 3

Guy 1

Expungement or shielding of a defendant's record can help. Both remedies have explicit statutory provisions that pertain to trafficking. For expungement, that provision can be found in the Criminal Procedure Article, § 10-110.

10-110.

(a) A person may file a petition listing relevant facts for expungement of a police record, court record, or other

record maintained by the State or a political subdivision of the State if the person is convicted of:

(1) a misdemeanor that is a violation of:

(xiv) § 11-306(a) § 11-303, § 11-306, or § 11-307 of the Criminal Law Article;

Shielding is found in the Criminal Procedure Article, § 10-301:

10-301.

(f) "Shieldable conviction" means a conviction of one of the following crimes:

(12) a prostitution offense under § 11-306(a) (1) § 11-303 of the Criminal Law Article if the conviction is for prostitution and not assignation.

In some cases, vacatur may be an available remedy. Maryland's vacatur law is found in the Criminal Proceedings Article, § 8-302. Motion to Vacate Judgment of Prostitution. The law states that a person convicted of prostitution may file a motion to vacate the judgment if, when the person committed the act or acts of prostitution, the person was acting under duress caused by an act of another committed in violation of the prohibition against human trafficking under federal law. A motion filed under this section must 1) be in writing; 2) be signed and consented to by the State's Attorney; 3) be made within a reasonable period of time after the conviction; and 4) describe the evidence and provide copies of any documents showing that the defendant is entitled to relief under this section. If the motion satisfies these requirements, the court must hold a hearing. Upon ruling on the motion, the court may vacate the conviction, modify the sentence, or grant a new trial.

CHARACTER NAME 4

Guy 4

There is an important distinction between the remedy of vacatur and those of expungement, shielding, and sealing. The motion to vacate acknowledges that the defendant was being trafficked and removes the characterization of criminalization. This can help a trafficking survivor heal.

FADE OUT:

THE END

DRAFT