

Human Trafficking Legislation

This list is compiled purely for informational purposes for advocates and community members interested in the field of child welfare and juvenile justice—specifically those working on behalf of domestic minor victims of sexual exploitation. For a list of legislation that is supported or opposed by Crittenton, you may visit their website. Questions regarding this compilation of bills may be directed to Stefanie Benvenuto, Director of Public Policy & Advocacy for Crittenton Services for Children & Families.

FEDERAL LEGISLATION

Strengthening the Child Welfare Response to Human Trafficking Act (H.R. 1732)

Author: Bass (47 co-sponsors)

Companion bill: S 1823

Summary: Requires state child welfare agencies that receive federal funds to report on current efforts and/or their future plans to address human trafficking and CSEC in their care, and mandates data collection on human trafficking by creating a “human trafficking” classification in the child welfare reporting system. Also requires the Dept. of Health and Human Services to develop and publish best practices for training individuals that work with at-risk children; recommendations for prevention; protocols for a multi-system collaboration amongst agencies and non-governmental partners; and best practices to establish placements following the identification of a CSEC.

The Fraudulent Overseas Recruitment & Trafficking Elimination (FORTE) Act of 2013 (HR 3344)

Author: Royce (& 46 co-authors)

Summary: Ensures that foreign aid does not contribute to trafficking through additional monitoring, and requires foreign labor recruiters to adopt practices that allow for transparency. Prohibits foreign labor recruiters from charging foreign workers with recruitment fees and requires third-party foreign labor recruiters to be registered with the Department of Labor.

Child Trafficking Data & Response Act (S. 1118)

Author: Wyden (& 16 co-sponsors)

Companion Bill: HR 2744

Summary: Focuses on the identification and reporting (including cross-reporting to law enforcement agencies) of CSEC. Additionally requires that law enforcement then report missing children to National Center for Missing and Exploited Children. Mandates that the state’s Foster Care and Adoption Assistance Plan include efforts protect and provide services to minors, and coordinate with social service, law enforcement, juvenile justice and runaway and homeless youth shelters to serve the population. Requires the Adoption and Foster Care Analysis and Reporting System to provide comprehensive national information of the aggregate number of minors in foster care who are identified as victims of sex trafficking.

Improving Outcomes for Youth at Risk of Sex Trafficking Act (S. 1518)

Author: Hatch

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Summary: Requires state child welfare agencies to track, identify and provide services to youth who are, or who are at risk, of child trafficking and to share reports with appropriate federal agencies. Mandates the responsible and prudent parenting standard for youth in care, allowing for youth to participate in developmentally appropriate activities, and requires ongoing family finding for older youth by increasing involvement of the youth in permanency planning. Eliminates federal matching funds for non-family foster homes for youth 12 and under, and for youth 13 years and older following specified amounts of time (with minor exceptions).

Stop Exploitation Through Trafficking (SETT) Act (S. 1733)

Author: Klochubar, (& 8 co-sponsors)

Companion bill: HR 3610

Summary: Requires that states enact safe harbor legislation that view CSEC as victims as opposed to criminals and encourages diversion programs for those at risk. Enhances existing civil remedies for trafficking victims and requires data collection relating to issuance and enforcement of restitution issues. Would increase funding for the National Human Trafficking Hotline and makes victims eligible for job corp programs. Elevates sex offender registration from Tier II to Tier III when convicted of sex trafficking offenses.

End Sex Trafficking Act of 2013 (H.R. 2805)

Author: Poe (& 47 co-sponsors)

Companion bill: S 1354

Summary: Amends the federal criminal code to expand scope of prohibition against sex trafficking to include patronizing and soliciting with a victim, and expands the TVPA to include in the definition of "sex trafficking" patronizing or soliciting a victim. Directs the Attorney General to engage and assist with specified task force activities and programs.

Protecting Youth At Risk of Trafficking Act (S. 1878)

Author: Baucus, (& 7 co-sponsors)

Summary: Amends Title IV-E to require state agencies to demonstrate that they have developed and implemented policies and procedures for identification and screening of children who are sex trafficked or are at risk of being trafficked. Amends case plan and review system requirements for another planned permanent living arrangement and requires permanency planning for children age 14 to be done in consultation with the child and up to two members of their choosing in the planning team. Requires that foster youth only be discharged with identified documentation and requires the state plan to require appropriate agencies to document and report specific information for every child identified as a victim of sex trafficking. Directs the Secretary to establish a National Advisory Committee on Domestic Sex Trafficking.

Justice for Victims of Trafficking Act (H.R. 3530)

Author: Poe (& 68 co-sponsors)

Companion bill: S 1738

Summary: Creates the "Domestic Trafficking Victims' Fund" to be administered by the Attorney General in consultation with the Secretary of Health and Human Services and the Secretary of Homeland Security to be funded by fines for child pornography, trafficking, child prostitution, sexual exploitation and human smuggling offenses. Increases the criminal penalties for those crimes related to human trafficking and allows American citizens (including lawful permanent residents) the opportunity to obtain official status designation

as victims of trafficking. Through the Domestic Trafficking Victims' Fund, creates a victim-centered block grant that would develop and implement victim-centered programs and prosecute traffickers. Clarifies existing law to assist in the prosecution of purchasers and traffickers.

Preventing Sex Trafficking and Improving Opportunities for Youth in Foster Care Act (HR 4058)

Author: House Ways & Means Committee (& 22 co-sponsors)

Summary: Requires states to develop procedures for assessment and identification of CSEC and for determining appropriate victims. States would be required to report children ID'd as CSEC to the National Crime Information Center at the FBI within 24 hours and identify their protocols for rapidly locating and ensuring the safety of that youth. Increases data collection for youth who are CSEC and those that are living in group homes, and requires that report to be given to Congress. Implements the responsible prudent parent standard allowing for children to participate in developmentally appropriate activities. Eliminates Another Planned Permanent Living Arrangement and requires states to act more aggressively to move kids out of foster care more quickly, and in cases of a youth 14 or older in care, allows them to assist in the development of their case plan and choose individuals to be a part of that team.

A Bill to Establish the United States Advisory Council on Human Trafficking to Review Federal Government Policy on Human Trafficking (S 121)

Author: Boxer

Summary: Establishes the US Advisory Council on Human Trafficking that will provide recommendations and direction to the Senior Policy Operating Group & the President's Task Force to Monitor and Combat Trafficking in Persons.

The Stop Advertising Victims of Exploitation (SAVE) Act (HR 4225)

Author: Wagner (& 18 co-authors)

Summary: Amends federal criminal code's "offense" section, making it unlawful for websites to sell or commercially promote an advertisement in willful disregard of the fact that the advertisement facilitates human trafficking.

STATE LEGISLATION

Human Trafficking (AB 1585)

Author: Alejo

Status: Asm. Appropriations

Summary: Provides relief to individuals convicted of solicitation or prostitution who has completed any term of probation for said conviction. The defendant may petition the court for relief if they can establish, by clear and convincing evidence, that the conviction was a result of their status as a victim of trafficking.

Material Witnesses: Human Trafficking (AB 1610)

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Author: Bonta

Status: Asm. Appr.

Summary: In felony human trafficking cases, commercial sex acts or forced labor services, the witness or victim may be able to be examined conditionally.

Disorderly Conduct: Prostitution (AB 1718)

Author: Wagner

Status: Asm. Public Safety- hearing cancelled

Summary: In cases where an individual solicits, agrees to engage, or engages in any act of prostitution with a minor, punishment will be time in county jail and a fine. In instances where the minor is 16 or under, the offense is punishable by time in state prison, a fine and registration as a sex offender.

Human Trafficking (AB 1747)

Author: Holden

Status: Introduced

Summary: Spot bill intended to hold legislation regarding human trafficking.

Human Trafficking (AB 1761)

Author: Hall

Status: Introduced

Summary: Spot bill intended to hold legislation regarding the prevention of human trafficking.

Child Abuse and Neglect Reporting Act: Sexual Abuse (AB 1775)

Author: Melendez

Status: Asm. Appropriations

Summary: Includes a person knowingly downloading a film, photograph, video tape, negative or slide in which a child is engaged in an act of obscene sexual conduct in the definition of sexual exploitation.

Human Trafficking (AB 1791)

Author: Maienschein

Status: Asm. Public Safety (4/8)

Summary: Expands the Sex Offender Registration Act to apply to a person who recruits, harbors, transports, provides, sells, purchases or attempts to do any of those things, a person who is a minor at the time of the commission to engage in a commercial sex act.

Prostitution: Human Trafficking: Sealing and Destruction of Arrest Records (AB 1887)

Author: Campos

Status: Asm. Public Safety(4/8)

Summary: Authorizes a person to petition a court to set aside a conviction related to solicitation or prostitution based on the finding that the person is factually innocent if they are a victim of human trafficking and their offense is a result of their victim status.

Prostitution (AB 2424)**Author:** Campos**Status:** Asm. Public Safety

Summary: Changes the maximum of a fine for someone who takes a person against their will or procures through fraud, another person for the purpose of prostitution from \$2,000 to \$10,000.

Human Trafficking (S.B. 473)**Author:** Block**Status:** Asm. Inactive

Summary: Adds human trafficking to the list of criminal activities that may be used to establish a pattern of criminal gang activity and amends Proposition 21.

Sexually Exploited and Trafficked Children (S.B. 738)**Author:** Yee**Status:** Asm. Human Services Cmte.

Summary: Develops a statewide system of care by designating CSEC who are trafficked due to a parent's unwillingness or inability to protect the child from being trafficked to receive a range of services. Additionally charges a statewide group convened by the California Child Welfare Council to survey, identify and assess current programs to identify need for new and additional resources to serve this population. Requires training for care providers in child welfare and juvenile justice systems to include cultural responsiveness and CSEC awareness.

Criminal Jurisdiction (SB 939)**Author:** Block**Status:** Sen. Public Safety(4/8)

Summary: Includes human trafficking, pimping and pandering to the list of offenses with specialized jurisdictional requirements apply. These requirements are: when more than one violation of specified provisions occurs in more than one jurisdiction, the jurisdiction for any of the offenses is anywhere at least one of the offenses occurred, if all district attorneys with oversight agree to the venue.

Interception of Electronic Communications (SB 955)**Author:** Mitchell**Status:** Sen. Public Safety (4/8)

Summary: Adds human trafficking to the list of offenses for which interception of electronic communications may be ordered.

Prostitution: Minors: Punishment (SB 982)**Author:** Huff**Status:** Sen. Public Safety (4/22)

Summary: Makes the purchase, or attempt to purchase, sex with a minor a felony instead of a misdemeanor and increased penalties.

Human Trafficking (SB 1084)

Author: Walters

Status: Sen. Public Safety (4/8)

Summary: Amends the definition of human trafficking to be a serious and violent crime thereby resulting in a “strike”.

Human Trafficking (SB 1085)

Author: Walters

Status: Sen. Public Safety (4/8)

Summary: Makes an individual convicted of human trafficking ineligible for probation.