

2010 -- H 7557

LC00787

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO CRIMINAL OFFENSES

Introduced By: Representatives Giannini, Lima, E Coderre, Fellela, and Shallcross Smith

Date Introduced: February 24, 2010

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 11 of the General Laws entitled "CRIMINAL OFFENSES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 67.1

4 THE VICTIMS OF SEXUAL EXPLOITATION ACT OF 2010

5 **11-67.1-1. Definitions.** -- The following words and phrases, when used in this chapter,
6 shall have the following meanings:

7 (1) "Trafficking victim" means any person who is a victim of commercial sexual activity,
8 whether or not that victim is an adult, minor, runaway or wayward child, as defined herein and as
9 further defined under 22 U.S.C. section 7102.

10 (2) "Precertified victim of trafficking" means a person who has a pending application for
11 federal certification as a victim of a severe form of trafficking in persons as defined in section
12 7105 of title 22 of the United States Code (Trafficking Victims Protection) but has not yet
13 obtained such certification, or a person who has reported a crime to law enforcement and it
14 reasonably appears to law enforcement that the person is such a victim.

15 (3) "Runaways" means any child who has deserted his or her home and habitually
16 associates with dissolute, vicious or immoral persons who are involved with trafficking as defined
17 in chapter 11-67 of the general laws.

18 **11-67.1-2. Services for victims of trafficking.** -- (a) The department of health and
19 human services may coordinate with and assist law enforcement agencies and the attorney

1 general's office to access appropriate services for trafficking victims.

2 (b) In providing such assistance, the department of health and human services may enter
3 into contracts with governmental organizations for providing services to victims of trafficking as
4 well as precertified victims under federal law, insofar as funds are available for that purpose.
5 Such services may include, but are not limited to, case management, emergency temporary
6 housing, health care, mental health counseling, drug addiction screening and treatment, language
7 interpretation and translation services, English language instruction, job training and placement
8 assistance and post-employment services for job retention. Nothing in this section shall preclude
9 the department of health and human services, or any local social services agency, from providing
10 trafficking victims who are United States citizens, and who meet the criteria of this chapter with
11 any benefits or services for which they otherwise may be eligible.

12 **11-67.1-3. Confirmation as a victim of trafficking.** -- (a) As soon as practicable after a
13 first encounter with a person who reasonably appears to a law enforcement agency or the attorney
14 general's office to be a trafficking victim, that agency or office shall notify the department of
15 health and human services that such person may be eligible for services under this chapter.

16 (b) Upon receipt of such a notification, the department of health and human services and
17 the referring agency or office, shall make a preliminary assessment of whether such victim or
18 possible victim appears to meet the criteria for certification as a victim of a severe form of
19 trafficking in persons as defined in section 7105 of title 22 of the United States Code (Trafficking
20 Victims Protection) or appears to be otherwise eligible for any federal, state or local benefits and
21 services. If it is determined that the victim appears to meet such criteria, the department of health
22 and human services shall report the finding to the victim and to the referring law enforcement
23 agency or the attorney general's office, and may assist that agency or office in having such victim
24 receive services from a case management provider who may be under contract with the
25 department of health and human services or from any other available source. If the victim or
26 possible victim is under the age of eighteen (18), the department of health and human services
27 also shall notify the department of children, youth and families.

28 **11-67.1-4. Law enforcement assistance with respect to immigration.** -- Upon the
29 request of a trafficking victim or a representative of a trafficking victim, the state or local law
30 enforcement agency or the attorney general's office shall provide the victim with the United
31 States Citizenship and Immigration Service (USCIS) Form I-914 Supplement B Declaration of
32 Law Enforcement Officer for Victim of Trafficking in Persons. In order to provide persuasive
33 evidence, the state or local law enforcement agency endorsement must contain a description of
34 the victimization upon which the application is based, including the dates the trafficking in

1 [persons occurred. The endorsement must address whether the victim had been recruited,](#)
2 [harbored, transported, provided, or obtained specifically for either labor servitude or services or](#)
3 [for the purposes of a commercial sex act as defined in subdivision three of section 7102 of title 22](#)
4 [of the United States Code.](#)

5 SECTION 2. Section 11-67-7 of the General Laws in Chapter 11-67 entitled "Trafficking
6 of Persons and Involuntary Servitude" is hereby amended to read as follows:

7 **11-67-7. Interagency task force on trafficking in persons created -- Composition --**

8 **Duties and responsibilities.** -- (a) There is hereby created an interagency human trafficking of
9 persons task force which will examine and report upon the extent of the existence of human
10 trafficking for commercial sexual activity within the State of Rhode Island. The task force shall
11 consist of the attorney general or his or her designee; the superintendent of the Rhode Island State
12 Police or his or her designee; the director of the Municipal Police Training Academy or his or her
13 designee; the Chief of Police of the City of Providence or his or her designee; the President of the
14 Rhode Island Police Chief's Association or his or designee; the public defender or his or her
15 designee; and the director of the Rhode Island Commission on Women or his or her designee.

16 (b) Additionally, the governor, the president of the senate and the speaker of the house
17 shall each appoint three (3) members of the public who have a special expertise dealing with
18 victims of crimes; the behavioral needs of women and children; social welfare issues such as the
19 financial, healthcare, housing and literacy needs of women, children and low-income individuals;
20 social justice and human rights issues; issues facing immigrants and non-citizens, civil rights;
21 and/or specialized training in human trafficking and the needs of victims of human trafficking.

22 (c) A quorum of the committee shall consist of at least eight (8) of its members. The task
23 force shall elect a chairperson.

24 (d) On or before December 31, 2010, the task force shall submit to the Governor, the
25 Attorney General, the Speaker of the House of Representatives and the President of the Senate a
26 report setting forth its findings as to the extent to which human trafficking for commercial sexual
27 activity is occurring in this State and making such recommendations as it deems appropriate for
28 legislative and executive action relating to the enforcement of this chapter, ~~and~~ the provision of
29 social services to victims of human trafficking, [and the funding thereof.](#)

30 [\(e\) The taskforce may use appropriated funds and may accept gifts, grants, and donations](#)
31 [from any source for purposes of the victim assistance program established under chapter 11-67.1](#)
32 [of the general laws.](#)

33 [\(f\) The taskforce shall conduct a study regarding additional funding strategies for the](#)
34 [victim assistance program. In conducting the study, the taskforce, in cooperation with appropriate](#)

- 1 governmental entities, shall identify appropriate revenue streams, which may include revenue
2 derived from:
- 3 (1) Revenue streams similar to those used to fund crime victims' compensation;
 - 4 (2) Imposing additional court fines and/or costs on defendants on conviction of certain
5 offenses;
 - 6 (3) Acquiring from law enforcement agencies the proceeds from assets seized or forfeited
7 under state or federal law; and
 - 8 (4) Any other source identified by the taskforce commission.

9 SECTION 3. This act shall take effect upon passage.

=====
LC00787
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES

- 1 This act would provide social services, including, but not limited to, drug rehabilitation,
- 2 to victims of trafficking, whether an adult, minor, runaway or wayward child.
- 3 This act would take effect upon passage.

=====
LC00787
=====