

Current Laws

National

Trafficking Victims Protection Act of 2000 (TVPA), reauthorized in 2003, 2005, 2008, 2013

Defined Sex Trafficking as the recruitment, harboring, transportation, provision or obtaining a person for a commercial sex act, in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not obtained 18 years of age

New York State

Anti-Human Trafficking Law (2007)

- Criminalizes sex and labor trafficking in state
- Strengthens criminal justice sector's response to traffickers
- Requires that social services be provided to victims, if eligible
- Requires all local departments of social services (LDSS) in the state to provide assistance to all confirmed victims
- **Victims must be "confirmed" to access services. Victims must be referred by law enforcement in a process led by the Office of Temporary and Disability Assistance and Division of Criminal Justice Services (39 minors have been confirmed since 2007)**

Safe Harbor for Exploited Children Act (2008)

- Objectives:
 - Remove CSEC victims from the criminal justice and juvenile delinquency systems
 - Allow the state to take temporary protective custody of child victims
 - Provide victims with specialized services
 - Strengthen penalties against traffickers
- Explicitly names children under 18 involved in commercial sexual exploitation as victims of sex trafficking
- **Defines a sexually exploited child as "any person under 18 years of age who has been subject to sexual exploitation as a result of their loitering for the purpose of prostitution or their engagement in an offer to exchange sexual conduct in return for food, clothing, a place to stay, drugs, or a fee."**
- All children younger than 16 years old who meet the definition of a sexually exploited child are permitted to be adjudicated in Family Court and treated as crime victims.
- Children who are under 18 who are found to have parents, guardians, or persons otherwise legally responsible for them who permit or encourage their involvement in CSEC may be treated as an abused or neglected child and enter the child welfare system rather than the juvenile court system.
- Mandates criminal charges for the exploiters of children and the training of law enforcement officials on CSEC.
- Law enforcement officials who are likely to encounter CSEC victims in the course of their duties are to be trained on how to identify victims and help them to obtain services.

Vacating Convictions Law (2010)

Sex trafficking victims can seek to vacate a conviction for prostitution or loitering for the purpose of engaging in prostitution if it was on account of human trafficking.

Proposed Legislation

A8071A – passed Assembly and Senate in June, 2013. Not signed by Governor.

- Unless a 16- or 17-year old voluntarily pleads guilty to a prostitution-related charge he or she is to be offered a PINS petition rather than a juvenile delinquency proceeding
- Unless a 16- or 17-year old voluntarily pleads guilty to a prostitution-related charge the court record is to be expunged at his or her 18th birthday or at the closing of relevant court proceedings.

Trafficking Victim's Protection and Justice Act (TVPJA) – part of the Women's Equality Agenda; passed NY Senate, not Assembly (from NYS Senate website)

- Improves and expands the state's ability to combat sex trafficking, punishes sex traffickers, and protects the rights of victims in the sex trafficking trade.
- Creates a new crime of aggravated prostitution of a minor, recognizing the act of prostituting a child in the same fashion as the law currently recognizes the act of sexually assaulting or raping a child.
- Increases a wide range of penalties on trafficking and soliciting sexual services, and classifies sex trafficking and compelling a prostitute as class B violent felonies.