

HOUSE 3483 and SENATE 1951-Conference Report

SECTION BY SECTION SUMMARY

Section 1- Amends sec. 178C of chapter 6 (Sex offender registry) by adding person convicted of sexual servitude and enticing a child under 18 via electronic communication into prostitution to definition of having committed 'Sexual Offense'.

Section 2 - Amends sec. 178C of chapter 6 (Sex offender registry) by adding person convicted of sexual servitude and enticing a child under 18 via electronic communication into prostitution to definition of having committed 'Sexual Offense involving a child.'

Section 3 - Amends sec. 178C of chapter 6 (Sex offender registry) by adding person convicted of sexual servitude and enticing a child under 18 via electronic communication into prostitution to definition of having committed a "sexually violent offense."

Section 4- Amends sec. 1 of chapter 9A by adding victims of sexual servitude to the Address Confidentiality Program.

Section 5 -Establishes the Victims of Human Trafficking Trust Fund (section 66A of chapter 10)

Section 6. Amends sec.21 of chapter 119 (definitions for DCF) to include "appropriate services" and "advocate" for sexually exploited children.

Section 7- Amends section 21 of ch. 119 to by including sexually exploited children in definition of CHINS

Section 8-Amends section 21 of ch. 119 by defining a "sexually exploited child"

Section 9 Amends Chapter 119 to include new sections

- Section 39K-Requires DCF to provide for child welfare services for sexually exploited children;
- Section 39L-Establishes a pre-arraignment or post arraignment presumption that that a C&P or A CHINS petition shall be filed. The court may institute those proceedings and place the matter on file. The Court may also place the juvenile on pretrial probation, if the Commonwealth. The court can then institute a care and protection or CHINS action. The DA may move to have the delinquency action reinstated if child non-compliant.

Section 10-Amends section 51A of chapter 119 to require reporting if the mandated report has reasonable cause to believe that a child maybe a sexually exploited child or a human trafficking victim.

Sections 11--Amends Section 51B of Chapter 119 by requiring DCF to notify DA if they suspect the child has been sexually exploited or is a human trafficking victim without regard to whether or not the child is living with a parent or guardian or other caretaker.

Section 12. Amends section 51 B (k)(3) of chapter 119 by requiring DCF to notify DA if they suspect the child has been sexually exploited.

Sections 13-Amends section 51D of Chapter 119 requires a Multi-disciplinary team for sexually exploited children or human trafficking victims when a 51A report is filed.

Section 14. Amends section 51D of Chapter 119 requires a Multi-disciplinary team for sexually exploited children or human trafficking victims when a 51B report is filed.

Sections 15-Amends section 55B of chapter 119 to prevent a case from being CWOFF or placed on file if the juvenile enters a plea on a charge of sexual servitude.

Sections 16- Amends section 58 of chapter 119 to prevent a case from being CWOFF or placed on file if the juvenile adjudicated delinquent on a charge of sexual servitude.

Section 17-Amends chapter 233 by adding sec.20M-Confidential Communications for Human trafficking caseworkers and victim unless, after hearing before a judge, evidence is exculpatory.

Section 18-Extends the Rape Shield law (chapter 233, sec. 21B) to victims of sexual servitude.

Section 19-Amends section 4C of Chapter 260 by including minor victims of sexual servitude to the civil statute of limitation of 3 years (the statute is tolled until the victim reaches majority).

Section 20--Amends chapter 240 by adding sec. 4D that allows for civil action for victims of sexual servitude and forced labor with 3 year SOL.

Section 21--Adds victims of sexual servitude to section that requires confidentiality of the names of certain victim (Chapter 265, sec. 24C).

Section 22. Amends Chapter 265 by adding new section 26D-crime of enticement of a child under the age of 18 to engage in prostitution, human trafficking or commercial sexual servitude-

- Penalty 2 1/2 years in the HOC or 5 years SP or by fine of not less than \$2,5000 or both fine and imprisonment

Section 23-- Crimes- the following sections were added to Chapter 265 (crimes against the person):

- Section 49-Definitions
 - Commercial sexual activity
 - Financial harm
 - forced services
 - services
 - sexually-explicit performance
- Section 50-Crime of sexual servitude
 - SP for not less than 5 years nor more than 20 years, a fine of \$25K or both
 - If child under 18, for life or any term of years but not less 5 years.
 - Business entities-fine up to \$1 million and victim may bring tort action

- Section 51-Crime of forced services
 - SP for not less than 5 years nor more than 20 years, a fine of \$25K or both
 - If child under 18, for life or any term of years but not less 5 years.
 - Business entities-fine up to \$1 million and victim may bring tort action
- Section 52-Second offense of Section 50 and 51
 - SP for life or any term of years but not less than 10 years
- Section 53-Human organ trafficking
 - No more than 15 years, or \$50K fine or both
 - If person under 18, not less than 5 years
- Section 54-All fines go into the HT Trust Fund
- Section 55- Section 55-Forfeiture-violations of 50 and 51 are subject to forfeiture and made available to victims who have received court ordered restitution
- Section 56-Commonwealth may bring a forfeiture proceeding against the trafficker and the proceeds of the forfeiture shall be placed in the HT trust fund.
- Section 57- Affirmative defense for prosecution of victim charged with prostitution.

Section 24- Amends sec. 8 of chapter 272-Soliciting a prostitute

- HOC not more than 2 ½ years or fine of not less than \$1000 nor more than \$5000 or both.

Section 25-- Amends sec. 53A of ch. 272-Engaging or agreeing to engage in sex for a fee.

- HOC 1 year or \$500 fine or both
- Pays or agrees to pay to engage in sex for a fee-HOC 2 ½ years or fine no less than \$1000 nor more than \$5,000 or both.
- If the person is under 18, SP for not more than 10 years or HOC for not more than 2 ½ years and a fine of no less than \$3K and no more than \$10K, or both

Section 26- Amends sec. 87 of Ch. 276 that prevents a person convicted of sexual servitude of a minor for a second or subsequent offense not be paroled or put on probation unless the serve 5 years of the sentence.

Section 27- Amends sec. 63 of chapter 277- Criminal statute of limitations for sexual servitude of minors under section 50- 27 years from the date of offense.

Section 28- Amends sec. 63 of chapter 277- Criminal statute of limitations for sexual servitude under section 50- 15 years.

Section 29- Amends sec. 63 of chapter 277- Criminal statute of limitations for sexual servitude is tolled if victim is under the age of 16.

Section 30- Amends section 16D of ch.278-Allows child witness in prosecution of defendant for crime of Sexual Servitude to testify using video

Section 31- Anti-Human Trafficking Task force- Interagency task force established

- chaired by the Attorney General
- Includes government and non-governmental members, including victims and advocates
- Duties include

- Coordination of collection and sharing of data
- Identifying existing services and facilities
- Evaluate approaches to increase public awareness
- Examine feasibility of “johns Schools”, safe house and hotline notification for victims posted in public places