

[Text of proposed amendments offered to Senate, No. 1950 being the Senate amendment (Ways and Means) to the House Bill relative to the commercial exploitation of people (House, No. 3483)]

Clerk # 1

Anti-Human Trafficking Task Force Membership

Mr. Timilty moves to amend the bill (Senate, No. 1950), in section 6, by inserting after the words "Massachusetts police training committee;" the following:- "the director of the division of professional licensure;"

Clerk # 2

SPECIAL JUVENILES

Ms. Creem moves to amend the bill (Senate, No. 1950) by inserting at the end thereof the following new section:

SECTION __: Section 1. Said chapter 119 of the General Laws, as so appearing, is hereby further amended by adding the following new section:--Section 39DD. (a) For the purposes of this section, the term "dependent on the court" shall mean subject to the jurisdiction of the court for the findings, orders, and referrals enumerated in this section but shall not constitute a finding of legal incompetence.

(b) The divisions of the probate and family court department shall hear petitions of persons, who have attained the age of 18 but remain under the age of 21, seeking a determination that, as a result of abuse, neglect, or abandonment that the petitioner suffered as a child, it is in the best interest of the petitioner not to return to the petitioner's or the petitioner's parent's previous country of nationality or country of last habitual residence.

(c) Upon reviewing the petition and any supporting affidavits, the court shall issue findings of fact which (1) declare the petitioner dependent upon the court as defined in this section; (2) determine whether the petitioner suffered as a child from abuse, neglect or abandonment as those terms are defined in 110 CMR 2.00, chapter 119 or in section 3 of chapter 210 of the General Laws; (3) determine whether reunification with one or both parents is not viable due to the abuse, neglect, or abandonment; and (4) determine whether as a result of the abuse, neglect or abandonment, it is not in the petitioner's best interest to be returned to the petitioner's or the petitioner's parent's previous country of nationality or country of last habitual residence.

The health and safety of the petitioner shall be of paramount, but not exclusive, concern in the above determinations. When considering the health and safety of the petitioner, the court shall consider whether the petitioner's present or past living conditions will adversely affect his physical, mental, moral or emotional health.

(d) The petitioner under this section may also request orders necessary to protect against further abuse, including, but not limited to, filing a complaint for an abuse prevention order as set out in chapter 209A of the General Laws.

(e) The court may refer the petitioner to a probation officer for assistance and such officer shall have the authority to make referrals to an appropriate public or private organization or person for psychiatric, psychological, educational, occupational, medical, dental or social services. The petitioner may not be compelled to participate in the referrals.

(f) The court shall hear the petition and issue the findings of fact under this section before the petitioner attains the age of 21.

(g) Nothing in this section shall be construed to prevent the divisions of the probate and family court department or the juvenile court department from issuing similar findings of fact to those in subsection (c) in any proceedings related to a child.

Clerk # 3

Increasing Maximum Prison Term for Trafficking Offenses

Messrs. Tarr, Hedlund, Knapik and Ross move to amend the bill (Senate No. 1950) in Section 32 in chapter 265 of the General Laws by striking in section 50(a), in line 413, the term "15" and inserting in place thereof the following term:- "20"

; and further, in chapter 265 of the General Laws by striking in section 51(a), in line 435, the term "15" and inserting in place thereof the following term:- "20"

; and further, in chapter 265 of the General Laws by striking in section 53, in line 474, the term "10" and inserting in place thereof the following term:- "15"

Clerk # 4

Providing Mandatory Minimum Prison Term when Minor Victim

Messrs. Tarr, Hedlund, Knapik and Ross move to amend the bill (Senate No. 1950) in Section 32 in chapter 265 of the General Laws by inserting in section 50(b) after the words "or for any term of years" the following language:-

“, but not less than 5 years. Such sentence shall not be reduced to less than 5 years, or suspended, nor shall any person convicted under this section be eligible for probation, parole, work release, or furlough or receive any deduction from such sentence for good conduct until having served 5 years of such sentence”

; and, further, in chapter 265 of the General Laws by inserting in section 51(c) after the words "or for any term of years" the following language:-

" , but not less than 5 years. Such sentence shall not be reduced to less than 5 years, or suspended, nor shall any person convicted under this section be eligible for probation, parole, work release, or furlough or receive any deduction from such sentence for good conduct until having served 5 years of such sentence"

; and, further, in chapter 265 of the General Laws by inserting in section 53 after the first sentence the following sentences:-

Whoever commits the crime of organ trafficking upon a person under 18 years of age shall be punished by imprisonment in the state prison for a term of years not less than 5 years. Such sentence shall not be reduced to less than 5 years, or suspended, nor shall any person convicted under this section be eligible for probation, parole, work release, or furlough or receive any deduction from such sentence for good conduct until having served 5 years of such sentence."

Clerk # 5

Aggravating Offense Firearm

Messrs. Tarr, Hedlund, Knapik and Ross move to amend the bill (Senate No. 1950) in Section 32, by striking out, in line 384, the term "10" and replacing it with " _ "

; and further, by inserting in chapter 265 of the General Laws after section 58 the following new section:-

"Section __. A person who possesses, threatens to use, or attempts to use a "firearm", "rifle", "shot-gun", "machine gun", "semiautomatic", "assault rifle", "weapon" or "large capacity weapon", as defined in section 121 of chapter 140, during the commission or attempted commission of a violation of section 50, section 51 or section 53, shall be punished by a term of imprisonment in the state prison of not more than 10 years. In accordance with section 8A of chapter 279, such sentence shall begin from and after the expiration of the sentence for violation of section 50, section 51, or section 53.

Clerk #6

first offender prostitution solicitation program

Mr. Montigny moved to amend the bill, Senate 1950, in section 33 by inserting after the word " by a fine" in line 649 and inserting the following:-
"not less than \$1,000 or"

Mr. Montigny further moved to amend the bill in Section 34, in line 659, by striking the figure "\$500" and inserting in place thereof the following:-
"\$1,000"

Mr. Montigny further moved to amend the bill by inserting at the end thereof the following new Section:-

SECTION _____. Chapter 276 of the General Laws is amended by inserting after Section 87A, the following new Section 87B:-

Section 87B. (a) Prior to the disposition, the court shall have the authority to divert defendants charged with a first offense of sections 8 and 53A (a) or (b) of chapter 272 of the General Laws to a first offender prostitution solicitation program. The court shall continue the matter while the defendant fulfills the requirements of the program and retain jurisdiction pending the defendant's completion of the program.

(b) The court shall determine if the defendant is eligible to participate in the first offender prostitution prevention program established under this section. The defendant shall not be eligible if the court determines that;

(1) the defendant was convicted, admitted sufficient facts to a previous violation of sections 8 or 53A of chapter 272 or a similar offense under the laws of another state.;

(2) the defendant was previously admitted to a first offender prostitution prevention program pursuant to this section;

(3) the defendant has been charged with a violation of sections 8 or 53A of chapter 272 or a similar offense under the laws of another state and is awaiting adjudication of said offense;

(4) the defendant has been charged with, convicted or admitted sufficient facts to a violation of section 50 or 51 of Chapter 265;

(5) the defendant is a registered sex offender pursuant to Chapter 6 of the General Laws or pursuant to the laws of another jurisdiction;

(c) A first offender prostitution solicitation program established under this section must:

(1) provide each participant with information, counseling, and services relating to:

(i) the negative impact of commercial sex and sex trafficking on victims;

(ii) the negative impact of commercial sex and sex trafficking on communities;

(iii) health risk involved in prostitution including the risk of sexually transmitted diseases, and issues relating to mental health, substance abuse and sexual addiction;

(iv) the legal consequence to the defendant; and

(v) classroom instruction related to the prevention of prostitution and issues organized crimes and the sex industry.

(2) Employ persons or solicit volunteers that may include, but not be limited to:

(i) health care professionals;

(ii) psychologists;

- (iii) licensed social worker or counselors;
- (iv) former prostitutes;
- (v) members of a neighborhood association or community that is adversely affected by the commercial sex trade or trafficking of persons; or
- (vi) employees of a nongovernmental organization specializing in advocacy or laws related to sex trafficking or human trafficking or in providing services to victims of those offenses.

(3) Establish and publish local procedures to promote maximum participation of eligible defendants in programs established in the county or municipality in which the defendants reside.

(4) allow any participant to withdraw from the program at any time before a trial on the merits has been initiated;

(4) Certify to the court that the defendant has successfully completed the requirements of the program or has failed to complete or has withdrawn from the program.

(d) Upon successful completion of the program the court shall dismiss the charge against the defendant. Upon dismissal the court may order the record of the defendant sealed. A dismissal under this section shall be considered a first offense in a subsequent prosecution in determining eligibility under subsection (b).

(e) The court shall assess a fee of \$750 for participation in the a first offender prostitution solicitation program. The court shall not waive the fee but may reduce the fee based on a determination by probation that the defendant cannot pay the entire fee. The fee shall be distributed as follows;

(1) One third of the fee shall be forward to the non-profit organization certified by the commissioner of probation to conduct said program;

(2) One-third to the Human Trafficking Trust Fund established pursuant to section 66A of chapter 10; and

(3) One-third to the police department that was responsible for the arrest of the defendant.

(f) The commissioner of probation in consultaion with the Anti-Human Traffcking Task Force, shall review each non-profit organization that operates a first offender prostitution solicitation program and certify that the program is operating pursuant to the requirements set forth in subsection c of this section. The commissioner shall notify the administrative office of the trial court of all programs receiving said certification. Only programs certified by the commissioner shall qualify to operate a program under this section. The commissioner, at his discretion, may decertify a program for good cause at any time and the commissioner shall notify the administrative office of the trial court of said decertification.

Clerk # 7

Aggravating Offense Bodily Injury

Messrs. Tarr, Hedlund, Knapik and Ross move to amend the bill (Senate No. 1950) in Section 32, by striking out, in line 384, the term "10" and replacing it with "___"

; and further, by inserting after the words, in line 386, "have the following meanings:" the following new paragraph:-

"bodily injury", substantial impairment of the physical condition, including, but not limited to, any burn, fracture of the bone, subdural hematoma, injury to any internal organ, or any injury which occurs as the result of repeated harm to any bodily function or organ, including human skin."

; and further, by inserting after the words, in line 399, "financial harm to any person." the following new paragraph:-

"serious bodily injury", bodily injury that results in a permanent disfigurement, protracted loss or impairment of a bodily function, limb or organ, or substantial risk of death."

; and further, by inserting in chapter 265 of the General Laws after section 58 the following new section:-

"Section __. (a) Whoever commits a violation of section 50 or section 51 and: (i) causes serious bodily injury to the victim of such offense shall be punished by imprisonment in the state prison for not more than 10 years; or (ii) causes or threatens to cause bodily injury to the victim of such offense shall be punished by imprisonment in the state prison for not more than 5 years. In accordance with section 8A of chapter 279, such sentences shall begin from and after the expiration of the sentence for violation of section 50 or section 51.

(b) Whoever commits a violation of section 53 and: (i) causes serious bodily injury to the victim, an injury that is distinct from the harm caused by removal of an organ, tissue or other body part removed for sale, shall be punished by imprisonment in the state prison for not more than 10 years; or (ii) causes or threatens to cause bodily injury to the victim, an injury or threatened injury that is distinct from the harm caused by the removal of an organ, tissue or other body part removed for sale, shall be punished by imprisonment in the state prison for not more than 5 years. In accordance with section 8A of chapter 279, such sentences shall begin from and after the expiration of the sentence for violation of section 53.

Clerk # 8

W/D

Minimum Mandatory for trafficking of person under 18

Mr. Montigny moved to amend the bill S. 1950, in section 32 by inserting after the words "for any term of years." in lines 420 and 421 the following:-

“, but no less that 10 years. Such sentence shall not be reduced to less than 10 years, or suspended, nor shall any person convicted under this section be eligible for probation, parole, work release, or furlough or receive any deduction from his sentence for good conduct until he shall have served 10 years of such sentence.”

Mr. Montigny moved to further amend the bill in section 32, by inserting after the words “for any term of years.” in lines 448 and 449 the following:-

“but no less than 10 years. Such sentence shall not be reduced to less than 10 years, or suspended, nor shall any person convicted under this section be eligible for probation, parole, work release, or furlough or receive any deduction from his sentence for good conduct until he shall have served 10 years of such sentence.”

Clerk # 9

Punishment for Revealing Victim Identity

Messrs. Tarr, Hedlund, Knapik and Ross move to amend the bill (Senate No. 1950) in section 24 in chapter 233 by inserting after section 20M the following new section:-

“Section 20N. At each stage of an investigation and prosecution of an offense involving a human trafficking victim, as defined by section 1 of chapter 265A, the names and identifying information of the victim and the victim's family shall be withheld from public inspection. Once a complaint is filed or an indictment returned, the court shall order that any identifying information of such a victim and family member shall be kept confidential and the court shall impound or redact the names and identifying information of the victim and the victim's family in any such proceeding, unless such victim provides written consent to the court to disclose that information in those records.”

; and further, in chapter 265 of the General Laws by inserting after section 58 the following 2 new sections:-

“Section __. Whoever publishes, disseminates or otherwise discloses the location of any human trafficking victim with the intent that such victim suffers bodily injury thereby shall be punished in the state prison for not less than 3 years nor more than 5 years. Whoever violates this section and thereby causes bodily injury to such victim shall be punished by imprisonment in the state prison for not less than 5 years nor more than 10 years, or thereby causes serious bodily injury to such victim shall be punished by imprisonment in the state prison for not less than 10 years nor more than 20 years, or thereby causes the death of such victim shall be punished by imprisonment in the state prison for life or for any term of years, but not less than 20 years.

Section __. Whoever maliciously publishes, disseminates or otherwise discloses the name of any human trafficking victim who's identity has been the subject of a confidentially order under section 20N of chapter 233, knowing that such victim's name was the subject of such order, shall be punished in the house of correction for not more than 2 ½ years and by a \$1,000 fine.”

Clerk # 10

Safe Harbor

Mr. McGee moves that S.1950 be amended by striking out Section 39L in SECTION 11 and inserting the following:-

“Section 39L. In any delinquency or criminal proceeding against a sexually exploited child alleging that the defendant violated section 53(a) or 53A(a) of chapter 272, there shall be a presumption that the matter should be handled instead as a proceeding under section 24 or 39E of chapter 119. Upon the motion of the defendant, or as raised sua sponte by the Court, the Court shall hold a hearing at which the prosecuting district attorney’s office, the defendant, and other agencies or persons with relevant information may be heard to determine whether the matter shall proceed as a delinquency or criminal proceeding, or whether the delinquency or criminal proceeding should be dismissed and in its stead the Court should institute a child in need of services or care and protection petition. The information that the Court should consider in determining whether the presumption is rebutted should include, but not be limited to: whether child has been previously found to have committed an offense pursuant to section 53A(a) of chapter 272 or, has been previously convicted or adjudicated delinquent under section 53A(a) of chapter 272 and committed to the department of youth services; or, has previously engaged in conduct that, if proved, would constitute a violation of section 53A of chapter 272; or, has previously refused or been unable to cooperate with services offered under section 51B of chapter 119; and, the Court should consider the child’s need for services that may be provided by department of children and families or any non-governmental organization that provides services to such children, and the protection of society from the conduct that forms the basis for the proceeding. Whether to continue with the delinquency or criminal proceeding, or to dismiss said proceeding and proceed with a child in need of services or care and protection proceeding shall be within the court's discretion. The necessary findings of fact to support the decision shall be reduced to writing and made part of the court record. If, during the pendency of a child in need of services or care and protection proceeding initiated under this section, the child is not in substantial compliance with a lawful order of the court, or fails to comply with the guidance and services of the department or any designated non-governmental service provider, the court may, in its discretion, vacate the dismissal of the delinquency or criminal proceeding and restore that proceeding to the docket for trial or further proceedings in accordance with the regular course of such proceedings.”

Clerk #11

CHINS

Mr. McGee moves that S.1950 be amended by striking out in SECTION 11 the following:-

“Section 39L. (a) In any delinquency or criminal proceeding against a sexually exploited child alleging that such juvenile or such defendant violated section 53 of chapter 272 or subsection (a) of section 53A of said chapter 272, upon motion of the defendant, the commonwealth, or as raised sua sponte by the court, the court shall hold a hearing at which the commonwealth, the juvenile or defendant and other agencies or persons with relevant information shall be heard to determine whether the child is an appropriate candidate for the matter to be dismissed without prejudice to the commonwealth and, in lieu of delinquency or criminal proceedings, a care and protection petition or a child in need of services petition may be filed and heard; provided, however, that no delinquency or criminal proceeding shall be dismissed over the objection of the commonwealth.

(b) The court shall consider the following factors in determining whether or not to dismiss the matter without prejudice: (i) whether the child has been previously found to have violated section 53A of chapter 272; (ii) whether the child has been previously found to have violated section 53A of said chapter 272 and committed to the department of youth services; (iii) whether the child has previously engaged in conduct that, if proved, would constitute a violation of section 53A of chapter 272; (iv) whether the child has previously refused or been unable to cooperate with services offered under section 51B; (v) whether the child's need for services may be provided by department of children and families or any non-governmental organization that provides services to such children; and (vi) the protection of society from the conduct that forms the basis for the proceeding.

(c) The necessary findings of fact to support the decision shall be reduced to writing and made part of the court record.

(d) If, during the pendency of a child in need of services or care and protection proceedings initiated under this section, the district attorney determines that the child is not in substantial compliance with a lawful order of the court, or if the district attorney determines that the child has failed to comply with the guidance and services of the department or any designated non-governmental service provider, it may petition the court to vacate the dismissal of the delinquency or criminal proceeding and restore that proceeding to the docket for trial or further proceedings in accordance with the regular course of such proceedings. Upon receipt of said petition, the court shall restore that proceeding to the docket or allow the commonwealth to refile charges or reindict."

And inserting in place thereof the following:-

Section 39L. In any delinquency or criminal proceeding against a sexually exploited child alleging that such child violated section 53 of chapter 272 or subsection (a) of section 53A of chapter 272 the matter shall be handled as a proceeding under section 24 or 39E of chapter 119.

Clerk # 12

task force responsibilities

Messrs. Montigny and Tarr move to amend the bill, Senate 1950, in section 33 by striking subsections 8 and 9 in lines 97 through 101 and inserting in place thereof the following:-

“(8) consult with governmental and nongovernmental organizations in developing recommendations to strengthen state and local efforts to prevent human trafficking, to protect and assist human trafficking victims, and to prosecute human traffickers;

(9) establish a safe house pilot program for victims of human trafficking;

(10) create and disseminate notices to be placed in public places, including airports, train stations, bus stations and other transportation center, hotels and similar establishments, massage parlor, spa, strip club and other sexually-oriented business, providing information relating to services for human trafficking victims.

(11) issue an annual report outlining the task force's findings pursuant to clauses (1) to (10), inclusive.”

Clerk # 13

PENALTIES FOR OFFENSES

Ms. Creem moves to amend the bill (Senate, No. 1950) by striking out, in Section 32 of the bill, lines 405 through 469, and inserting in place thereof the following text:-

“Section 50. (a) Whoever knowingly: (i) subjects, or attempts to subject, or recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person to engage in commercial sexual activity, a sexually explicit performance or the production of unlawful pornography in violation of chapter 272, or causes a person to engage in commercial sexual activity, a sexually explicit performance or the production of unlawful pornography in violation of said chapter 272; or (ii) benefits, financially or by receiving anything of value, as a result of a violation of clause (i), shall be guilty of the crime of trafficking of persons for sexual servitude and shall be punished by imprisonment in the state prison for not more than 15 years, and by a fine of not more than \$25,000. No prosecution commenced under this section shall be continued without a finding or placed on file.

(b) Whoever commits the crime of trafficking of persons for sexual servitude upon a person under 18 years of age shall be punished by imprisonment in the state prison for life or for any term of years. No prosecution commenced under this section shall be continued without a finding or placed on file.

(c) A business entity that commits trafficking of persons for sexual servitude shall be punished by a fine of not more than \$1,000,000. A victim of subsection (a) may bring an action in tort in the superior court in any county wherein a violation of subsection (a) occurred or where the plaintiff resides or where the defendant resides or has a place of business. Any business entity that knowingly aids or is a joint venturer in trafficking of persons for sexual servitude shall be civilly liable for an offense under this section.

Section 51. (a) Whoever knowingly: (i) subjects, or attempts to subject, another person to forced services, or recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that such person will be subjected to forced services; or (ii) benefits, financially or by receiving anything of value, as a result of a violation of clause (i), shall be guilty of trafficking of persons for forced services and shall be punished by imprisonment in the state prison for not more than 15 years, and by a fine of not more than \$25,000. No prosecution commenced under this section shall be continued without a finding or placed on file.

(b) A business entity that commits trafficking of persons for forced labor services shall be punished by a fine of not more than \$1,000,000. A victim of subsection (a) may bring an action in tort in the superior court in any county wherein a violation of subsection (a) occurred or where

the plaintiff resides or where the defendant resides or has a place of business. Any business entity that knowingly aids or is a joint venturer in trafficking of person for forced labor or services shall be civilly liable for an offense under this section.

(c) Whoever commits the crime of trafficking of persons for forced services upon a person under 18 years of age shall be punished by imprisonment in the state prison for life or for any term of years. No prosecution commenced under this section shall be continued without a finding or placed on file.

Section 52. Whoever, after having been convicted or adjudicated delinquent of a violation of section 50 or 51, commits a second or subsequent violation of either section 50 or 51, shall be punished by imprisonment in the state prison for life or for any term of years. No prosecution commenced under this section shall be continued without a finding or placed on file.”; and by striking out Section 35 of the bill.

Clerk # 14

PENALTIES FOR OFFENSES II

Ms. Creem moves to amend the bill (Senate, No. 1950) by striking out, in Section 32 of the bill, lines 405 through 450, and inserting in place thereof the following text:-

“Section 50. (a) Whoever knowingly: (i) subjects, or attempts to subject, or recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person to engage in commercial sexual activity, a sexually explicit performance or the production of unlawful pornography in violation of chapter 272, or causes a person to engage in commercial sexual activity, a sexually explicit performance or the production of unlawful pornography in violation of said chapter 272; or (ii) benefits, financially or by receiving anything of value, as a result of a violation of clause (i), shall be guilty of the crime of trafficking of persons for sexual servitude and shall be punished by imprisonment in the state prison for not more than 15 years, and by a fine of not more than \$25,000. No prosecution commenced under this section shall be continued without a finding or placed on file.

(b) Whoever commits the crime of trafficking of persons for sexual servitude upon a person under 18 years of age shall be punished by imprisonment in the state prison for life or for any term of years. No prosecution commenced under this section shall be continued without a finding or placed on file.

(c) A business entity that commits trafficking of persons for sexual servitude shall be punished by a fine of not more than \$1,000,000. A victim of subsection (a) may bring an action in tort in the superior court in any county wherein a violation of subsection (a) occurred or where the plaintiff resides or where the defendant resides or has a place of business. Any business entity that knowingly aids or is a joint venturer in trafficking of persons for sexual servitude shall be civilly liable for an offense under this section.

Section 51. (a) Whoever knowingly: (i) subjects, or attempts to subject, another person to forced services, or recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that such person will be subjected to forced services; or (ii) benefits, financially or by receiving anything of value, as a result of a violation of clause (i), shall be guilty of trafficking of persons for forced services and shall be punished by imprisonment in the state prison for not more than 15 years, and by a fine of not more than \$25,000. No prosecution commenced under this section shall be continued without a finding or placed on file.

(b) A business entity that commits trafficking of persons for forced labor services shall be punished by a fine of not more than \$1,000,000. A victim of subsection (a) may bring an action in tort in the superior court in any county wherein a violation of subsection (a) occurred or where the plaintiff resides or where the defendant resides or has a place of business. Any business entity that knowingly aids or is a joint venturer in trafficking of person for forced labor or services shall be civilly liable for an offense under this section.

(c) Whoever commits the crime of trafficking of persons for forced services upon a person under 18 years of age shall be punished by imprisonment in the state prison for life or for any term of years. No prosecution commenced under this section shall be continued without a finding or placed on file.”;

and by striking out Section 35 of the bill.

Clerk # 15

SEXUAL TRAFFICKING DEFINITION

Ms. Creem moves to amend the bill (Senate No. 1950) in SECTION 32 by inserting in line 387 the following:-

““Coercion or duress”, the use of: (i) inflicting or or threatening to inflict serious harm to any person; (ii) physical restraint or threatening to physically restrain another person; (iii) abuse of or threatening to abuse the law or legal process; (iv) the destruction, concealment, removal, confiscation or possession of any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person; (v) extortion as defined by section 25; or (vi) causing or threatening to cause financial harm to any person to induce another to do something against his will.”

And to further amend the bill by striking lines 405 to 418 inclusive and inserting in place the following:-

“Section 50. (a) Whoever (i) subjects, or attempts to subject, or recruits, entices, harbors, transports, provides or obtains by any means , or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person to engage in commercial sexual activity, a sexually-explicit performance or the production of unlawful pornography in violation of chapter 272, or causes a person to engage in commercial sexual activity, a sexually-explicit performance

or the production of unlawful pornography in violation of said chapter 272, knowing or having reason to know that such person's participation in such sexual activity, sexually-explicit performance or production of pornography is the product of coercion or duress; or (ii) benefits, financially or by receiving anything of value, as a result of a violation of clause (i), shall be guilty of the crime of trafficking of persons for sexual servitude and shall be punished by imprisonment in the state prison for not more than 15 years, but not less than 5 years, and by a fine of not more than \$25,000. Such sentence shall not be reduced to less than 5 years, or suspended, nor shall any person convicted under this section be eligible for probation, parole, work release, or furlough or receive any deduction from his sentence for good conduct until he shall have served 5 years of such sentence. No prosecution commenced under this section shall be continued without a finding or placed on file."

Clerk # 16

SERVICES FOR EXPLOITED CHILDREN AMENDMENT

Mr. McGee moves that the bill, Senate bill 1950, be amended, in Section 11, at lines 168 to 169, by striking out "and subject to appropriation," and further be amended in Section 11, at lines 178-181, by striking "Subject to appropriation, sexually exploited children shall have access to an advocate as defined in section 21. The advocate or a member of the multidisciplinary service team established under section 51D may accompany the child to all 181 court appearances and may serve as a liaison between the service providers and the court." and inserting in place therefor the following language:- "Sexually exploited children shall have access to an advocate as defined in section 21. The advocate or a member of the multidisciplinary service team established under section 51D shall accompany the child to all 181 court appearances and may serve as a liaison between the service providers and the court."

Clerk # 17

ENTICEMENT OF A CHILD OVER INTERNET

Messrs. Tarr, Hedlund, Knapik and Ross move to amend the bill (Senate, No. 1950) in Section 33 in chapter 272 of the General Laws by inserting in section 2, the following new section:-

"Section 2A. Any adult who uses technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, Internet communications, instant messages or facsimile communications, to procure or promote the use of a person who is a minor under 18 or is believed to be a minor under 18 in an illegal sexual performance, or to lure or entice a person who is a minor under 18 or is believed to be a minor under 18 into an illegal sexual interaction, shall be punished by imprisonment in a house of correction for not more than 2 ½ years or in a state prison for not more than 5 years, a fine of not less than \$2,500, or both."

Clerk #18

Providing protection to children who are human trafficking victims

Senator Spilka moves to amend Senate Bill 1950 in SECTION 8, at line 137 by adding after the words “sexually exploited children” the following: “or children who are otherwise human trafficking victims,”

And in SECTION 12 at line 239 by adding at the end thereof the following:“(v) being a human trafficking victim as defined by section 20M of chapter 233.”

And in SECTION 14 at line 246 by adding after the words “sexually exploited child” the following: “or a child who is otherwise a human trafficking victim”

And in SECTION 15 at line 250 by adding after the words “sexually exploited child” the following: “or a child who is otherwise a human trafficking victim.”

And in SECTION 16 at line 253 by adding after the words “sexually exploited child” the following: “or a child who is otherwise a human trafficking victim” and at line 255 by adding after the words “sexually exploited children” the following: “or children who are otherwise human trafficking victims,”

And in SECTION 17 at line 264 by adding after the word “exploited” the following: “or is otherwise a human trafficking victim”

Clerk # 19

Identification of Human Trafficking Victims

Mr. Tarr move to amend the bill (Senate No. 1950) by inserting at the end thereof the following new section:

“Section __: The Department of Elementary and Secondary Education shall develop and promulgate materials to assist school administrators and educators in the identification of human trafficking victims and the appropriate actions to be undertaken when such victims are identified, and to educate school officials as to the scope and magnitude of human trafficking in the nation and the Commonwealth.”

Clerk # 20

Tarr – Strengthening Health and Human Services

Mr. Tarr moves to amend the bill (Senate No. 1950) in Section 6 in chapter 12 of the General Laws by striking in subsections 8 and 9 in lines 97 through 101 and inserting in place thereof the following:-

“(8) consult with governmental and nongovernmental organizations in developing recommendations to strengthen state and local efforts to prevent human trafficking, to protect and assist human trafficking victims, and to prosecute human traffickers;

(9) to develop a strategy and relevant methodologies for training providers in health and human services in the recognition of signs and circumstances indicating that an individual is the victim of human trafficking, and the appropriate steps to report them to the appropriate law enforcement personnel or agencies;

0) issue an annual report outlining the task force’s findings pursuant to clauses (1) to (9), inclusive.”

Clerk # 21

DUTIES OF TASK FORCE

Mr. Tarr moves to amend the bill (Senate, No. 1950) in section 6 by striking out subsection 9 in lines 100 thru 101 and inserting in place thereof the following:-

9) identify strategies for the facilitation and development of public-private partnerships to assist in the identification, prosecution and eradication of human trafficking;

and moves to further amend said section by striking the figure “9” in line 100 and inserting in place thereof the number “10”;

and moves to further amend the bill by striking the figure “8” in line 101 and inserting in place thereof the figure “9”.

Clerk #22

Tarr –Currency

Mr. Tarr moves to amend the bill (Senate No. 1950) in Section 6 in chapter 12 of the General Laws by striking in subsections 8 and 9 in lines 97 through 101 and inserting in place thereof the following:-

“(8) consult with governmental and nongovernmental organizations in developing recommendations to strengthen state and local efforts to prevent human trafficking, to protect and assist human trafficking victims, and to prosecute human traffickers;

(9) to examine additional tools needed to prohibit the use of united states currency in facilitating human trafficking.

(10) issue an annual report outlining the task force's findings pursuant to clauses (1) to (9), inclusive."

Clerk #23

Corrective Amendment

Mr. Brewer moves to amend the bill (Senate, No. 1950), in section 1, by striking out the following words:- subsection (a) of; and

by striking out, in section 3, the words "trafficking of persons for sexual servitude under subsection (a) of section 50 of chapter 265; trafficking of persons for sexual servitude upon a person under 18 years of age under subsection (b) of said section 50 of said chapter 265" and inserting in place thereof the following words:- "trafficking of persons for sexual servitude under section 50 of chapter 265"; and

by striking out, in section 32, subsection (b) of proposed section 50 of chapter 265, and inserting in place thereof the following:-

"(b) Whoever commits the crime of trafficking of persons for sexual servitude upon a person under 18 years of age shall be punished by imprisonment in the state prison for life or for any term of years, but not less than 5 years. No person convicted under this subsection shall be eligible for probation, parole, work release, or furlough or receive any deduction from his sentence for good conduct until he shall have served 5 years of such sentence."; and

by striking out, in section 32, subsection (c) of proposed section 51 of chapter 265, and inserting in place thereof the following:-

"(c) Whoever commits the crime of trafficking of persons for forced services upon a person under 18 years of age shall be punished by imprisonment in the state prison for life or for any term of years, but not less than 5 years. No person convicted under this subsection shall be eligible for probation, parole, work release, or furlough or receive any deduction from his sentence for good conduct until he shall have served 5 years of such sentence."