



NATIONAL CONFERENCE *of* STATE LEGISLATURES

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S.1738- Justice for Victims of Trafficking Act of 2013

Senator John Cornyn (R-Texas)

Sec. 2. Domestic Trafficking Victims Fund - Imposes a special assessment (The Domestic Trafficking Victims Fund) in the amount of \$5000 on individuals convicted of peonage, slavery, trafficking, sexual abuse, sexual exploitation and other abuses of children, transportation for illegal sexual activity, and human smuggling.

- An estimated \$25-35 million dollars would go into the Fund annually.
- No less than \$2 million of the Fund will be used for grants to help victims of child pornography.
- On September 30th of each fiscal year after enactment, all remaining funds will be transferred to the Crime Victims Fund.

Sec. 3. Official Recognition of American Victims of Human Trafficking - Amends the Trafficking Victims Protection Act of 2000 (TVPA) to provide that all US citizens and permanent residents can be recognized as victims of human trafficking after the Secretary of Health and Human Services evaluates the evidence.

Sec.4. Victim-Centered Human Trafficking Deterrence Block Grant Program. - Amends the TVPA and creates a new block grant for states to develop, improve, or expand domestic child human trafficking deterrence programs to restore the lives of victims and to investigate and prosecute child human trafficking offenses. Authorized activities under this grant include:

- Training and funding related to human trafficking for law enforcement officers, prosecutors, and judicial officials.
- Establishment or enhancement of dedicated anti-trafficking law enforcement units to investigate trafficking offenses and rescue victims.
- Establishment or enhancement of problem-solving court programs for trafficking victims that include training, supervision of victims, court ordered treatment programs for victims that provide education, training, housing, job placement, and other services.
- Centralized case management including the consolidation of trafficking victims cases and the coordination of all trafficking victim treatment programs.

- Dismissal of non-violent charges relevant to a victim's case.
- Collaborative efforts with child welfare and other relevant agencies to provide comprehensive victims' services.

Block grants expire after one year and can be renewed up to three times for one year durations.

Unauthorized expenditures or unallowable costs make an entity ineligible for any grant funds under the block grants for two fiscal years.

Entities can be barred from these grants if they have violated the terms of a government grant in the last 5 fiscal years.

The Federal share of the cost of a program funded under these grants is 70% in the first year, 60% in the next, and 50% in the third. No more than \$7 million in the Domestic Trafficking Victims' Fund can be used for these grants during fiscal years 2015-2019.

No grant funds may be awarded or transferred to any entity unless it has demonstrable experience in providing relevant services or has staff specialized in treatment of victims of human trafficking.

Eligibility requires that the State or local government demonstrate a need for aid, cooperation between varying levels of government, and has developed a multidisciplinary plan to combat human trafficking that includes:

- Establishment of shelters for victims of human trafficking;
- Provision of informed and gender responsive rehabilitative care for victims of child human trafficking;
- Specialized training for law enforcement and social services with a focus on domestic human trafficking;
- Prevention, deterrence, and prosecution of offenses involving child human trafficking;
- Cooperation or referral with organizations providing outreach or related services to runaway and homeless youth
- Law enforcement protocols/procedures to screen all individuals arrested for prostitution for victimization by sex trafficking and other crimes such as sexual assault and domestic violence;
- Cooperation with State child welfare agencies and child advocacy centers.

- A victim certification process for eligibility and State-administered medical care to ensure victim minors ineligible for interim assistance can receive care.
- Assurance that victims of child human trafficking not be required to collaborate with law enforcement officers to have access to any shelter or services this grant provides.
- Applying for a block grant requires detailed plans and descriptions for planned use of funds and activities for which assistance is sought. The Attorney General may require additional information and assurances which must be met.
 - **Preference is given to applications with plans for State or local governments to continue funding of all activities funded by the award after the expiration of the award.**

Sec. 5. Direct Services for Victims of Child Pornography. - Amends the Victims of Child Abuse Act of 1990 to provide that human trafficking and the production child pornography are covered by the Victims of Child Abuse Act. Grants can also be made to provide services directly to victims of child pornography.

Sec. 6. Increasing Restitution For Trafficking Victims. - Provides restitution for victims by allowing assets of criminals convicted of trafficking related to their crime to be given to the victims, either in their original form or after liquidation (expanded assets forfeiture).

Sec. 7. Streamlining State and Local Human Trafficking Investigations. – Amends 18 U.S.C. 2516(2) to permit wiretapping in human trafficking, child sexual exploitation and child pornography production cases.

Sec. 8. Fighting Complex Criminal Enterprises Engaged in Human Trafficking. - Amends the federal racketeering statute (18 U.S.C. chapter 96) to include human trafficking as a form of racketeering. Provides a means to combat aggravated human-trafficking racketeering activity, sexual exploitation, and coerced prostitution in complex criminal enterprises.

Sec. 9. Enhancing Human Trafficking Reporting. – Includes human trafficking in the reporting requirements of the Omnibus Crime Control and Safe Streets Act of 1968.

Sec. 10. Reducing Demand for Sex Trafficking. –

Sec. 11. Using Existing Task Forces To Target Offenders Who Exploit Children. - Requires the Attorney General to, within 180 days of enactment, ensure that all task forces and groups in the Innocence Lost National Initiative engage in activities, programs, or operations that increase the capabilities of State and local law enforcement in countering the patronizing or soliciting of children for sex.

Sec. 12. Enhanced Penalties For Human Trafficking, Child Exploitation, and Repeat Offenders. Amends Part I of Title 18 U.S.C. to provide for longer sentences for those convicted of human trafficking offenses.

Sec. 13. Holding Sex Traffickers Accountable. – Amends the standard of proof in trafficking offenses from “preponderance of the evidence” to “clear and convincing evidence”.

Sec. 14. Combating Sex Tourism. – Modifies some of the definitions contained in 18 U.S.C. 2423.

Sec. 15. Grant Accountability. - Requires the Inspector General of the Department of Justice (DOJ) to audit recipients of grants under the Trafficking Victims Protection Reauthorization Act of 2005 each fiscal year starting the year after enactment.

- Limits expenditures of over \$20,000 taken from DOJ funds for DOJ.

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