



NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

H.R. 3530, "Justice for Victims of Trafficking Act of 2014" as amended 4/30/14

Sec. 2 – Amends Section 1402 of the Victims of Crime Act (VOCA) of 1984 (42 U.S.C. 10601) to raise the cap in VOCA beginning in FY' 16 to \$805,000,000 and increasing this cap by approximately by \$20 million each year ending in FY '20.

Sec. 3 – Amends Section 203 of the Trafficking Victims Protection Reauthorization Act of 2005 (42. U.S.C. 14044(b)) by authorizing the U.S. Attorney General to make grants to "eligible entities", later defined as states or units of local government, for a variety of activities to combat human trafficking and assist victims of trafficking such as establishing, improving or expanding comprehensive domestic child human trafficking deterrence programs that help law enforcement officers, prosecutors, judicial officials and qualified victims' services organizations address human trafficking. Eligible entities must submit grant applications to the U.S. Attorney General and must disclose any other grant funding the entity has either applied for or received during the last five years that is for the purpose of combating human trafficking. The U.S. Attorney General shall give preference to grant applications that lay out a specific comprehensive plan for addressing human trafficking and that contain a plan to continue funding once the federal grant has expired. All grants are for a one year term, with the opportunity to renew for 3 additional one year periods.

Authorizes grants made under this section for the following activities:

- Establishment or enhancement of specialized law enforcement, first responders, health care officials, child welfare officials, juvenile justice personnel, prosecutors, and judicial personnel training programs. These programs must be geared towards identifying victims and acts of child human trafficking, address the unique needs of victims, facilitate the rescue of victims, investigate and prosecute acts of child human trafficking, and implement and educate on state safe harbor laws.
- Establishment or enhancement of dedicated anti-child human trafficking law enforcement units and task forces to investigate child human trafficking offenses and to rescue victims. This includes funding a broad range of law enforcement salaries, except that the percentage of the salary paid through this grant cannot exceed the amount of time expended on human trafficking issues by the law enforcement officer. Also permissible is funding for investigation expenses in child trafficking cases including wire taps, experts in the field, travel, and technical assistance. Funds may also be used for dedicated anti-child human trafficking prosecution units, and the

establishment of child human trafficking victim witness safety, assistance and relocation programs.

- Establishment or enhancement of problem solving court programs for child human trafficking victims including continual judicial supervision of those identified by law enforcement as potential trafficking victims, development of specialized and individualized treatment programs for trafficking victims, and collaborative efforts with child advocacy centers, child welfare agencies, shelters, and non-governmental organizations to provide services to victims and encourage cooperation with law enforcement.
- Establishment or enhancement of victims' services programs including residential care, 24-hour social services response systems, and counseling and case management services.

The Attorney General shall consult annually with academics or non-profits with expertise in child human trafficking issues to evaluate the impact and effectiveness of grants and report these findings to Congress.

Grants under this section require a state match of 30% in year one, 40% in year two, and 50% in year three.

Defines "eligible entity" as a state or unit of local government that has significant criminal activity involving child human trafficking, has demonstrated cooperation between federal, state, and local and where applicable tribal law enforcement agencies, prosecutors, and social service providers and has developed a workable multi-disciplinary plan to combat child human trafficking. **The original bill called for a special assessment of \$5,000 to be paid by those convicted of a human trafficking or child pornography offense in federal court. The money raised by the special assessment would have gone toward the same purposes as contained in the amended bill thereby alleviating the need to take money from the Victims of Crime fund. The House Judiciary Committee was leery of this approach because it was deemed as "revenue raising" which would have significantly slowed the passage of this bill.**

Sec. 4 – Amends the "Reauthorization of Victims of Child Abuse Act of 1990," (42 U.S.C. 13004) by updating the fiscal years, adds direct services for victims of child pornography allowing for the possibility of grants for this purpose.

Sec. 5 – Streamlines state and local human trafficking investigations by including the offenses of human trafficking, child sexual exploitation, and child pornography production in the U.S. Criminal Code (18 U.S.C. 2516(2)).

Sec. 6 –Amends the Crime Control Act of 1990 Section 3702 to require states to notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from a foster care family home or childcare institution.

Sec. 7 – Broadens the scope and strengthens the language of the federal crime of human trafficking (18 U.S.C. 1591) by including the terms “maintains, patronizes or solicits” when referring to human trafficking.

Sec. 8 – Requires the Attorney General to ensure that all task forces and working groups within the Violent Crimes Against Children Program engage in activities to increase the investigative capabilities of state and local law enforcement officers in the detection, investigation, and prosecution of persons who patronize or solicit children for sex.

Sec. 9 – Changes the standard of proof for those accused of sex trafficking from preponderance of the evidence to clear and convincing evidence.

Sec. 10 – Mandates that the U.S. Inspector General of the Department of Justice conduct audits of covered grantees to prevent waste, fraud, and abuse of such funds. If a grantee is found to have an unresolved audit finding (i.e. an unauthorized grant expenditure or unallowable cost), it shall not be eligible for grant funds from the covered grant program for the first two fiscal years beginning after the twelve month period of the finding. There are also requirements for nonprofit organization accountability contained in this section.

Sec. 11 – Clarifies crime victims’ rights to include the right to be informed of any plea bargain or deferred prosecution agreement, and the right to know of all available services.

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