

SENATE No. 2444

The Commonwealth of Massachusetts

—————
In the One Hundred and Eighty-Ninth General Court
(2015-2016)
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SENATE, Tuesday, July 19, 2016

The committee on Rules, to whom was referred the Senate Bill to strengthen the anti-human trafficking law (Senate, No.872),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2444).

For the committee,
Mark C. Montigny

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to strengthen the anti-human trafficking law.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 13 of the General Laws is hereby amended by adding the following
2 2 sections:-

3 Section 109. (a) There shall be a board of registration in bodywork therapy consisting of
4 7 members who are residents of the commonwealth appointed by the governor, 3 of whom shall
5 be licensed bodywork therapists engaged in the practice of bodywork therapy in the
6 commonwealth for not fewer than 5 years immediately preceding appointment or, in the case of
7 initial appointments, who are able to provide proof of: (i) not fewer than 500 hours of bodywork
8 therapy for compensation; (ii) authorization to practice bodywork therapy issued by a municipal
9 board of health within the commonwealth within the preceding 2 years; or (iii) a passing grade
10 on an examination administered by a national organization or board accredited by the National
11 Commission of Certifying Agencies; 1 of whom shall be a health agent, board member or other
12 health professional employed by or elected to a municipal board of health within the
13 commonwealth; 1 of whom shall be an individual engaged in the operation of an accredited

14 bodywork therapy education program; and 2 of whom shall be consumers of bodywork therapy.
15 Board members shall be subject to chapter 268A.

16 (b) Board members shall be appointed for a term of 3 years; provided, however, that of
17 the members first appointed to the board, 3 shall serve for a term of 3 years, 2 shall serve for a
18 term of 2 years and 2 shall serve for a term of 1 year. Upon expiration of their terms members of
19 the board shall continue to hold office until the appointment of a successor. A member may be
20 removed by the governor for cause. Upon the death, resignation or removal for cause of any
21 member of the board, the governor shall fill the vacancy for the remainder of that member's
22 term.

23 (c) The board shall at its first meeting and annually thereafter elect from among its
24 members, by majority vote, a chairman and vice-chairman. The board shall meet at least once
25 every 3 months and may hold additional meetings as necessary for the discharge of its duties.
26 Members shall receive no compensation but shall be entitled to reasonable travel expenses. The
27 members of the board shall be public employees for the purposes of chapter 258 for all acts or
28 omissions within the scope of their duties as board members.

29 Section 110. The board shall have the following powers and duties: (i) to administer and
30 enforce sections 265 to 272, inclusive, of chapter 112; (ii) to adopt rules and regulations
31 governing the licensure of bodywork therapists, the practice of bodywork therapy and the
32 operation of bodywork therapy establishments and schools to promote the public health, welfare
33 and safety of the citizens of the commonwealth; (iii) to establish standards of professional and
34 ethical conduct; (iv) to establish standards for continuing education reflecting acceptable national
35 standards; (v) to investigate complaints, conduct inspections, review billing and treatment

36 records and set and administer penalties as defined in sections 61 to 65F, inclusive, and sections
37 265 to 272, inclusive, of chapter 112 for fraudulent, deceptive or professionally incompetent and
38 unsafe practices and for violations of rules and regulations promulgated by the board; and (vi) to
39 make available to the public a list of licensed bodywork therapists.

40 SECTION 2. Chapter 112 of the General Laws is hereby amended by adding the
41 following 9 sections:-

42 Section 265. As used in this section and sections 266 to 272, inclusive, the following
43 words shall have the following meanings:-

44 "Board", the board of registration of bodywork therapy established in section 109 of
45 chapter 13.

46 "Licensed bodywork establishment", an office, clinic, spa, salon or other establishment
47 licensed by the board to offer bodywork services.

48 "Bodywork" or "bodywork therapy", the use of touch, words or directed movement to
49 deepen awareness of patterns of movement in the body, or the affectation of the human energy
50 system or acupoints or Qi meridians of the human body including, but not be limited to: the
51 Feldenkrais method; reflexology; the Trager approach; Ayurvedic therapies, Rolf structural
52 integration, polarity or polarity therapy; polarity therapy bodywork; Asian bodywork therapy;
53 acupressure; Jin Shin Do; Qi Gong; Tui Na; Shiatsu; body-mind centering and Reiki; provided,
54 however, that bodywork or bodywork therapy shall not include massage as that term is defined in
55 section 227; and provided, further, that bodywork therapy shall not include diagnosis of illness or
56 disease, the prescription of drugs or medicines, spinal or other joint manipulations, electrical
57 stimulation, application of ultrasound or any services or procedures for which a license to

58 practice medicine, chiropractic, acupuncture, occupational therapy, physical therapy or podiatry
59 is required by law.

60 "Bodywork therapist" or "bodywork practitioner", a person licensed by the board that
61 instructs or administers bodywork or bodywork therapy for compensation.

62 Section 266. (a) No person shall advertise or be otherwise characterized as a bodywork
63 therapist or practice bodywork or bodywork therapy unless that person holds a valid license
64 issued in accordance with this chapter; provided, however, that a student of bodywork therapy
65 enrolled in a nationally accredited bodywork therapy program may engage in a required clinical
66 component of the student's course of study under the guidance of a licensed bodywork therapist
67 and for no compensation.

68 (b) The following individuals shall be exempt from the licensure requirements of this
69 section: (i) a person duly licensed, registered or certified in another state, territory, the District
70 of Columbia or a foreign country who is temporarily in the commonwealth to teach a course
71 related to bodywork therapy or to consult with a person licensed as a bodywork therapist under
72 this chapter; (ii) a person providing bodywork therapy to a member of that person's immediate
73 family for which the person receives no compensation; and (iii) a person, duly licensed,
74 registered, or certified in another state, territory, the District of Columbia, or a foreign country,
75 who is incidentally in the commonwealth to provide service as part of an emergency response
76 team working in conjunction with disaster relief officials.

77 Section 267. (a) An applicant for licensure as a bodywork therapist shall submit an
78 application on a form furnished by the board. The information included in the application shall
79 be attested to and signed by the applicant. Each application shall be accompanied by payment of

80 the fee prescribed by the executive office of administration and finance pursuant to section 3B of
81 chapter 7. Upon submission of a completed application to the board and the payment of the
82 required fees, the board may issue a license to practice as a bodywork therapist to an applicant
83 who: (i) is 18 years of age or older; (ii) is of good moral character as determined by the board;
84 (iii) has obtained a high school diploma or its equivalent; (iv) has submitted 2 professional letters
85 of reference including at least 1 letter from an employer or licensed professional in the field of
86 bodywork therapy or a similar field as defined by the board; (v) has successfully completed a
87 course of study consisting of at least 500 classroom hours or an equivalent number of credit
88 hours of supervised instruction in a nationally accredited bodywork therapy program; (vi) has not
89 been convicted in any jurisdiction of a sexually-related crime or a crime involving moral
90 turpitude during the 10 years immediately preceding the date of application; (vii) provides proof
91 of professional liability coverage; and (viii) demonstrates professional competence as determined
92 by the board.

93 (b) The director of the division of professional licensure shall determine the renewal
94 cycle and renewal period for bodywork therapy licenses. Each person licensed in accordance
95 with these sections may apply to the board for renewal of a license on or before the expiration
96 date, as determined by the director, unless the license was revoked, suspended or canceled earlier
97 by the board as a result of a disciplinary proceeding instituted pursuant to this chapter.
98 Applications for renewal shall be made on forms furnished by the board and accompanied by
99 payment of a renewal fee, as prescribed by the executive office of administration and finance
100 pursuant to section 3B of chapter 7, which fee shall not be less than \$100.

101 (c) As a condition of renewal of a license each licensed bodywork therapist shall furnish
102 the board with satisfactory proof that the licensee: (i) has not been convicted in any jurisdiction

103 of a sexually-related crime or a crime involving moral turpitude during the term of licensure; (ii)
104 carries adequate professional liability coverage as determined by the board; and (iii) has
105 completed the required number of relevant continuing education hours on the practice of
106 bodywork therapy and business practices as determined by the board. The board shall issue a
107 renewal license upon satisfactory proof of compliance with the licensing requirements. The
108 board may provide for the late renewal of a license which has lapsed and may require payment of
109 a late fee. All licensing and application fees collected pursuant to sections 265 to 272, inclusive,
110 shall be deposited into the trust fund established in section 35V of chapter 10.

111 (d) Every person receiving a license from the board shall conspicuously display the
112 license in the licensee's place of business.

113 Section 268. The board may provide reciprocal licenses for registered, certified or
114 licensed bodywork therapists from other jurisdictions if the standards of registration, certification
115 or licensure in their jurisdictions are reasonably equivalent to those set forth in section 267. The
116 board shall promulgate regulations to implement this section. The fee for a reciprocal license
117 shall be prescribed by the executive office of administration and finance pursuant to section 3B
118 of chapter 7 and shall not be less than \$100. An applicant shall not be granted reciprocity if the
119 applicant's license to practice has been revoked or suspended in another jurisdiction. The board,
120 subject to a vote of the majority of its members, may revoke a license if the license, certificate,
121 registration or authority issued by another state or territory of the United States, the District of
122 Columbia or a foreign state or nation has been revoked, cancelled, suspended, or otherwise acted
123 against, or if the holder has been disciplined in that jurisdiction where the basis for the action
124 would constitute a basis for disciplinary action in the commonwealth.

125 Section 269. The board may grant a license to an individual who: (i) submits a
126 completed application and pays the necessary fee prescribed by the executive office of
127 administration and finance pursuant to section 3B of chapter 7; (ii) is of good moral character as
128 determined by the board; (iii) provides proof of professional liability coverage; and (iv) submits
129 documentation in a form determined by the board that the individual: (A) previously provided at
130 least 500 hours of bodywork therapy for compensation to individuals other than immediate
131 family members; (B) has been authorized by a municipal board of health in the commonwealth
132 to practice bodywork therapy within 2 years of the date of application; or (C) received a passing
133 grade on a board-approved examination administered by a national organization or board
134 accredited by the National Commission of Certifying Agencies or the Institute for Credentialing
135 Excellence.

136 Section 270. (a) The board shall conduct inspections and investigate all complaints filed
137 relating to the proper practice of bodywork therapy and any violation of sections 265 to 272,
138 inclusive, or any rule or regulation of the board. Complaints may be brought by any person or
139 municipality, or the board may initiate a complaint.

140 (b) The board shall be under the supervision of the division of professional licensure and
141 shall have the authority conferred under sections 61 to 65F, inclusive. For the purposes of this
142 section and sections 61 to 65F, inclusive, conduct which places into question the holder's
143 competence to practice bodywork therapy shall include, but not be limited to: (i) committing
144 fraud or misrepresentation in obtaining a license; (ii) criminal conduct resulting in a conviction,
145 guilty plea or plea of nolo contendere or an admission of sufficient facts; (iii) violating a rule or
146 regulation of the board; (iv) failing to cooperate with the board or its agents in the conduct of an
147 inspection or investigation; (v) failing to fulfill any continuing education requirements set out by

148 the board; or (vi) violating an ethical standard which in the board's determination renders the
149 person unfit to practice as a bodywork therapist including, but not limited to, inappropriate
150 conduct or touching in the practice of bodywork therapy, offering medical opinion or diagnosis
151 or negligence in the course of professional practice.

152 (c) The board may issue an order to a licensee directing the licensee to cease and desist
153 from unethical or unprofessional conduct if the board finds, after the opportunity for a hearing,
154 that the licensee has engaged in such conduct.

155 (d) A bodywork therapist whose license to practice is suspended for more than 1 year as
156 the result of professional misconduct related to insurance fraud during the course of the
157 licensee's practice shall not own, operate, practice in or be employed by another bodywork
158 therapist, massage therapist, physical therapist or chiropractor, in any capacity during the course
159 of the suspension and until the license is reinstated by the board. A second occurrence of
160 professional misconduct related to insurance fraud during the course of a licensee's practice shall
161 result in the permanent revocation of the license. The licensee shall be barred from owning,
162 operating practicing or being employed in a business that provides bodywork therapy, massage
163 therapy, physical therapy or chiropractic care.

164 (e) Nothing in this section shall limit the board's authority to impose sanctions by consent
165 agreement that are considered reasonable and appropriate by the board. Any person aggrieved by
166 a disciplinary action taken by the board under this chapter may file a petition for judicial review
167 under section 64.

168 Section 271. Every person licensed by the board to practice bodywork therapy shall
169 conspicuously display the license in the licensee's place of business.

170 Section 272. (a) Only persons duly licensed under this chapter shall be designated as
171 bodywork therapists and entitled to use the term "bodywork" or "bodywork therapy" when
172 advertising or printing promotional material. Any person who uses the term "bodywork" in a
173 professional title without being authorized to do so may be the subject of disciplinary action by
174 the board under section 65A.

175 (b) Anyone who: (i) knowingly aids and abets another in the use of the term "bodywork"
176 as part of a professional title when the person is not authorized to do so; or (ii) knowingly
177 employs unlicensed individuals in the operation of a bodywork therapy business may be the
178 subject of a disciplinary proceeding before the board.

179 (c) It shall be a violation of this chapter for a person to advertise: (i) as a bodywork
180 therapist or a bodywork therapy business unless each person employed as part of the business
181 holds a valid license under this chapter; (ii) licensed bodywork therapy services with escort or
182 dating services; (iii) as specializing in particular bodywork therapy services without an
183 appropriate showing of competency as determined by the board; or (iv) services not recognized
184 as bodywork therapy by the board or explicitly prohibited under section 265. The term
185 "advertise" as used in this section shall include, but not be limited to: (1) providing a card, sign
186 or device to another; (2) causing, permitting, or allowing a sign or marking on or in a building,
187 vehicle or structure; (3) causing the placement of an advertisement in a newspaper, magazine or
188 on television; or (4) listing or causing the placement of an advertisement in a directory under a
189 classification or heading that includes the word "bodywork".

190 Section 273. A city or town may adopt ordinances or by-laws relative to health and
191 safety of the practice of bodywork therapy not inconsistent with sections 265 to 272, inclusive.

192 SECTION 3. Section 269 of said chapter 112 is hereby repealed.

193 SECTION 4. Section 12 of chapter 120 of the General Laws, as appearing in the 2014
194 Official Edition, is hereby amended by inserting after the figure "265", in line 19, the following
195 words:- ; or trafficking of persons for sexual servitude in violation of subsection (a) of section 50
196 of said chapter 265; or trafficking of persons for sexual servitude upon a person under 18 years
197 of age in violation of subsection (b) of said section 50 of said chapter 265.

198 SECTION 5. Section 90A of chapter 127 of the General Laws, as so appearing, is hereby
199 amended by striking out, in line 13, the words "or section twenty-six" and inserting in place
200 thereof the following words:- , section 26 or section 50.

201 SECTION 6. Chapter 140 of the General Laws is hereby amended by adding the
202 following section:-

203 Section 207. State police or members of the police department of a town may, upon
204 appropriate legal process, enter and inspect any premises in a town where bodywork or
205 bodywork therapy services are provided under chapter 112.

206 SECTION 7. Section 4D of chapter 260 of the General Laws, as appearing in 2014
207 Official Edition, is hereby amended by striking out, in lines 11 and 14, the figure "3" and
208 inserting in place thereof the following figure:- 10.

209 SECTION 8. Section 57 of chapter 265 of the General Laws, as so appearing, is hereby
210 amended by striking out, in line 5, the words "section 53A" and inserting in place thereof the
211 following words:- sections 8, 26 or 53A.

212

213 SECTION 9. Said chapter 265 is hereby further amended by adding the following
214 section:-

215 Section 59. (a) At any time after the entry of a judgment of disposition on an indictment
216 or criminal or delinquency complaint for an offense, excluding a felony offense, the court in
217 which it was entered shall, upon motion of the defendant, vacate any conviction, adjudication of
218 delinquency, or continuance without a finding and permit the defendant to withdraw any plea of
219 guilty, plea of nolo contendere, plea of delinquent, or factual admission tendered in association
220 with one or more pleas upon a finding by the court, established by a preponderance of the
221 evidence, that the defendant's participation in the offense was a result of having been a victim of
222 human trafficking as defined by section 20M of chapter 233 or a victim of trafficking in persons
223 under 22 U.S.C. 7102.

224 (b) For the purposes of this subsection, "official documentation" shall mean a document
225 issued by a local, state or federal government agency in the agency's official capacity.

226 Except as provided in this section, the defendant shall have the burden of establishing by
227 a preponderance of the evidence that the defendant's participation in the offense was the result of
228 having been a victim of human trafficking. If the conviction, adjudication of delinquency, or
229 continuance without a finding was for an offense under sections 8, 26 or 53A of chapter 272 or
230 common nightwalking or common streetwalking under section 53 of chapter 272, official
231 documentation of the defendant's status as a victim of human trafficking or trafficking in persons
232 at the time of the offense shall create a rebuttable presumption that the defendant's participation
233 in the offense was a result of having been a victim of human trafficking or trafficking in persons;

234 provided, however, that such documentation shall not be required for granting a motion under
235 this section.

236 (c) In determining whether the defendant's participation in the offense was a result of
237 having been a victim of human trafficking, the court may consider any evidence it deems
238 appropriate in determining whether the person was a victim of human trafficking.

239 (d) The rules concerning the admissibility of evidence at criminal trials shall not apply to
240 the presentation and consideration of evidence at a hearing conducted pursuant to this section.
241 The court may, in its discretion, consider any evidence it deems relevant, including, but not
242 limited to, hearsay evidence.

243 (e) Where a child under the age of 18 was adjudicated delinquent for an offense under
244 sections 8, 26, 53 or 53A of chapter 272, based on allegations of prostitution, there shall be an
245 irrebuttable presumption that the child's participation in the offense was a result of having been a
246 victim of human trafficking or trafficking in persons.

247 (f) A motion pursuant to this section may be heard by the justice that originally heard the
248 matter or any sitting justice of the court that originally heard the matter.

249 (g) Upon vacatur of a conviction, adjudication of delinquency, or continuance without a
250 finding, the court shall enter a plea of not guilty, except if the vacated conviction, adjudication of
251 delinquency, or continuance without a finding was for an offense under sections 8, 26 or 53A of
252 chapter 272 or for common nightwalking or common streetwalking under section 53 of chapter
253 272, in which case the court shall dismiss the indictment or criminal or delinquency complaint
254 with prejudice. Upon vacatur of a conviction, adjudication of delinquency, or continuance
255 without a finding and the entrance of a plea of not guilty pursuant to this section, it shall be an

256 affirmative defense to the charges against the defendant that the defendant's participation in the
257 offense was a result of having been a victim of human trafficking or trafficking in persons.

258 (h) The chief justice of the trial court shall prescribe the form in which a motion may be
259 filed under this section.

260 (i) A conviction, adjudication of delinquency, or continuance without a finding vacated
261 under this section shall be deemed to have been vacated on the merits.

262 SECTION 10. Chapter 276 is hereby amended by inserting after section 87A the
263 following section:-

264 Section 87B. (a) First offender commercial sexual exploitation prevention programs may
265 be established subject to appropriation. A court may, prior to the disposition of a defendant,
266 divert the defendant charged with a first offense of subsection (b) or (c) of section 53A of
267 chapter 272 to a first offender commercial sexual exploitation prevention program. The court
268 shall continue the matter while the defendant fulfills the requirements of the program and shall
269 retain jurisdiction pending the defendant's successful completion of the program.

270 (b) The court shall determine if the defendant is eligible to participate in the first offender
271 commercial sexual exploitation prevention program established pursuant to this section. The
272 defendant shall not be eligible if the court determines that: (i) the defendant was convicted or
273 admitted to sufficient facts of a previous violation of subsection (b) or (c) of section 53A of
274 chapter 272 or a similar offense under the laws of another state; (ii) the defendant was previously
275 admitted to a first offender commercial sexual exploitation prevention program under this
276 section; (iii) the defendant has been charged with a violation of said subsection (b) or (c) of
277 section 53A of said chapter 272 or a similar offense under the laws of another state and is

278 awaiting adjudication of such offense; (iv) the defendant has been charged with, convicted of or
279 admitted to sufficient facts of a violation of section 50 or 51 of chapter 265; or (v) the defendant
280 is a registered sex offender under chapter 6 or under the laws of another jurisdiction.

281 (c) A first offender commercial sexual exploitation prevention program shall, at a
282 minimum: (i) provide each participant with information, counseling and services relating to: (A)
283 the negative impact of commercial sex and sex trafficking on victims; (B) the negative impact of
284 commercial sex and sex trafficking on communities; (C) the health risks involved in commercial
285 sexual exploitation, including the risk of sexually transmitted diseases and issues relating to
286 mental health, substance abuse and sexual addiction; (D) the legal consequence to the defendant;
287 and (E) classroom instruction related to the prevention of commercial sexual exploitation and
288 organized crime and the sex industry; (ii) employ persons or solicit volunteers that may include,
289 but shall not be limited to, health care professionals, psychologists, licensed social workers or
290 counselors, survivors of commercial sexual exploitation, members of a neighborhood association
291 or community that is adversely affected by the commercial sex trade or trafficking of persons or
292 employees of a nongovernmental organization specializing in advocacy on laws related to sex
293 trafficking or human trafficking or in providing services to victims of those offenses; (iii)
294 establish and publish local procedures to promote maximum participation of eligible defendants
295 in programs established in the county or municipality in which defendants reside; (iv) allow a
296 participant to withdraw from the program at any time before a trial on the merits has been
297 initiated; and (v) certify to the court that the defendant has successfully completed the
298 requirements of the program, has failed to complete the program or has withdrawn from the
299 program.

300 (d) Upon successful completion of the program, the court may dismiss the charge against
301 the defendant. Upon dismissal, the court may order the record of the defendant sealed.

302 (e) The court shall assess a fee of not less than \$900 for participation in the first offender
303 commercial sexual exploitation prevention program. The court shall not waive the fee but may
304 reduce the fee based on a determination by probation that the defendant cannot pay the entire fee.
305 The fee shall be distributed as follows: (i) 1/3 shall be transferred to the nonprofit organization
306 certified by the commissioner of probation to conduct the program; (ii) 1/3 shall be transferred to
307 the Victims of Human Trafficking Trust Fund established in section 66A of chapter 10; and (iii)
308 1/3 shall be transferred to the state or municipal law enforcement agency responsible for the
309 arrest of the defendant which shall be used for human trafficking investigations and prevention.

310 (f) The commissioner of probation shall, in consultation with the chair of the anti-human
311 trafficking task force, review each organization that operates a first offender commercial sexual
312 exploitation prevention program and shall certify that the program is operating under the
313 requirements of subsection (c). The commissioner shall notify the administrative office of the
314 trial court of all programs receiving such certification. Only programs certified by the
315 commissioner shall be qualified to operate a program under this section. The commissioner, at
316 the commissioner's discretion, may decertify a program for good cause and the commissioner
317 shall notify the administrative office of the trial court of decertification.

318 SECTION 11. Said chapter 276 is hereby further amended by inserting after section
319 100D the following section:-

320 Section 100E. (a) In any case wherein a plea of not guilty has been entered by a court
321 pursuant to section 59 of chapter 265 and (i) the criminal complaint is subsequently dismissed;

322 (ii) the defendant is found not guilty by a judge or a jury; (iii) a finding of no probable cause is
323 made by the court; or (iv) a nolle prosequi has been entered, a judge shall, upon motion of the
324 defendant, seal said court appearance and disposition recorded, and the clerk and the probation
325 officers of the courts in which the proceedings occurred or were initiated shall likewise seal the
326 records of the proceedings in their files. Sealed records shall not operate to disqualify a person in
327 any examination, appointment, or application for public employment in the service of the
328 commonwealth or of any political subdivision.

329 (b) An application for employment used by an employer which seeks information
330 concerning prior arrests or convictions or adjudications of delinquency of the applicant shall
331 include in addition to the statement required under section 100A the following statement: "An
332 applicant for employment with a sealed record on file with the commissioner of probation may
333 answer 'no record' with respect to an inquiry herein relative to prior arrests or criminal court
334 appearances." The attorney general may enforce the provisions of this section by a suit in equity
335 commenced in the superior court. Notwithstanding this section or any other general or special
336 law to the contrary, the commissioner of probation or the clerk of courts in any district court,
337 superior court, juvenile court, or the Boston municipal court, in response to inquiries by
338 authorized persons other than by a law enforcement agency or a court, shall in the case of a
339 sealed record report that no record exists.

340 SECTION 12. (a) All state, county, municipal and campus police departments and other
341 law enforcement agencies that report crime statistics to the executive office of public safety and
342 security shall include statistics on the crimes of trafficking of persons for sexual servitude under
343 section 50 of chapter 265 and trafficking of persons for forced service under section 51 of said

344 chapter 265 to ensure compliance with reporting standards established by the Federal Bureau of
345 Investigation Uniform Crime Reporting Program.

346 (b) The executive office of public safety and security shall promulgate regulations
347 relative to the collection of human trafficking crime data. Said regulations shall include, but not
348 be limited to: (i) the responsibilities of the crime reporting unit, as defined by section 32 of
349 chapter 22C, for the collection, analysis, classification reporting and retention of human
350 trafficking crime data in a central repository; (ii) the procedures necessary to ensure effective
351 data-gathering, preservation and protection of confidential information, including, but not limited
352 to victims' private and identifying information, and the disclosure of information as required by
353 this section; (iii) the procedures for reporting data on a standardized form to the crime reporting
354 unit by law enforcement agencies; and (iv) the procedures for assessing the credibility and
355 accuracy of reports of human trafficking from law enforcement agencies.

356 (c) The crime reporting unit shall analyze and summarize reports of human trafficking
357 data received by the unit. The crime reporting unit shall produce a report summarizing the data
358 collected from law enforcement agencies which shall be submitted annually to the governor,
359 attorney general, the senate and house chairs of the committee on public safety, the senate and
360 house chairs of the committee on the judiciary, the senate and house chairs of the committee on
361 rules and the chairs of the senate and house committees on ways and means. The report shall not
362 include the names, locations or other identifying information of victims of human trafficking.
363 The annual report shall be a public record and shall be available on the executive office of public
364 safety and security's website.

365 (d) The crime reporting unit shall make data collected on human trafficking under this
366 section available to federal, state and municipal agencies including, but not limited to, law
367 enforcement agencies. Data collected on human trafficking under this section shall be made
368 available to the public. The disclosed information shall not include the names, addresses or other
369 identifying information of victims of human trafficking.

370 (e) The district attorney for each county shall report on human trafficking data to the
371 crime reporting unit. Data provided to the crime reporting unit shall include, but not be limited
372 to: (i) the number of prosecutions and convictions of human trafficking crimes, including
373 prosecutions and convictions under sections 50 and 51 of chapter 265; (ii) the characteristics of
374 individuals prosecuted for and convicted of violations under sections 50 and 51 of chapter 265,
375 including nationality, age, gender, and place of origin; (iii) the characteristics of victims of
376 human trafficking, including nationality, age, gender, and place of origin; (iv) the number of
377 human trafficking prosecutions and convictions originating in each municipality under the
378 district attorney's jurisdiction.

379 (f) The attorney general shall report on human trafficking data to the crime reporting unit.
380 Data provided to the crime reporting unit shall include, but not be limited to: (i) the number of
381 prosecutions and convictions of human trafficking crimes, including prosecutions and
382 convictions under sections 50 and 51 of chapter 265; (ii) the characteristics of individuals
383 prosecuted for and convicted of violations under sections 50 and 51 of chapter 265, including
384 nationality, age, gender, and place of origin; (iii) the characteristics of victims of human
385 trafficking, including nationality, age, gender, and place of origin; (iv) the number of human
386 trafficking prosecutions and convictions originating in each municipality under the attorney
387 general's jurisdiction.

388 (g) The executive office of public safety and security shall prescribe a standardized form
389 for data collection under (e) and (f).

390 SECTION 13. The executive office of public safety and security, in conjunction with the
391 executive office of health and human services and the office of the attorney general, shall
392 establish and maintain an independent website to disseminate information regarding human
393 trafficking, human trafficking crime statistics and resources for victims of human trafficking.
394 Information available through the website shall not include the names, locations or other
395 identifying information of victims of human trafficking.

396 SECTION 14. (a) Law enforcement agencies, prosecutors, public defenders, juvenile
397 detention center employees providing direct services and others providing direct services in the
398 juvenile justice system and criminal justice system shall be trained in identifying and responding
399 to human trafficking. The executive office public safety and security shall provide the training
400 which shall include information on: (i) human trafficking offenses; (ii) methods used in
401 identifying victims of human trafficking who may be United States citizens or foreign national
402 citizens, including preliminary interview techniques and appropriate questioning methods; (iii)
403 prosecuting human traffickers; (iv) increasing effective collaboration between the courts,
404 nongovernmental organizations and other relevant social service organizations to assist in the
405 investigation and prosecution of human trafficking cases; (v) protecting the rights of victims of
406 human trafficking, including but not limited to specific consideration of human rights, female
407 and minor victims; (vi) interacting with victims of human trafficking as crime victims rather than
408 criminals; and (vi) promoting the safety of victims of human trafficking. The training shall
409 include information on the screening of individuals who may be victims of human trafficking
410 and data collection protocols under section 12.

411 (b) The administrative office of the trial court shall provide mandatory training for
412 judges, clerk-magistrates and court personnel.

413 (c) The executive office of public safety and security shall collaborate with
414 nongovernmental organizations and other relevant organizations in the preparation and
415 presentation of the training required pursuant to this section.

416 (d) The executive office of education shall implement mandatory educational training for
417 educators in kindergarten through grade 12. The training shall include information to assist
418 educators in identifying victims of human trafficking and providing appropriate support to
419 victims of human trafficking. The training shall be incorporated into professional development
420 modules. The executive office of education may collaborate with public or nongovernmental
421 organizations to provide training and may use previously developed courses. The executive
422 office of education shall also develop a parent guide and teacher training material on internet
423 safety and methods of preventing the exploitation of minors over the internet.

424 (e) The department of public health shall implement mandatory training for all health
425 care professionals who are mandated reporters to assist in identifying human trafficking victims
426 and the appropriate actions to be undertaken when such victims have been identified. The
427 department may collaborate with public or nongovernmental organizations to provide training
428 and may use previously developed courses.

429 SECTION 15. (a) The executive office of health and human services, in cooperation with
430 the executive office of public safety and security, other agencies and nongovernmental
431 organizations shall, subject to appropriation, prepare public awareness programs designed to
432 educate potential victims of human trafficking and their families on the risks of victimization.

433 The public awareness programs shall include, but not be limited to: (i) information about the
434 risks of becoming a victim of human trafficking that uses best practices to prevent stigmatization
435 of victims and includes information about common recruitment techniques, use of debt bondage
436 and other coercive tactics, risk of maltreatment, rape, exposure to HIV/AIDS and other sexually-
437 transmitted diseases and psychological harm related to victimization in human trafficking cases;
438 (ii) information about victims' rights under federal and state laws; (iii) methods for reporting
439 suspected recruitment activities; and (iv) information on the types of services available to victims
440 of human trafficking and how to access such services, including information on relevant hotlines,
441 such as the National Human Trafficking Resource Center hotline.

442 (b) The executive office of health and human services, in cooperation with other
443 appropriate government agencies and nongovernmental organizations, shall prepare and
444 disseminate general public awareness materials to educate the public on the extent of human
445 trafficking of both United States citizens and foreign nationals within the United States, to
446 discourage the demand that fosters the exploitation of persons and that leads to human
447 trafficking.

448 (c) General public awareness materials may include information on the impact of human
449 trafficking on individual victims, whether United States citizens or foreign nationals; aggregate
450 information on human trafficking worldwide and domestically; and warnings of the criminal
451 consequences of engaging in human trafficking. Such materials may include pamphlets,
452 brochures, posters, advertisements in mass media and any other appropriate media.

453 (d) Programs and materials described in this section shall preserve the privacy of victims
454 and their family members.

455 (e) All public awareness programs shall be evaluated periodically to ensure their
456 effectiveness.

457 SECTION 16. (a) The Massachusetts Department of Transportation shall display public
458 awareness signs that contain the National Human Trafficking Resource Center hotline, or its
459 successor, in every transportation station, rest area and welcome center that is open to the public.

460 (b) Public awareness campaign advertisements shall be displayed in a conspicuous
461 location visible to the public and employees in the following facilities: (i) adult entertainment
462 facilities and other businesses primarily dedicated to adult entertainment or sex-related products;
463 (ii) facilities determined to be a nuisance for prostitution under section 4 of chapter 139; (iii)
464 facilities licensed as massage parlors and facilities providing bodyworks and related therapies;
465 (iv) nail salons; (v) job recruitment centers; (vi) facilities operating as foreign transmittal
466 agencies under chapter 169; (vii) hospitals; and (viii) emergency care providers.

467 (c) An employer who violates subsection (b) shall be punished by a fine of not more than
468 \$500 for a first offense and a fine of not more than \$1,000 for a second or subsequent offense.

469 (d) The attorney general shall promulgate rules and regulations to enforce subsection (b).

470 SECTION 17. The secretary of health and human services shall file an annual report not
471 later than January 1 with the senate and house chairs of the committee on children, families and
472 persons with disabilities, the senate and house chairs of the committee on ways and means and
473 the senate and house chairs of the committee on rules outlining the adequacy and limitations of
474 current services to meet the safety, support, housing, health, education and quality of life needs
475 of human trafficking victims. The report shall identify specialized needs of victims under the
476 age of 18, including, but not limited to, the needs or current efforts to provide specialized foster

477 care or other suitable housing arrangements. The report shall also identify current resources
478 available at safe house facilities, including the number of beds, resources located on site, and
479 number of victims served. The initial report shall be filed no later than January 31, 2017.

480 SECTION 18. Section 3 shall take effect on July 1, 2018.

481 SECTION 19. Unless otherwise provided, this act shall take effect on January, 1, 2017.