



5-1-2021

Breaking Secondary Trauma: Developing Conviction Relief Legislation in the United States for Sex-Trafficking Victims

Christian Coward

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Recommended Citation

Coward, Christian (2021) "Breaking Secondary Trauma: Developing Conviction Relief Legislation in the United States for Sex-Trafficking Victims," *University of Baltimore Law Review*: Vol. 50 : Iss. 3 , Article 5. Available at: <https://scholarworks.law.ubalt.edu/ubl/vol50/iss3/5>

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BREAKING SECONDARY TRAUMA: DEVELOPING
CONVICTION RELIEF LEGISLATION IN THE UNITED
STATES FOR SEX-TRAFFICKING VICTIMS

*Christian Coward**

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I. INTRODUCTION

[A]n overburdened criminal legal system, failing to identify victims at the time of their arrest, and policing that disproportionately impacts marginalized communities means that we, as a nation, still arrest and prosecute people who should instead be offered safety and resources. This especially applies to victims of human trafficking.

. . . [I]t is incumbent upon each state to put in place a purposeful and accessible system to help survivors clear their criminal records so that they can move past their trafficking experience.¹

In 2011, Donna Bruce, a beautician, was teaching a class on the physiology of hair when one of the students, without warning, began reading aloud Bruce's criminal record in front of the entire class.² As a teenager, Bruce was a victim of sex trafficking.³ Her mother was the perpetrator.⁴ She set up "parties" where she would sell her daughter's body to adult men to obtain drugs.⁵ Subsequently, the customers from the "parties" began to traffic Bruce.⁶ They forced her to have sex with other men for drugs and money.⁷ During these years, Bruce was convicted of drug possession, prostitution, and theft.⁸ Following the student's exposure of Bruce's criminal record, Bruce relapsed to her drug addiction and was soon terminated from

* J.D. Candidate, May 2021, University of Baltimore School of Law; B.S., Criminal Justice, December 2017, Bowie State University. To my family and loved ones, for their love and support; to the editors and staff of the *University of Baltimore Law Review*, for their diligence and dedication: thank you, all.

1. ERIN MARSH ET AL., POLARIS, STATE REPORT CARDS: GRADING CRIMINAL RECORD RELIEF LAWS FOR SURVIVORS OF HUMAN TRAFFICKING 5 (2019) [hereinafter CRIMINAL RECORD RELIEF], <https://polarisproject.org/wp-content/uploads/2019/03/Grading-Criminal-Record-Relief-Laws-for-Survivors-of-Human-Trafficking.pdf> [https://perma.cc/8AGX-EYJX].

2. Catherine Rentz, *Maryland is an Unforgiving State for Sex-Trafficking Victims, a Study Finds. Some Are Trying to Change That*, BALT. SUN (Mar. 12, 2019), <https://www.baltimoresun.com/news/crime/bs-md-sex-trafficking-20190314-story.html> [https://perma.cc/Q5TH-RHZX] ("The student said I was a crackhead who has prostitution on her record out loud in front of everybody,' Bruce recalled. 'It was the most humiliating thing.'").

3. *Id.*

4. *Id.*

5. *Id.*

6. *Id.*

7. *Id.*

8. *Id.*

her employment and her criminal record would continue to restrict her life in the coming years.⁹ Kelly, a survivor of sex trafficking, applied and was denied the opportunity to serve as a bus driver, police officer, correctional officer, and in the United States military due to her criminal convictions related to the trafficking.¹⁰

Due to the limitations of the current vacatur statutes, victims of sex trafficking are routinely forced to endure the traumas of sex trafficking long after being freed from their oppressor.¹¹ These traumas persist because the relief of freedom is short lived for many victims.¹² They will soon realize their perseverance has been rewarded with laws that will ensure their tragic past will forever haunt their potential future.¹³ Sex trafficking is a global epidemic, with victims in every country.¹⁴ To combat sex trafficking, the United States created laws and policies that primarily serve to capture and prosecute sex traffickers.¹⁵ While these policies have been successful, federal and state legislatures neglected to adequately provide for the rehabilitation and re-entry of the sex trafficking victims into society.¹⁶ Legislatures have not reconciled punitive legislation with the concept that victims often have prior negative encounters with law enforcement.¹⁷

Nationally, conviction relief legislation fails to cover a realistic range of criminal convictions;¹⁸ thus, they fail to protect victims from the collateral consequences associated with being a convicted

9. *Id.*

10. *See* CRIMINAL RECORD RELIEF, *supra* note 1, at 9 (“‘This thing, when it hovers over you, it can literally ruin your life,’ Kelly said. The first time she realized the extent it could have was when she was asked to leave her job working at a child-care center on a military base. This began an endless and exhausting series of rejected job applications and severely narrowed the career pathways available to her.”).

11. *See e.g.*, *infra* Section III.C.

12. *See infra* Section II.A.

13. *See infra* Section II.A.

14. Amanda Walker-Rodriguez, *The Crime Next Door: An Examination of the Sex Trafficking Epidemic in the United States and How Maryland Is Addressing the Problem*, 41 U. BALT. L.F. 43–44 (2010).

15. *See id.* at 51.

16. *See* Amanda Walker-Rodriguez & Rodney Hill, *Human Sex Trafficking*, 80 FBI L. ENF’T BULL. 1, 4–6 (2011); *see The Importance of Criminal Record Relief for Human Trafficking Survivors*, POLARIS BLOG (Mar. 20, 2019), <https://polarisproject.org/blog/2019/03/the-importance-of-criminal-record-relief-for-human-trafficking-survivors/> [<https://perma.cc/DNL6-6HM3>]. *See generally* U.S. DEP’T OF JUST., NATIONAL STRATEGY TO COMBAT HUMAN TRAFFICKING (2017), <https://www.justice.gov/human-trafficking/page/file/922791/download> [<https://perma.cc/ZE9R-AMHE>].

17. *See* CRIMINAL RECORD RELIEF, *supra* note 1, at 4–7, 14, 28.

18. *See id.* at 7.

victim.¹⁹ Most sex trafficking victims are exposed to criminal activity beyond mere prostitution.²⁰ Trafficking victims are often coerced to commit a range of felony and misdemeanor offenses.²¹ Current statutes create distinctions that identify a limited amount of victims to be deemed worthy of conviction relief.²² Furthermore, many of these relief statutes require convicted victims to go through an inefficient processes to have the opportunity to obtain conviction relief.²³ However, some state statutes serve trafficking victims' needs better than others.²⁴

Nebraska²⁵ and Wyoming²⁶ have the two most victim conscious and effective conviction relief statutes among states that have adopted these statutes, respectively. Conversely, Maryland received the lowest rating for its conviction relief legislation.²⁷ States with inadequate conviction relief legislation fail to cover a realistic range of offenses,²⁸ require a strict nexus between the trafficking and the crime of conviction,²⁹ and require a higher burden of proof.³⁰

19. *See id.* at 5–7.

20. *See* Francisco Zornosa, *Protecting Human Trafficking Victims from Punishment and Promoting Their Rehabilitation: The Need for an Affirmative Defense*, 22 WASH. & LEE J. CIV. RTS. & SOC. JUST. 177, 181–82, 185 (2016); *see* BETH JACOBS ET AL., NAT'L SURVIVOR NETWORK, NATIONAL SURVIVOR NETWORK MEMBERS SURVEY: IMPACT OF CRIMINAL ARREST AND DETENTION ON SURVIVORS OF HUMAN TRAFFICKING 4 (2016), https://nationalsurvivornetwork.org/wp-content/uploads/2019/08/NSN_Vacate-Survey-2018.pdf [<https://perma.cc/FQ2V-XYWB>].

21. *See* JACOBS ET AL., *supra* note 20, at 4.

22. *See* CRIMINAL RECORD RELIEF, *supra* note 1, at 15.

23. *See id.* at 7 (providing that trafficking victims may face disjointed record-keeping, non-specific statutes without full protections for trafficking, and/or lengthy waiting periods for relief under state statutes).

24. *See infra* notes 83–97 and accompanying text.

25. *See* CRIMINAL RECORD RELIEF, *supra* note 1, at 28; *see also* *Criminal Record Relief for Trafficking Survivors: Nebraska*, POLARIS [hereinafter *Nebraska Relief Report Card*], <https://polarisproject.org/wp-content/uploads/2019/10/2019-CriminalRecordRelief-Nebraska.pdf> [<https://perma.cc/48Q3-UPC6>] (last visited Mar. 30, 2021).

26. *See* CRIMINAL RECORD RELIEF, *supra* note 1, at 28; *see also* *Criminal Record Relief for Trafficking Survivors: Wyoming*, POLARIS [hereinafter *Wyoming Relief Report Card*] (2019), <https://polarisproject.org/wp-content/uploads/2019/10/2019-CriminalRecordRelief-Wyoming.pdf> [<https://perma.cc/4MM3-K3JN>] (last visited Mar. 30, 2021).

27. *See* CRIMINAL RECORD RELIEF, *supra* note 1, at 28; *see also* *Criminal Record Relief for Trafficking Survivors: Maryland*, POLARIS [hereinafter *Maryland Relief Report Card*], <https://polarisproject.org/wp-content/uploads/2019/10/2019-CriminalRecordRelief-Maryland.pdf> [<https://perma.cc/J5JX-497C>] (last visited Mar. 30, 2021).

28. *See* CRIMINAL RECORD RELIEF, *supra* note 1, at 15.

29. *See id.* at 17.

Likewise, even the states with effective statutes do not provide optimal relief.³¹ Optimal conviction relief legislation provides an efficient process for convicted victims to fairly seek relief for misdemeanor and felony offenses.³²

This Comment will proceed in four parts following this Introduction. Part II will describe the background of sex trafficking legislation in the United States and the barriers to reintegration for convicted victims nationally.³³ Part III will analyze the current vacatur statutes on a national level by analyzing legislation in Nebraska, Wyoming, and Maryland.³⁴ Part IV will propose recommendations to improve conviction relief legislation nationally and discuss the application of those recommendations.³⁵

II. BACKGROUND

The term “human trafficking” characterizes an international crisis in the forceful exploitation of human life.³⁶ Human sex trafficking is the commercial sexual exploitation of men, women, and children.³⁷ The prevalence of sex trafficking is deeply rooted in prostitution and the supply and demand for sex.³⁸

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30. *See id.* at 18 (providing that statutes which are silent on a burden of proof, as well as statutes with a higher burden of proof than a “preponderance of the evidence” standard are unduly restrictive).
31. *See id.* at 10 (“While these laws are a good start, the passage of a criminal record relief law alone does not mean a state’s work is complete. Many of these laws need to be strengthened and improved.”); *see also id.* at 28 (detailing statutory scores awarded to various states). The overall ranking order indicates room for improvement even among states with the highest scores for their criminal relief statutes, as no state received an “A” grade. *See id.*
32. *See id.* at 15, 17.
33. *See infra* Part II.
34. *See infra* Part III.
35. *See infra* part IV.
36. *See What Is Human Trafficking?*, DEP’T HOMELAND SEC., <https://www.dhs.gov/blue-campaign/what-human-trafficking> [<https://perma.cc/X3HD-RDAQ>] (last visited Mar. 30, 2021) (“Human trafficking involves the use of force, fraud, or coercion to obtain some type of labor or commercial sex act. Every year, millions of men, women, and children are trafficked worldwide – including right here in the United States. It can happen in any community and victims can be any age, race, gender, or nationality. Traffickers might use violence, manipulation, or false promises of well-paying jobs or romantic relationships to lure victims into trafficking situations.”).
37. *See Walker-Rodriguez, supra* note 14, at 43 n.5 (“Trafficking for the purpose of sex includes sex-trafficking, prostitution, and human trafficking.”).
38. *See Maggie McNeill, A Brief History of Prostitution in the U.S.*, LIBERTARIAN INST. (May 5, 2017), <https://libertarianinstitute.org/articles/brief-history-prostitution-us/> [<https://perma.cc/H2M2-2VTB>] (originally published in 2012); *see Aiko Joshi, The Face of Human Trafficking*, 13 HASTING’S WOMEN’S L.J. 31, 35–36 (2002) (“The high

Prostitution's illegality does not deter hundreds of thousands of people in the United States from engaging the act. The high demand for the services of those in the profession and the profession's illegality has led to the establishment of a black market good for organized crime rings. To meet the needs of clients and to ensure the ease of procuring services, organized crime rings have resorted to what is known as sex-trafficking.³⁹

In the early 19th century, prostitution in the United States was mostly legal.⁴⁰ The Federal Government lacked prohibitions against prostitution, leaving regulation to the individual states.⁴¹ Prostitution was viewed as a regular part of society, even by those who found it immoral.⁴² During this period, there were very few methods for

demand for women and children for the sex industry, as cheap labor, and as domestic workers are other factors driving the continued trafficking of individuals. The large tax-free profits, combined with the marketability of women for sex, provide financial incentives to traffickers, . . .”).

39. Walker-Rodriguez, *supra* note 14, at 48.
40. Martti Leht & Kauko Aromaa, *Trafficking for Sexual Exploitation*, 34 CRIME & JUST. 133, 134 (2006) (“During the first wave of increasing local and migratory prostitution from the 1840s to the 1890s, policies in . . . North America . . . were mainly based on legalization. The focus was on public order and prevention of the spread of sexually transmitted diseases. The method to achieve these goals was the tightening up of the control of prostitutes.”); *id.* (“In a system based on legalization, prostitution is legal but subject to special legislation and close regulation through licensing, registration, and health checks. Prostitutes working outside the system are usually subject to criminal penalties.”); Charles Rosenbleet & Barbara J. Pariente, *The Prostitution of the Criminal Law*, 11 AM. CRIM. L. REV. 373, 373–74 (1973) (“At common law prostitution itself was not a crime. In the United States, however, there have always been extensive efforts to control prostitution – either through regulation, segregation, or suppression.”).
41. See Morgan Wiersma, *What the History of Prostitution Can Teach Us about Human Trafficking*, DRESSEMBER (Apr. 3, 2019), <https://www.dressember.org/blog/what-the-history-of-prostitution-can-teach-us-about-human-trafficking> [<https://perma.cc/FN2Z-GPCJ>]; see Noah Berlatsky, *The Law's Tougher on Sex Workers Today Than It Was in the 19th Century*, PAC. STANDARD, <https://psmag.com/social-justice/what-is-up-with-that> [<https://perma.cc/MP86-87Z8>] (June 14, 2017); see also Michael Conant, *Federalism, the Mann Act, and the Imperative to Decriminalize Prostitution*, 5 CORNELL J. L. & PUB. POL'Y 99, 100–01 (1996) (“[The Mann Act's] statutory clauses have noncommercial aspects which the Constitution leaves to the states to regulate; the national government cannot validly regulate them by using the jurisdictional clause, ‘in interstate or foreign commerce.’”).
42. McNeill, *supra* note 38 (“Prostitution was accepted as a fact of life even by those who disapproved of it, and the majority of American laws on the subject were municipal ordinances dealing with where, when and how a professional might ply her trade.”);

impoverished women to support themselves financially.⁴³ With the momentum of the industrial revolution, vast migrant populations started coming to the United States.⁴⁴ The increased population bolstered the number of those in poor socio-economic conditions.⁴⁵ As a result, this period of migration coincided with an influx in prostitution throughout the United States.⁴⁶ The first surge of migrant prostitution occurred from the 1840s to World War I.⁴⁷ The growth of migrant prostitution became associated with sex trafficking.⁴⁸

At this time, society's moral view of prostitutes varied.⁴⁹ Through much of the 19th century, prostitution was viewed as a "necessary

see Rosenbleet & Pariente, *supra* note 40, at 373; *see* Walker-Rodriguez, *supra* note 14, at 45.

43. *See, e.g.*, Alexandra Murray, Note, *Marriage - The Peculiar Institution: An Exploration of Marriage and the Women's Rights Movement in the 19th Century*, 16 *UCLA WOMEN'S L.J.* 137, 137-48 (2007) ("Women in the 19th Century were plagued by economic, political, and social inequality. Confined to low paying jobs and unable to vote, many women turned to marriage for financial support and a place in society. . . . The ability to make and keep wages and the right to hold property were therefore crucial in the struggle toward gender equality."); *see* Anya Jabour, *Women's Work and Sex Work in Nineteenth-Century America*, PBS (Feb. 22, 2016, 11:15 AM), <http://www.pbs.org/mercy-street/blogs/mercy-street-revealed/womens-work-and-sex-work-in-nineteenth-century-america/> [<https://perma.cc/X3ZQ-TP2J>] ("Women in antebellum America had few options for self-support. . . . Economic necessity and the desire for an easier life drove many women to the sex trade in the decades leading up to the Civil War.").
44. Lehti & Aromaa, *supra* note 40, at 136-37; McNeill, *supra* note 38 ("[T]he Age of Steam made it possible for large numbers of people to move about the globe freely in a way previously unprecedented in human history. . . . [T]he railroad and the steamship made it relatively inexpensive for individuals seeking a better life to go almost anywhere on Earth Many of those migrants chose to seek their fortunes in . . . [the] United States."); Walker-Rodriguez, *supra* note 14, at 45.
45. *See* Lehti & Aromaa, *supra* note 40, at 136 ("These periods were characterized by an increase in all forms of migration, deepening inequalities in living standards between and within continents, and lax border controls.").
46. *See id.* at 136-37.
47. *Id.* at 136.
48. *See id.* ("The simultaneous growth of migratory prostitution and prostitution-related trafficking was caused by the industrial revolution and modern colonialism, which led to global growth in the demand for and supply of prostitution."); *see* Walker-Rodriguez, *supra* note 14, at 45.
49. Jacqueline Shelton, *Evil Becomes Her: Prostitution's Transition from Necessary to Social Evil in 19th Century America* 11, 13 (Aug. 2013) (Master's thesis, East Tennessee State University) (on file with the Charles C. Sherrod Library, East Tennessee State University), <https://dc.etsu.edu/cgi/viewcontent.cgi?article=2348&context=etd>.

evil” and the women in that industry were seen as “fallen angels.”⁵⁰ Nevertheless, many people viewed prostitutes as either lazy or desperate.⁵¹ The popular scholarly view used to attack the image of immigrant and minority sex workers was that prostitutes were naturally primitive beings.⁵² A different narrative was prevalent for prostitutes of Anglo-Saxon decent, which would eventually lead to a shift in social tolerance of the sex trade.⁵³

The late 19th century brought a decline in the toleration of prostitution.⁵⁴ This progressive era saw a change in the narrative of prostitution with birth of the “white slavery” movement.⁵⁵ In an effort to protect the image of white woman present in sex work, social purist reformers created the “white slavery” movement.⁵⁶ This movement was based on the idea that it was impossible for white women to voluntarily become prostitutes, and that they were either forced or coerced into the profession.⁵⁷ Sex trafficking was not yet a

50. *Id.* at 11.

51. *See* McNeil, *supra* note 38.

52. *Id.*; *see* Shelton, *supra* note 49, at 46, 49–53.

53. *See* Laura Lammasniemi, *Anti-White Slavery Legislation and Its Legacies in England*, 9 ANTI-TRAFFICKING REV. 64, 66–68 (2017).

54. Shelton, *supra* note 49, at 90–91 (“As America neared the end of the nineteenth century, a shift occurred in discussions of prostitution. The problem of prostitution transitioned from an accepted nuisance to a full-fledged social evil.”); *see, e.g.*, Lehti & Aromaa, *supra* note 40, at 134 (“After the emergence of the antitrafficking movement in the 1890s, prohibition began gradually to supersede legalization as the dominant model in both national and international (intra-European) policies.”); *see also* Bonnie Shucha, *White Slavery in the Northwoods: Early U.S. Anti-Sex Trafficking and Its Continuing Relevance to Trafficking Reform*, 23 WM. & MARY J. WOMEN & L. 75, 105–06 (2016).

55. *See* Shelton, *supra* note 49, at 86–90; *see* Lammasniemi, *supra* note 53, at 66–68; *see* Laura Lammasniemi, ‘White Slavery’: *The Origins of the Anti-Trafficking Movement*, OPEN DEMOCRACY (Nov. 16, 2017) [hereinafter Lammasniemi, ‘White Slavery’], <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/white-slavery-origins-of-anti-trafficking-movement/> [<https://perma.cc/KMH2-JHAU>]; *see also* Shucha, *supra* note 54, at 105–06.

56. Shucha, *supra* note 54, at 79 (“This sex trafficking, which activists believed targeted young, white women from respectable families, was dubbed white slavery—a phrase that strategically evoked the brutality of black slavery and placed it at the doorstep of the white American family.”); *see* Shelton, *supra* note 49, at 87 (“Immigrants in America comprised a significant portion of the prostitute population[] . . . White women, however, were the only true victims. American reformers placed no emphasis on prostitutes who were not of Anglo-American descent.”); *see also* Lammasniemi, ‘White Slavery,’ *supra* note 55.

57. *See* Shucha, *supra* note 54, at 80–81, 83–84; *see* Shelton, *supra* note 49, at 86–89.

term, but “white slavery” was the first major movement against the concept of involuntary prostitution.⁵⁸

The first federal effort to combat migrant prostitution came with the Page Act of 1875.⁵⁹ The Page Act banned the immigration of Chinese women for purposes of prostitution.⁶⁰ This legislation would be expanded by the Immigration Act of 1907, which forbade the importation and immigration of women for “immoral purposes.”⁶¹ The “white slavery” movement gained momentum in the United States during the late 19th century, leading to the creation of the Mann Act, or the White-Slave Traffic Act (WSTA).⁶² Though the application of the WSTA was tainted by cases of racism and white supremacy,⁶³ the WSTA was the birth of anti-sex trafficking legislation in the United States.⁶⁴

At the beginning of the 21st century, sex trafficking was internationally recognized as a major human rights issue.⁶⁵ In 2000, the United States passed the Victims of Trafficking and Violence

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58. See Lammasniemi, ‘White Slavery,’ *supra* note 55; see Shelton, *supra* note 49, at 88–89.
59. Act of Mar. 3, 1875 (Page Law), ch. 141, 18 Stat. 477 (repealed in 1974); see Kerry Abrams, *Polygamy, Prostitution, and the Federalization of Immigration Law*, 105 COLUM. L. REV. 641, 643 (2005) (“This law banned the immigration of women who had entered into contracts for ‘lewd and immoral purposes,’ made it a felony to import women into the United States for purposes of prostitution, and included enforcement mechanisms specifically targeting Chinese women.”); see also Conant, *supra* note 41, at 106 (“A 1903 amendment to the statute also made it felonious to import any woman or girl, or hold one of them after importation, for the purpose of prostitution.”).
60. See Abrams, *supra* note 59, at 643.
61. See An Act to Regulate the Immigration of Aliens into the United States (Immigration Act of 1907), ch. 1134, 34 Stat. 898–99 (codified as amended at 8 U.S.C. § 1328).
62. Conant, *supra* note 41, at 99 (“The Mann Act of 1910 makes it a felony knowingly to transport women or girls in interstate or foreign commerce for the purpose of prostitution, debauchery, or any other immoral purpose.”); see White-Slave Traffic (Mann) Act, ch. 395, 36 Stat. 825 (1910) (codified as amended at 18 U.S.C. §§ 2421–24).
63. See *The Mann Act*, PBS, <https://www.pbs.org/kenburns/unforgivable-blackness/mann-act> [<https://perma.cc/2S5R-H97H>] (last visited Mar. 30, 2021); see Erin Blakemore, *The ‘White Slavery’ Law That Brought Down Jack Johnson Is Still in Effect*, HIST., <https://www.history.com/news/white-slave-mann-act-jack-johnson-pardon> [<https://perma.cc/5NVN-VARA>] (Feb. 25, 2019) (“The law also remained a potent tool against black men whose relationships with white women infuriated white supremacists.”).
64. Conant, *supra* note 41, at 99, 108–10; see Ronald D. Hunter, *Policing Sexuality: The Mann Act and the Making of the FBI*, 41 CRIM. JUST. REV. 116, 116 (2016).
65. See Walker-Rodriguez, *supra* note 14, at 49–51; see Walker-Rodriguez & Hill, *supra* note 16, at 2, 4.

Protection Act,⁶⁶ which aimed “[t]o combat trafficking in persons, especially into the sex trade, slavery, and involuntary servitude, to reauthorize certain Federal programs to prevent violence against women, and for other purposes.”⁶⁷ Congress would continue to combat sex trafficking with the Trafficking Victims Protection Reauthorization Acts of 2003,⁶⁸ 2005,⁶⁹ 2008,⁷⁰ 2013.⁷¹

A. Collateral Consequences of Conviction

The United States justice system remains one predicated on punishing offenders.⁷² The punishment of offenders in the United

66. Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106–386, 114 Stat. 1464.

67. *Id.* Congress recognizing sex trafficking as a major issue that the United States needs to address:

(1) As the 21st century begins, the degrading institution of slavery continues throughout the world. Trafficking in persons is a modern form of slavery, and it is the largest manifestation of slavery today. At least 700,000 persons annually, primarily women and children, are trafficked within or across international borders. Approximately 50,000 women and children are trafficked into the United States each year.

(2) Many of these persons are trafficked into the international sex trade, often by force, fraud, or coercion. The sex industry has rapidly expanded over the past several decades. It involves sexual exploitation of persons, predominantly women and girls, involving activities related to prostitution, pornography, sex tourism, and other commercial sexual services. The low status of women in many parts of the world has contributed to a burgeoning of the trafficking industry.

Id. § 102(b)(1)–(2).

68. Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108–193, 117 Stat. 2875.

69. Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109–164, 119 Stat. 3558 (2006).

70. William Wilberforce Trafficking Victims Protection Act of 2008, Pub. L. No. 110–457, 122 Stat. 5044.

71. Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113–4, 127 Stat. 54.

72. *See, e.g.*, Lorelei Laird, *Ex-Offenders Face Tens of Thousands of Legal Restrictions, Bias and Limits on Their Rights*, ABA JOURNAL (June 1, 2013, 10:00 AM), https://www.abajournal.com/magazine/article/exoffenders_face_tens_of_thousands_of_legal_restrictions [<https://perma.cc/CY2S-4QGF>]. *See generally* U.S. COMM’N ON CIV. RTS., COLLATERAL CONSEQUENCES: THE CROSSROADS OF PUNISHMENT, REDEMPTION, AND THE EFFECTS ON COMMUNITIES (2019) [hereinafter U.S. COMMISSION REPORT],

States does not stop after they serve their sentence.⁷³ The social effects and legal restrictions associated with having a criminal conviction serve as barriers to reintegration into society upon release.⁷⁴ This punishment after release has been termed “collateral consequences” of conviction.⁷⁵ Having a conviction on your record essentially limits your ability to participate as an active and productive citizen.⁷⁶ These collateral consequences can substantially hinder the rights of sex trafficking victims.⁷⁷

Criminal record relief for sex trafficking victims was nonexistent until 2010.⁷⁸ Congress has proposed legislation to create criminal record relief for sex trafficking victims, nevertheless, no such legislation has been passed.⁷⁹

Victims of sex trafficking are commonly arrested and convicted for more than one offense beyond and including prostitution.⁸⁰ Issues arise in the enforcement of sex trafficking laws where there is an

<https://www.usccr.gov/pubs/2019/06-13-Collateral-Consequences.pdf> [https://perma.cc/XHD4-73Z7].

73. See Laird, *supra* note 72.
74. See Deborah N. Archer & Kele S. Williams, *Making America the Land of Second Chances: Restoring Socioeconomic Rights for Ex-Offenders*, 30 N.Y.U. REV. L. & SOC. CHANGE 527, 530–31 (2006); see Laird, *supra* note 72.
75. See U.S. COMMISSION REPORT, *supra* note 72, at 1–2 (“According to the National Institute of Justice, more than 44,000 collateral consequences exist nationwide. These include civil law sanctions, restrictions, or disqualifications that attach to a person because of the person’s criminal history and can affect the person’s ability to function and participate in society.”).
76. *Id.* (“[I]ndividuals with criminal histories can face barriers to voting, serving on a jury, holding public office, securing employment, obtaining housing, receiving public assistance, owning a firearm, getting a driver’s license, qualifying for financial aid and college admission, qualifying for military service, and deportation . . .”).
77. Michelle Madden Dempsey, *Decriminalizing Victims of Sex Trafficking*, 52 AM. CRIM. L. REV. 207, 216 (2015).

One reason U.S. criminal justice systems should decriminalize victims of sex trafficking is that our failure to do so likely violates our obligations under international human rights law. Indeed, in a recent review of U.S. compliance with treaty obligations under the International Covenant on Civil and Political Rights (I.C.C.P.R.), the U.N. Human Rights Committee expressed concern over the United States’ continued criminalization of victims of sex trafficking on prostitution-related charges.

Id.

78. See CRIMINAL RECORD RELIEF, *supra* note 1, at 10.
79. See *id.* at 12.
80. See *id.* at 5.

inability or inefficiency in identifying sex trafficking victims.⁸¹ Where states fail to recognize these realities, the legislative purpose of many current statutes will be impossible to achieve.⁸²

III. CURRENT CONVICTION RELIEF

There are various forms of conviction relief legislation.⁸³ Conviction relief ranges from the sealing of records, expungement of records, or a full vacatur of the conviction.⁸⁴ The Polaris Project conducted a report analyzing current state criminal record relief laws for victims of human trafficking.⁸⁵ Currently, only forty-five states have conviction relief remedies available for sex trafficking victims.⁸⁶ Georgia, Louisiana, Missouri, and Tennessee restrict relief to minor victims.⁸⁷ The Federal Government has yet to enact a criminal record relief statute.⁸⁸ However, the Trafficking Survivors Relief Act of 2019 was introduced in the House of Representatives.⁸⁹ Most recently, the Trafficking Survivors Relief Act of 2020 was introduced in the Senate.⁹⁰ Nevertheless, the Federal Government

81. Dempsey, *supra* note 77, at 209, 213.

82. See CRIMINAL RECORD RELIEF, *supra* note 1, at 31.

83. See Andrew Moore, *Criminal Deportation, Post-Conviction Relief and the Lost Cause of Uniformity*, 22 GEO. IMMIGR. L.J. 665, 677–79 (2008) (“There are methods occurring before the actual imposition of a sentence, such as deferred adjudication or set aside of a sentence. . . . [or] methods that arise after a trial and exhaustion, waiver, or lapse of appeals. There is the possibility of judicial expungement, either under a statutory scheme or as an exercise of judicial discretion.”).

84. *Id.*; see CRIMINAL RECORD RELIEF, *supra* note 1, at 7–8.

85. See generally CRIMINAL RECORD RELIEF, *supra* note 1, at 4.

86. OFF. TO MONITOR & COMBAT TRAFFICKING IN PERSONS, U.S. DEP’T OF STATE, 2020 TRAFFICKING IN PERSONS REPORT 516 (2020). This was an increase from the forty-one states with conviction relief remedies for trafficking victims in 2019. See CRIMINAL RECORD RELIEF, *supra* note 1, at 28.

87. CRIMINAL RECORD RELIEF, *supra* note 1, at 10.

88. *Id.* at 12.

89. H.R. 3627, 116th Cong. (2019) (“This bill establishes a process to vacate convictions and expunge arrest records for certain nonviolent criminal offenses committed by victims of human trafficking that directly result from or relate to having been a trafficking victim.”). The Bill was referred to the Subcommittee on Crime, Terrorism, and Homeland Security. *All Information (Except Text) for H.R.3627 - Trafficking Survivors Relief Act of 2019*, CONGRESS.GOV, <https://www.congress.gov/bill/116th-congress/house-bill/3627/all-info> [<https://perma.cc/V8J8-3BVX>] (last visited Mar. 30, 2021). However, no further action has been taken. *Id.*

90. Trafficking Survivors Relief Act of 2020, S. 3240, 116th Cong. (2020). This legislation has been read twice before the Senate and referred to the Committee on the Judiciary. *Id.*

will lack conviction relief legislation until one of these bills, or another, is passed.⁹¹

Polaris—a non-profit organization based on combating human sex trafficking⁹²—completed a report analyzing then-existing state criminal record relief laws for survivors of sex trafficking and graded the laws using an innovative methodology.⁹³ The Polaris research team graded existing state statutes by comparing each state statute with Polaris’s “ideal statute.”⁹⁴ They developed eleven categories to weigh the adequacy of each statute and a scoring system based on the importance of each category.⁹⁵ The eleven categories (Polaris Factors) and respective maximum scores are as follows:

Grading Scale		PROPOSED CATEGORIES	MAXIMUM POINT VALUE
90-100 points	A	 Range of Relief	10
		 Arrests and Adjudications Relief	10
80-89 points	B	 Offenses Covered	30
		 Judicial Discretion	10
70-79 points	C	 Nexus to Trafficking	10
		 Time Limits and Wait Times	8
60-69 points	D	 Hearing Requirement	5
		 Burden of Proof	5
1-59 points	F	 Official Documentation	5
		 Confidentiality	5
		 Additional Restrictive Conditions on Relief	2
		TOTAL	100

In grading the statutes, each state could earn a maximum of one-hundred points.⁹⁷

91. See *supra* notes 83–88 and accompanying text.

92. Noah Stevens-Kittner, *7 Nonprofits Leading the Fight Against Human Trafficking*, SALESFORCE, <https://www.salesforce.org/blog/7-nonprofits-leading-fight-human-trafficking/> [https://perma.cc/28H6-NU72] (Jan. 5, 2021).

93. See generally CRIMINAL RECORD RELIEF, *supra* note 1, at 4, 13, 28.

94. *Id.* at 13.

95. *See id.*

96. *Id.*

97. *See id.*

A. Nebraska

Nebraska obtained the highest score for conviction relief for sex trafficking victims in the Polaris Project Report, earning an eighty-one out of one hundred.⁹⁸ The Polaris Factor that is most important for an effective criminal record relief statute is the amount of offenses covered.⁹⁹ Nebraska Revised Statute Section 29-3005(1) states:

(a) Prostitution-related offense includes:

- (i) Prostitution under section 28-801, solicitation of prostitution under section 28-801.01, keeping a place of prostitution under section 28-804, public indecency under section 28-806, or loitering for the purpose of engaging in prostitution or related or similar offenses under local ordinances; and
- (ii) Attempt, conspiracy, solicitation, being an accessory to, aiding and abetting, aiding the consummation of, or compounding a felony with any of the offenses in subdivision (1)(a) of this section as the underlying offense[.]¹⁰⁰

This definition of “prostitution-related offenses” utilizes broad language to cover a wide range of potential prostitution related offenses, including felonies and misdemeanors.¹⁰¹ Section 29-3005 covers offenses beyond those related to prostitution.¹⁰² Section 29-3005(3)(b) states:

If the court finds that the movant’s participation in an *offense other than a prostitution-related offense* was a direct result of or proximately caused by the movant’s status as a victim of sex trafficking, the court shall grant the motion to set aside a conviction or an adjudication for such offense.¹⁰³

The “offense other than a prostitution-related offense” language coupled with the “proximately caused” language within the statute allows it to cover a wide array of offenses not specifically listed.¹⁰⁴

98. *See id.* at 28.

99. *See id.* at 13.

100. NEB. REV. STAT. ANN. § 29-3005(1)(a) (West, Westlaw through 2d Reg. Sess. of 10th Legis. 2020).

101. *See id.*

102. *See* § 29-3005(3)(a)–(b) (Westlaw).

103. § 29-3005(3)(b) (Westlaw) (emphasis added).

104. *See id.* Nebraska earned a max score under the “offense covered” Polaris Factor, earning a thirty out of thirty. *See Nebraska Relief Report Card, supra* note 25.

Though the language of Section 29-3005(3)(b) purports to reach a wide range of offenses, an additional subsection explaining what “offenses” entails would clearly define the reach of the statute.¹⁰⁵ Section 29-3005 should expressly state that those “offenses” include felonies and misdemeanors, leaving no room for judicial uncertainty.

Regarding the range of relief, Section 29-3005 vacates convictions where there is a sufficient nexus between the trafficking and the underlying offense.¹⁰⁶ The statute earned a Polaris score of eight points out of ten because the vacatur is not “based on the merits.”¹⁰⁷ The nexus requirement under Section 29-3005 requires a showing that the underlying offense was “a direct result of or proximately caused by the movant’s status as a victim of sex trafficking.”¹⁰⁸ The “proximately caused” language is a less restrictive nexus requirement that will provide sex trafficking survivors with tangible eligibility relief.¹⁰⁹ Moreover, the type of relief is broad as Section 29-3005 permits trafficking survivors to “clear their criminal record of arrests, adjudications, [and] non-prosecuted cases” as well.¹¹⁰

In filing the motion for relief, trafficking survivors have the burden to prove that they are entitled to relief.¹¹¹ Though Section 29-3005 provides a wide range of relief, the statute does not establish a requisite burden of proof.¹¹² The lack of a defined burden of proof may lead to unfair and inconsistent results for trafficking survivors

105. See CRIMINAL RECORD RELIEF, *supra* note 1, at 15. Many states attempt to define what offenses will be covered by listing crimes that they determine are suitable; however, that is an ineffective method of conviction relief. Compare § 29-3005(3)(b) (stating that *all* offenses are eligible for conviction relief), with MD. CODE ANN., CRIM. PROC. § 8-302 (West, Westlaw through 2020 Reg. Sess. of Gen. Assemb.) (listing prostitution as the only crime warranting vacation of a judgement), amended by S.B. 206, 441st Sess., Gen. Assemb. (Md. 2020) (codified as amended at MD. CODE ANN., CRIM. PROC. § 8-302(b) (West, Westlaw through 2021 Legis. Sess.) (listing “qualifying offenses” warranting conviction relief)).

106. See NEB. REV. STAT. ANN. § 29-3005(2)–(5) (West, Westlaw through 2d Reg. Sess. of 106th Legis. 2020).

107. See *Nebraska Relief Report Card*, *supra* note 25; see CRIMINAL RECORD RELIEF, *supra* note 1, at 14 (“[V]acatur that is based on the merits is the strongest . . . because it confirms that the vacatur was due to a substantive defect in the judgment against the victim in the first place.”).

108. § 29-3005(2) (Westlaw).

109. See CRIMINAL RECORD RELIEF, *supra* note 1, at 17.

110. See *Nebraska Relief Report Card*, *supra* note 25.

111. See CRIMINAL RECORD RELIEF, *supra* note 1, at 18.

112. See § 29-3005; see *Nebraska Relief Report Card*, *supra* note 25.

seeking relief.¹¹³ This is a major defect in the Nebraska vacatur statute.¹¹⁴

Overall, the Nebraska legislature created an effective conviction relief statute.¹¹⁵ Section 29-3005 successfully grasps the concept of survivor relief by reaching a plethora of offenses, sufficiently measuring the reality of a trafficking survivor's potential criminal exposure.¹¹⁶

B. Wyoming

Wyoming earned the second highest score for conviction relief, earning a seventy-eight out of one hundred.¹¹⁷ Similar to Nebraska's Section 29-3005, Wyoming's Section 6-2-708 allows for broad conviction relief.¹¹⁸ The statutory language in Section 6-2-708 gives convicted sex trafficking victims the opportunity to vacate a diverse criminal record, so long as the crimes were a result of the trafficking.¹¹⁹ The "as a result" language within Section 6-2-708 provides victims the opportunity to establish the connection between the convicted crime and the trafficking.¹²⁰ However, Section 6-2-708 fails to include any language detailing a requisite burden of proof.¹²¹ Section 6-2-708(c) outlines the process by which victims can vacate their convictions.¹²² This process is an efficient one that gives the

113. See CRIMINAL RECORD RELIEF, *supra* note 1, at 18.

114. See *Nebraska Relief Report Card*, *supra* note 25.

115. See CRIMINAL RECORD RELIEF, *supra* note 1, at 28.

116. See *supra* Part I.

117. See CRIMINAL RECORD RELIEF, *supra* note 1, at 28; see *Wyoming Relief Report Card*, *supra* note 26.

118. WYO. STAT. ANN. § 6-2-708 (West, Westlaw through 2020 Budget Legis. Wyo. Legis.; through ch. 1-3 of 2020 Spec. Sess. of Wyo. Legis.) ("A victim of human trafficking is not criminally liable for any commercial sex act or other criminal acts committed as a direct result of, or incident to, being a victim of human trafficking in violation of W.S. 6-2-702 through 6-2-707.").

119. See *id.*

120. See *id.*

121. See *id.*; see *Wyoming Relief Report Card*, *supra* note 26.

122. WYO. STAT. ANN. § 6-2-708(c) (West, Westlaw through 2020 Budget Sess. of Wyo. Legis.; through ch. 1-3 of 2020 Spec. Sess. of Wyo. Legis.).

At any time after the entry of a conviction, the court in which it was entered may vacate the conviction if the defendant's participation in the offense is found to have been the result of having been a victim. Official documentation of the defendant's status as a victim at the time of the offense from a federal, state or local government agency shall create a presumption that the defendant's participation in the offense was a result of having

court broad discretion in vacating the conviction of a victim.¹²³ However, the lack of a clear burden of proof may create confusion as to what exactly a victim must prove to qualify for the conviction vacation.¹²⁴ Nevertheless, Wyoming has an effective conviction relief statute that can serve as a model for other states seeking to develop their conviction relief legislation.¹²⁵

C. *Maryland*

Of the states evaluated in the Polaris Report, Maryland earned one of the lowest scores, receiving a twenty-six out of one hundred.¹²⁶ However, the 2019 Report also referenced proposed legislation that would expand the offenses that apply to Maryland's sex trafficking conviction relief law.¹²⁷ If Maryland's True Freedom Act (TFA) had passed before the completion of the 2019 Report, it would have increased Maryland's score from twenty-six out of one hundred to forty-six out of one hundred, and advanced its ranking from last place to twenty-fifth.¹²⁸

In June 2020, the General Assembly of Maryland passed the TFA, reforming the State's approach to conviction relief for sex trafficking survivors.¹²⁹ The TFA repealed and reenacted, with amendments, Maryland Code Criminal Procedure Section 8–302, which states in its current form:

A person convicted of a qualifying offense^[130] may file a motion to vacate the judgment if the person's participation

been a victim, but shall not be required for granting a motion under this section.

Id.

123. *See id.*

124. *See* § 6-2-708; *see Wyoming Relief Report Card, supra* note 26.

125. *See Wyoming Relief Report Card, supra* note 26.

126. *See Maryland Relief Report Card, supra* note 27.

127. *Id.*

128. True Freedom Act, S.B. 206, 441st Sess., Gen. Assemb. § 1 (Md. 2020), http://mgaleg.maryland.gov/2020RS/Chapters_noln/CH_127_sb0206t.pdf [<https://perma.cc/Q6M-9B2Y>]; *see Maryland Relief Report Card, supra* note 27.

129. Md. S.B. 206.

130. The new law defines “[q]ualifying offense” as including: (i) an unnatural or perverted sexual practice; (ii) possessing or administering a controlled dangerous substance; (iii) possessing or purchasing a noncontrolled substance; (iv) possessing or distributing controlled paraphernalia; (v) fourth-degree burglary; (vi) malicious destruction of property in the lesser degree; (vii) a trespassing offense; (viii) a misdemeanor theft; (ix) obtaining property or services by bad check as a misdemeanor; (x) possession or use of a fraudulent government identification document; (xi) public assistance fraud;

in the offense was a direct result of being a victim of human trafficking.¹³¹

In its prior version, Section 8-302 only allowed sex trafficking victims to file a motion to vacate for prostitution convictions.¹³² The amended version applies to a considerably broader range of offenses, many of which are unrelated to prostitution.¹³³ Further, to be eligible for conviction relief under Maryland's old law, sex trafficking victims were required to prove that they were "acting under duress caused by an act of a [trafficker]."¹³⁴ This highly restrictive

(xii) making a false statement to a law enforcement officer or public official; (xiii) disturbing the public peace and disorderly conduct; (xiv) indecent exposure; (xv) prostitution; (xvi) driving with a suspended registration; (xvii) failure to display registration; (xviii) driving without a license; (xix) failure to display license to police; (xx) possession of a suspended license; (xxi) driving while one's privilege to do so is canceled, suspended, refused, or revoked; (xxii) an owner's failure to maintain security on a vehicle; (xxiii) driving while uninsured; or (xxiv) prostitution or loitering as prohibited by Maryland law. *See generally* MD. CODE ANN., CRIM. PROC. § 8-302(a)(2) (West, Westlaw through 2021 Reg. Sess. of Gen. Assemb.).

131. § 8-302(b) (Westlaw).

132. MD. CODE ANN., CRIM. PROC. § 8-302(a) (West 2020) (repealed and reenacted, with amendments, June 1, 2020).

A person convicted of prostitution under § 11-303 of the Criminal Law Article 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 Title 3, Subtitle 11 of the Criminal Law Article or the prohibition against human trafficking under federal law.

Id.

133. MD. CODE ANN., CRIM. PROC. § 8-302(a)(2) (West, Westlaw through 2021 Reg. Sess. of Gen. Assemb.). Maryland's new approach distances itself from more restrictive laws that fail to address the reality faced by trafficking survivors, many of whom are left with charges unrelated to prostitution:

It is imperative that criminal record relief statutes include all types and levels of offenses because trafficking survivors are not all victimized or charged in the same way. The nature of the crime of trafficking is such that survivors can be forced to commit a wide range of offenses such as trespassing, selling or purchasing drugs, or even violence.

CRIMINAL RECORD RELIEF, *supra* note 1, at 15.

134. MD. CODE ANN., CRIM. PROC. § 8-302(a) (West 2020) (repealed and reenacted, with amendments, June 1, 2020); *see Maryland Relief Report Card, supra* note 27 ("Maryland mandates that survivors must prove that their offenses were committed

requirement—to establish a nexus between the offense and the crime committed—was eliminated by the 2020 legislation amending Section 8-302, which only requires that the survivor demonstrate their participation was the “direct result of being a victim of human trafficking.”¹³⁵

Maryland’s improvements to Section 8-302 enhance the remedies available to sex trafficking survivors in the State, more closely resembling the conviction relief statutes in Nebraska and Wyoming.¹³⁶

IV. RECOMMENDATIONS

Though states like Nebraska and Wyoming have developed successful vacatur statutes, they are not the ideal model for successful conviction relief.¹³⁷ The factors relevant in creating the ideal model for conviction relief are: 1) having a broad range of relief; 2) providing arrest and adjudicatory relief; 3) allowing vacation of a plethora of offenses; 4) having broad judicial discretion; 5) requiring a relaxed standard to establish nexus to trafficking; 6) reduced time limits and wait times; 7) a reasonable hearing requirement; 8) a reasonable burden of proof requirement; 9) official documentation; and 10) victim confidentiality.¹³⁸

A. *Proposed Statute*

My statutory proposal is as follows¹³⁹:

(a) A victim of human trafficking is not criminally liable for any commercial sex act or other criminal acts committed as a result of, or incident to, being a victim of human

‘while under duress.’ This is problematic as it creates a narrow view of trafficking dynamics and the ways in which victims experience coercion over time.”).

135. MD. CODE ANN., CRIM. PROC. § 8-302(b) (West, Westlaw through 2021 Reg. Sess. of Gen. Assemb.).

136. See CRIMINAL RECORD RELIEF, *supra* note 1, at 15. Compare NEB. REV. STAT. ANN. § 29-3005(3)(b) (West, Westlaw through 2d Reg. Sess. of 106th Legis. 2020), and WYO. STAT. ANN. § 6-2-708 (West, Westlaw through 2020 Budget Sess. of Wyo. Legis.; through ch. 1–3 of 2020 Spec. Sess. of Wyo. Legis.), with MD. CODE ANN., CRIM. PROC. § 8-302 (West, Westlaw through 2021 Reg. Sess. of Gen. Assemb.).

137. CRIMINAL RECORD RELIEF, *supra* note 1, at 28.

138. *See id.* at 13.

139. The statute I have proposed is drawn largely from Section 6-2-708(a)–(c) of the Wyoming law discussed above. See generally WYO. STAT. ANN. § 6-2-708 (West 2020).

trafficking in violation of sex-trafficker statute. Other criminal acts includes all misdemeanor and felony offenses.

(b) A victim of human trafficking who is a minor shall be deemed a child in need of supervision in accordance with the Children in Need of Supervision Act or a neglected child in accordance with the Child Protection Act.

(c) At any time after a conviction, arrest, or adjudication, the court in which it was entered may vacate as a result of a substantive defect of the conviction, arrest, or adjudication if the defendant's participation in the offense is found to have been the result of having been a victim. Official documentation of the defendant's status as a victim at the time of the offense from a federal, state or local government agency shall create a rebuttable presumption that the defendant's participation in the offense was a result of having been a victim, but shall not be required for granting a motion under this section.

(d) Movant must prove, by a preponderance of the evidence, that they were a victim of trafficking at the time they were arrested for the underlying offense.

(e) Movant's Motion shall be filed under seal. Movant is not required to appear before the court in support of the Motion.¹⁴⁰

V. CONCLUSION

Effective conviction relief is a necessary step in combating sex trafficking.¹⁴¹ Providing victims with the ability to become productive citizens will improve their lives and reduce recidivism rates.¹⁴² Several states have developed efficient legislation, however, they still fall below ideal standards.¹⁴³ Furthermore, those states making sufficient efforts for reasonable conviction relief are in the minority.¹⁴⁴ The majority of states with conviction relief reflect the inadequacies of Maryland's prior legislation.¹⁴⁵ In order for the fair and equitable treatment of sex trafficking victims to be prominent, states and the Federal Government must pass legislation modeling an

140. *See generally id.* I have made some modifications to the overall language of Section 6-2-708 to reflect what I see as meaningful improvements.

141. *See supra* Parts I, III.

142. *See supra* Section II.A.

143. *See supra* Sections III.A–B.

144. *See CRIMINAL RECORD RELIEF, supra* note 1, at 28.

145. *See id.*

ideal vacatur trafficking statute.¹⁴⁶ Efforts to pass relief legislation need to be based in equity, efficiency, and research representing the reality of sex trafficking victims.¹⁴⁷

146. *See supra* Parts I–III.

147. *See supra* Parts I, III.

