



New York State ASSEMBLY

Sheldon Silver - Speaker

Tuesday, November 11, 2008

Bill Summary - A02771

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A02771 Summary:

BILL NO A02771

SAME AS No same as

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MLTSPNSR Abbate, Alessi, Arroyo, Aubry, Bacalles, Ball, Barclay, Barra, Benedetto, Benjamin, Bing, Boyland, Boyle, Bradley, Brennan, Brook-Krasny, Burling, Butler, Cahill, Calhoun, Camara, Christensen,

Cole, Colton, Conte, Cook, Crouch, Cusick, Cymbrowitz, DelMonte, Destito, Diaz L, Diaz R, Duprey, Errigo, Farrell, Finch,

Fitzpatrick, Gantt, Gianaris, Giglio, Gordon D, Gordon T, Gottfried, Hawley, Hayes

Heastie, Hevesi, Hikind, Hooper, Hoyt, Hyer-Spencer, Jeffries, John,

Kirwan, Kolb, Latimer, Lavine, Lifton, Lopez V, Lupardo, Magee, Magnarelli, Maisel, Markey, Mayersohn, McDonald, McDonough,

McEneny, McKevitt, Miller, Millman, Molinaro, Morelle, Nolan, Oaks, O`Mara, Ortiz, Peoples, Peralta, Perry, Pretlow, Quinn, Rabbitt, Raia,

Ramos, Reilich, Reilly, Rivera J, Rivera N, Rivera P, Robinson, Saladino, Sayward, Schimel, Schimminger, Schroeder, Scozzafava, Seminerio, Spano, Stirpe, Sweeney, Thiele, Titone, Titus, Tobacco, Tonko,

Towns, Townsend, Walker,

Add Art 136 SS136.00 - 136.45, amd SS230.03, 230.04, 230.05, 230.06, 125.25 & 460.10, Pen L; amd SS1310 & 1311, add SS1311-b & 213-d, CPLR; amd S700.05, add S60.80, CP L; amd SS621 & 63, add S214-c, Exec L; add Art 10-D SS483-m - 483-q, amd S158, Soc Serv L

Relates to establishing crimes and penalties relating to human trafficking, establishes services and benefits for victims of human trafficking; creates the crimes of trafficking a person for labor servitude, trafficking a person for sexual servitude, trafficking a minor for sexual servitude, aggravated trafficking, benefitting from trafficking, promoting sex tourism; sets forth provisions for victim assistance; sets forth provisions relating to causes of action; provides for services for trafficked persons.

A02771 Actions:

BILL NO A02771

01/19/2007 referred to codes

06/07/2007 enacting clause stricken

A02771 Votes:

A02771 Memo:

BILL NUMBER:A2771

TITLE OF BILL: An act to amend the penal law, the civil practice law and rules, the criminal procedure law, the executive law and the social services law, in relation to criminalizing the trafficking of persons for labor servitude and sexual servitude and providing services for trafficked persons

PURPOSE OR GENERAL IDEA OF BILL:

To strengthen laws relating to human trafficking by increasing penalties; protecting minors; providing restitution and victim assistance; unifying definitions and concepts related to trafficking of persons to clarify and make more comprehensive anti-trafficking laws; and to provide assistance and services to victims of human trafficking.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1 provides for a the title of the bill: "The Anti-Human Trafficking Act of 2007"

Section 1-a amends the penal law by adding a new article 136 to read:

* Section 136.00 defines the terms "actor"; "blackmail"; "financial harm"; "debt bondage"; "labor servitude"; "sexual servitude"; "labor"; "commercial sexual activity"; "sexual conduct"; "coercion"; "maintain"; "trafficking victim"; and "abuse of law".

* Section 136.05 defines the offense of "trafficking a person for labor servitude" as any time when a person knowingly recruits, entices, harbors, transports, or provides any other means, subjects another person for labor servitude as a class C felony.

* Section 136.10 defines the offense of "trafficking a person for sexual servitude" as any time when a person knowingly recruits, entices, harbors, transports, provides or obtains by any means, another person for the purpose of subjecting such person to sexual servitude as a class C felony.

* Section 136.12 defines the offense of "trafficking a minor for sexual servitude" as any time when a person recruits, entices, harbors, transports, or provides by any other means, another person under eighteen years of age, knowing the minor will engage in, or be used for commercial sexual activity as a class B felony.

* Section 136.13 defines the crime of "aggravated trafficking" when the person commits the crime of trafficking for labor or sexual servitude for more than thirty days, and if the offense involves more than one trafficking victim, and the victim is engaged in labor or sexual servitude for more than thirty days, and the victim suffers physical injury or death, and while in a condition of labor or sexual servitude, the victim is subjected to rape in the first degree, criminal sexual act in the first degree, sexual abuse in the first degree, or aggravated sexual abuse in the first, second, third, or fourth degree, as a class B felony.

* Section 136.15 defines the offense of "benefiting from trafficking" which occurs any time a person knowingly receives anything of value from participation in a venture which has involved an act in violation of any section of this article as class D felony.

* Section 136.20 defines the offense of "promoting sex tourism" when he or she knowingly sells or offers to sell travel related services that include or facilitate in-state or out-of-state travel for the purpose of engaging in activity that would constitute patronizing a prostitute if the activity occurred in New York State as a class C felony.

* Section 136.25 defines a "victim prosecution defense"

* Section 136.30 defines methods of restitution for victims of sexual or labor servitude as defined by this article as mandatory, including the value of income to the victim, the value of the victims labor as guaranteed under the state's labor laws, compensation for medical and psychological treatment, physical and occupational therapy, transportation costs, child care costs, and attorneys fees.

* Section 136.35 specifically defines victim assistance including information related to the right to pro bono legal services, arrangements by local law enforcement, for local victim assistance services for trafficking victims, and the right to access federal and state benefits and services, such as regularized immigration status,

and benefits and services under the federal Victims of Trafficking and Violence Protection Act of 2000.

* Section 136.40 defines and "assessment of victim protection needs" to be determined by the division of criminal justice services no later than one year from the effective date of this article to issue a report outlining how existing victim/witness laws and regulations respond to the need of trafficking victims and suggesting areas of improvement and modification.

Section 2 of the bill amends the second undesignated paragraph of section 230.03 of the penal law to read that "patronizing a prostitute in the fourth degree" is a class A misdemeanor.

Section 3 of the bill amends the second undesignated paragraph of section 230.04 of the penal law to read that "patronizing a prostitute in the third degree" is a class E felony.

Section 4 of the bill amends section 230.05 of the penal law to increase the penalty of "patronizing a prostitute in the second degree" is a class D felony.

Section 5 of the bill amends section 230.06 of the penal law to increase the penalty of "patronizing a prostitute in the first degree" to a class B felony.

Section 6 of the bill amends section 125.25 of the penal law to provide for an affirmative defense for trafficking a person for labor servitude, trafficking a person for sexual servitude, and trafficking a minor for sexual servitude.

Section 7 of the bill amends paragraph (a) of subdivision 4-b and subdivision 6 of section 1310 of the civil practice law and rules authorizes the acceptance of a guilty plea to any of the felonies for which such a plea is authorized by law.

Section 8 of the bill amends paragraph (a) of subdivision 1 of section 1311 of the civil practice law and rules in relation to actions relating to post conviction forfeiture preventing the diminishing of amounts of benefits that trafficking victims are eligible to receive under section 136.30 of the penal law.

Section 9 of the bill amends paragraph (a) of subdivision 1 of section 460.10 of the penal law to include crimes relating to the trafficking of persons as defined by sections 136.05, 136.10, 136.12, and 136.13 of the penal law.

Section 10 of the bill amends paragraph (b) of section 700.05 of the criminal procedure law to include the crimes of trafficking a person for labor servitude, trafficking a person sexual servitude, trafficking a minor for sexual servitude, and aggravated trafficking as defined in sections 136.05, 136.10, 136.12, and 136.13 of the penal law, respectively.

Section 11 of the bill amends the civil practice law and rules by

adding a new section 1311-b which defines a cause of action for victims of trafficking that may be brought against defendants including actual damages, compensatory damages, punitive damages, injunctive relief or a combination of the above and defines who may take action against a defendant in the case of death or incapacity to take legal action against the defendant.

Section 12 of the bill amends the civil practice law and rules by adding a new section 213-d establishes the parameters for taking action by a victim of trafficking.

Section 13 of the bill amends subdivision 5 of section 621 of the executive law to include victims of trafficking for labor or sexual servitude in the definition of "victim".

Section 14 of the bill adds a new section 60.80 of the criminal procedure law to specify the rules of evidence during a legal proceeding.

Section 15 of the bill amends the social services law by adding a new article 10-D to create a comprehensive service plan for trafficking victims including:

- * Assistance with immigration issues, access to safe housing, medical care, job training, and language education.

- * The creation of an interagency advisory committee within the executive department, comprised of members of the office of temporary and disability services, office of children and family services, the department of law, the department of health, the department of criminal justice services, the division of parole, the department of labor, the office of mental health and the office of alcoholism and substance abuse services to oversee the implementation of this

article, coordinate training for law enforcement and social services personnel, and assist victims of trafficking receive services outlined in this article.

Section 16 of the bill amends paragraph (g) of subdivision 1 of section 158 of the social services law to provide TANF block grants if credible evidence can be provided that the person is a victim of trafficking.

Section 17 of the bill amends the section 63 of the executive law by adding a new subdivision 16 which would create a liaison with the United States Department of Justice in order to link the state and federal response to human trafficking and assist the state in securing funding for victim assistance programs and aid in immigration issues for victims of trafficking.

Section 18 of the bill amends the executive law by adding a new section 214-c to create a process in which victims of trafficking can receive benefits and protection outlined in this statute within seventy-two hours of being taken into police custody.

Section 19 provides for an effective date.

JUSTIFICATION:

Human trafficking is a heinous crime that exploits its victims in unimaginable ways. It is a major national and international problem. Human trafficking is a lucrative business that is clandestine, making it difficult to uncover or stop. Often, these organizations are disrupted by cooperative efforts among local, state, and federal law enforcement agencies.

However, the existing laws on trafficking-like crimes are codified in disparate parts of the New York State Criminal Code. These crimes, including kidnapping, promoting and benefiting from prostitution, forced labor and sexual servitude, and other coercive actions are not concisely addressed in the New York Criminal Code.

This bill strengthens the laws on human trafficking by unifying the key definitions and concepts of anti-trafficking law into a new article 136 of the penal law. The penalties for the crimes of trafficking a person for sexual or labor servitude are explicitly created and if convicted, carry the penalty of a class C felony. In addition, trafficking a minor for sexual or labor servitude carry the penalty of a class B felony which can result in lengthy prison sentences for traffickers.

In addition, this bill provides a comprehensive social services component to address the needs of trafficking victims once the perpetrators of the trafficking have been arrested. Rather than leave trafficking victims to fend for themselves, this bill has created a method in which the state of New York will assist victims of trafficking, study the effects of trafficking on victims, collect data on trafficking, assist in language and job training, provide health and mental health treatment, and work with the federal government to assist trafficking victims with immigration issues.

This bill also requires that affirmative steps be taken to aid and identify human trafficking victims and assist them in accessing federal benefits and services already in place.

PRIOR LEGISLATIVE HISTORY:

2005-2006- A.1898-D- Passed Assembly

FISCAL IMPLICATIONS:

To be determined.

EFFECTIVE DATE:

This act shall take effect on the first of November next succeeding the date on which it shall have become a law.



New York State ASSEMBLY

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Tuesday, November 11, 2008

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S T A T E O F N E W Y O R K

2771

2007-2008 Regular Sessions

I N A S S E M B L Y

January 19, 2007

Introduced by M. of A. DINOWITZ, PAULIN, GREENE, GALEF, FIELDS,
AUBER-
TINE, SCARBOROUGH, LAFAYETTE, ZEBROWSKI, JACOBS, PHEFFER,
EDDINGTON,
GUNTHER, CLARK, ESPAILLAT, CARROZZA, BRODSKY, KOON -- Multi-
Sponsored
by -- M. of A. ALESSI, ALFANO, ARROYO, AUBRY, BACALLES, BARRA,
BENE-
DETTO, BENJAMIN, BING, BOYLAND, BRADLEY, BRENNAN, CAHILL,
CALHOUN,
CAMARA, CHRISTENSEN, COLTON, COOK, CROUCH, CUSICK,
CYMBROWITZ,
DelMONTE, DESTITO, L. DIAZ, R. DIAZ, DiNAPOLI, ERRIGO, GANTT,
GIANAR-
IS, GIGLIO, D. GORDON, GOTTFRIED, GRANNIS, HEASTIE, HEVESI,
HIKIND,
HOOPER, HOYT, JOHN, KIRWAN, KOLB, LATIMER, LAVELLE, LAVINE,
LIFTON,
LUPARDO, MAGEE, MAGNARELLI, MAISEL, MARKEY, MAYERSOHN,
McDONOUGH,
McENENY, MILLER, MILLMAN, NOLAN, ORTIZ, PEOPLES, PERALTA, PERRY,
PRET-
LOW, REILLY, J. RIVERA, N. RIVERA, P. RIVERA, ROBINSON,
ROSENTHAL,
SAYWARD, SCHIMMINGER, SCHROEDER, SCOZZAFAVA, SWEENEY, TITUS,
TONKO,
TOWNS, TOWNSEND, WALKER, WEISENBERG, WEPRIN, WRIGHT -- read once
and
referred to the Committee on Codes

AN ACT to amend the penal law, the civil practice law and rules,

the
law, criminal procedure law, the executive law and the social services
labor in relation to criminalizing the trafficking of persons for
servitude and sexual servitude and providing services for
trafficked persons

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "anti-
human trafficking act of 2007".
2
3 S 1-a. The penal law is amended by adding a new article 136 to read
as follows:

4
5 ARTICLE 136
6 TRAFFICKING OF PERSONS FOR LABOR SERVITUDE AND SEXUAL SERVITUDE
7 SECTION 136.00 DEFINITIONS.
8 136.05 TRAFFICKING A PERSON FOR LABOR SERVITUDE.
9 136.10 TRAFFICKING A PERSON FOR SEXUAL SERVITUDE.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in
brackets { } is old law to be omitted.

LBD03227-04-

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1 136.12 TRAFFICKING A MINOR FOR SEXUAL SERVITUDE.
2 136.13 AGGRAVATED TRAFFICKING.
3 136.15 BENEFITING FROM TRAFFICKING.
4 136.20 PROMOTING SEX TOURISM.
5 136.25 ACCOMPLICE LIABILITY.
6 136.30 VICTIM PROSECUTION; DEFENSE.
7 136.35 RESTITUTION.
8 136.40 VICTIM ASSISTANCE.
9 136.45 ASSESSMENT OF VICTIM PROTECTION NEEDS.
10 S 136.00 DEFINITIONS.
11 FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE
THE
12 FOLLOWING MEANINGS:
13 1. "ACTOR" MEANS A PERSON WHO VIOLATES ANY OF THE PROVISIONS OF
THIS
14 ARTICLE.
15 2. "BLACKMAIL" MEANS THE EXTORTION OF MONEY, LABOR, COMMERCIAL
SEXUAL
16 ACTIVITY, OR SOMETHING ELSE OF VALUE FROM A PERSON BY A THREAT TO
EXPOSE
17 A SECRET OR PUBLICIZE AN ASSERTED FACT, WHETHER TRUE OR FALSE,
THAT
18 WOULD TEND TO SUBJECT A PERSON TO HATRED, CONTEMPT, OR RIDICULE.

19 3. "FINANCIAL HARM" MEANS EXERTING FINANCIAL CONTROL OVER
ANOTHER
20 PERSON BY MEANS OF CREDIT EXTORTION, IN VIOLATION OF ANY STATE
LAWS
21 RELATING TO USURY, OR EMPLOYMENT CONTRACTS WHICH VIOLATE THE LABOR
LAW
22 OR SECTION 2-201 OF THE UNIFORM COMMERCIAL CODE.
23 4. "DEBT BONDAGE" MEANS A CONDITION OR ARRANGEMENT IN WHICH A
DEBTOR,
24 OR A PERSON UNDER THE DEBTOR`S CONTROL, IS REQUIRED TO PERFORM
SERVICES
25 OR COMMERCIAL SEXUAL ACTIVITY AS A SECURITY FOR DEBT, IF THE VALUE
OF
26 THOSE SERVICES AS REASONABLY ASSESSED IS NOT APPLIED TOWARD THE
LIQUI-
27 DATION OF THE DEBT.
28 5. "LABOR SERVITUDE" MEANS LABOR THAT IS PERFORMED OR PROVIDED
BY
29 ANOTHER PERSON AND IS INDUCED OR MAINTAINED THROUGH AN ACTOR`S
CONDUCT
30 BY ONE OR MORE OF THE FOLLOWING MEANS:
31 (A) WITHHOLDING, DESTROYING, OR CONFISCATING ANY ACTUAL OR
PURPORTED
32 PASSPORT, IMMIGRATION DOCUMENT, OR ANY OTHER ACTUAL OR PURPORTED
GOVERN-
33 MENT IDENTIFICATION DOCUMENT, OF ANOTHER PERSON;
34 (B) ABUSING OR THREATENING TO ABUSE THE LAW OR LEGAL PROCESS;
35 (C) CAUSING OR THREATENING TO CAUSE HARM TO THE PHYSICAL HEALTH
OR
36 SAFETY OF ANY PERSON;
37 (D) RESTRAINING THE PERSON AS DEFINED IN SUBDIVISION ONE OF
SECTION
38 135.00 OF THIS TITLE;
39 (E) COERCING THE PERSON AS DEFINED IN SECTION 135.60 OF THIS TITLE;
40 (F) PROVIDING A NARCOTIC OR INTOXICATING SUBSTANCE TO THE PERSON
WITH
41 THE INTENT TO IMPAIR THE PERSON`S JUDGMENT OR TO MAINTAIN A STATE
OF
42 CHEMICAL DEPENDENCE;
43 (G) WRONGFULLY TAKING, OBTAINING, OR WITHHOLDING PROPERTY;
44 (H) DECEPTION OR FRAUD;
45 (I) BLACKMAIL;
46 (J) DEBT BONDAGE; OR
47 (K) CAUSING OR THREATENING TO CAUSE DEATH OR PHYSICAL INJURY TO
ANY
48 PERSON.
49 6. "SEXUAL SERVITUDE" MEANS COMMERCIAL SEXUAL ACTIVITY THAT
IS
50 PERFORMED OR PROVIDED BY ANOTHER PERSON AND IS INDUCED OR
MAINTAINED
51 THROUGH AN ACTOR`S CONDUCT BY ONE OR MORE OF THE FOLLOWING MEANS:
52 (A) WITHHOLDING, DESTROYING, OR CONFISCATING ANY ACTUAL OR
PURPORTED
53 PASSPORT, IMMIGRATION DOCUMENT, OR ANY OTHER ACTUAL OR PURPORTED
GOVERN-
54 MENT IDENTIFICATION DOCUMENT, OF ANOTHER PERSON;

55 (B) ABUSING OR THREATENING TO ABUSE THE LAW OR LEGAL PROCESS;

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3

1 (C) CAUSING OR THREATENING TO CAUSE HARM TO THE PHYSICAL, MENTAL
OR

2 EMOTIONAL HEALTH OR SAFETY OF ANY PERSON;

3 (D) RESTRAINING THE PERSON, AS DEFINED IN SUBDIVISION ONE OF
SECTION

4 135.00 OF THIS TITLE;

5 (E) COERCING THE PERSON AS DEFINED IN SECTION 135.60 OF THIS TITLE;

6 (F) PROVIDING A NARCOTIC OR INTOXICATING SUBSTANCE TO THE PERSON;

7 (G) WRONGFULLY TAKING, OBTAINING OR WITHHOLDING PROPERTY;

8 (H) DECEPTION OR FRAUD;

9 (I) BLACKMAIL;

10 (J) DEBT BONDAGE; OR

11 (K) CAUSING OR THREATENING TO CAUSE DEATH OR PHYSICAL INJURY TO
ANY

12 PERSON.

13 7. "LABOR" MEANS WORK OF ECONOMIC OR FINANCIAL VALUE.

14 8. "COMMERCIAL SEXUAL ACTIVITY" MEANS ANY SEXUAL CONDUCT, AS
DEFINED

15 IN SUBDIVISION TEN OF SECTION 130.00 OF THIS TITLE, ON ACCOUNT OF
WHICH

16 ANYTHING OF VALUE IS GIVEN, PROMISED, OR RECEIVED BY ANY PERSON.

17 9. "SEXUAL CONDUCT" HAS THE SAME MEANING AS IN SUBDIVISION TEN
OF

18 SECTION 130.00 OF THIS TITLE.

19 10. "COERCION" HAS THE SAME MEANING AS IN SECTION 135.60 OF
THIS

20 TITLE.

21 11. "MAINTAIN" MEANS, IN RELATION TO LABOR OR COMMERCIAL
SEXUAL

22 ACTIVITY, TO SECURE CONTINUED PERFORMANCE THEREOF, REGARDLESS OF
ANY

23 INITIAL AGREEMENT ON THE PART OF THE TRAFFICKING VICTIM TO PERFORM
SUCH

24 LABOR OR COMMERCIAL SEXUAL ACTIVITY.

25 12. "TRAFFICKING VICTIM" MEANS A PERSON SUBJECTED TO THE
PRACTICES

26 PROHIBITED BY SECTION 136.05, 136.10, 136.12 OR 136.13 OF THIS ARTICLE.

27 13. "ABUSE OF LAW" MEANS ANY EXPRESS OR IMPLIED THREAT TO BRING
ANY

28 PERSON TO THE ATTENTION OF POLICE, IMMIGRATION AUTHORITIES, OR ANY
OTHER

29 LAW ENFORCEMENT OR GOVERNMENT AGENCY, OR ANY EXPRESS OR IMPLIED
THREAT

30 TO REPORT THAT A PERSON HAS COMMITTED A CRIME OR IMMIGRATION
VIOLATION,

31 WHEN SUCH THREAT IS MADE WITH THE PURPOSE OF INDUCING OR MAINTAINING
A

32 PERSON'S COMPLIANCE WITH CONDITIONS OF LABOR SERVITUDE OR SEXUAL
SERVI-

33 TUTE.

34 S 136.05 TRAFFICKING A PERSON FOR LABOR SERVITUDE.

35 A PERSON IS GUILTY OF TRAFFICKING A PERSON FOR LABOR SERVITUDE WHEN

HE

36 OR SHE KNOWINGLY:

37 1. RECRUITS, ENTICES, HARBORS, TRANSPORTS, PROVIDES OR OBTAINS BY
ANY

38 MEANS, OR ATTEMPTS TO RECRUIT, ENTICE, HARBOR, TRANSPORT, PROVIDE
OR

39 OBTAIN BY ANY MEANS, ANOTHER PERSON FOR THE PURPOSE OF SUBJECTING
SUCH

40 PERSON TO LABOR SERVITUDE; OR

41 2. SUBJECTS ANOTHER PERSON TO LABOR SERVITUDE.

42 TRAFFICKING A PERSON FOR LABOR SERVITUDE IS A CLASS C FELONY.

43 S 136.10 TRAFFICKING A PERSON FOR SEXUAL SERVITUDE.

44 1. A PERSON IS GUILTY OF TRAFFICKING A PERSON FOR SEXUAL
SERVITUDE

45 WHEN HE OR SHE KNOWINGLY:

46 (A) RECRUITS, ENTICES, HARBORS, TRANSPORTS, PROVIDES OR OBTAINS BY
ANY

47 MEANS, OR ATTEMPTS TO RECRUIT, ENTICE, HARBOR, TRANSPORT, PROVIDE
OR

48 OBTAIN BY ANY MEANS, ANOTHER PERSON FOR THE PURPOSE OF SUBJECTING
SUCH

49 PERSON TO SEXUAL SERVITUDE; OR

50 (B) SUBJECTS ANOTHER PERSON TO SEXUAL SERVITUDE.

51 2. EVIDENCE OF THE FOLLOWING FACTS OR CONDITIONS SHALL NOT
CONSTITUTE

52 A DEFENSE UNDER THIS SECTION, NOR SHALL SUCH EVIDENCE PRECLUDE A
FINDING

53 OF SEXUAL SERVITUDE:

54 (A) A TRAFFICKING VICTIM`S SEXUAL HISTORY OR HISTORY OF
COMMERCIAL

55 SEXUAL ACTIVITY;

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1 (B) A TRAFFICKING VICTIM`S CONNECTION BY BLOOD OR MARRIAGE TO
A

2 DEFENDANT IN THE CASE;

3 (C) CONSENT OF OR PERMISSION BY A TRAFFICKING VICTIM OR ANYONE ELSE
ON

4 THE TRAFFICKING VICTIM`S BEHALF TO COMMERCIAL SEXUAL ACTIVITY.

5 TRAFFICKING A PERSON FOR SEXUAL SERVITUDE IS A CLASS C FELONY.

6 S 136.12 TRAFFICKING A MINOR FOR SEXUAL SERVITUDE.

7 1. A PERSON IS GUILTY OF TRAFFICKING A MINOR FOR SEXUAL
SERVITUDE

8 WHEN HE OR SHE KNOWINGLY:

9 (A) RECRUITS, ENTICES, HARBORS, TRANSPORTS, PROVIDES, OBTAINS,
OR

10 MAINTAINS BY ANY MEANS, OR ATTEMPTS TO RECRUIT, ENTICE, HARBOR,
TRANS-

11 PORT, PROVIDE, OBTAIN, OR MAINTAIN BY ANY MEANS, ANOTHER PERSON
UNDER

12 EIGHTEEN YEARS OF AGE, KNOWING THAT THE MINOR WILL ENGAGE IN, OR BE
USED

13 IN, COMMERCIAL SEXUAL ACTIVITY, SEXUAL PERFORMANCE AS DEFINED IN
SECTION

14 263.00 OF THIS PART, OR OBSCENE SEXUAL PERFORMANCE AS DEFINED IN

SECTION

15 263.00 OF THIS PART; OR

16 (B) SUBJECTS A PERSON UNDER SEVENTEEN YEARS OF AGE TO SEXUAL
SERVI-
17 TUDE.

18 2. EVIDENCE OF THE FOLLOWING FACTS OR CONDITIONS SHALL NOT
CONSTITUTE

19 A DEFENSE UNDER THIS SECTION, NOR SHALL SUCH EVIDENCE PRECLUDE A
FINDING

20 OF SEXUAL SERVITUDE OF A MINOR:

21 (A) A MINOR TRAFFICKING VICTIM`S SEXUAL HISTORY OR HISTORY OF
COMMER-
22 CIAL SEXUAL ACTIVITY;

23 (B) A MINOR TRAFFICKING VICTIM`S CONNECTION BY BLOOD OR MARRIAGE TO
A
24 DEFENDANT IN THE CASE;

25 (C) CONSENT OF OR PERMISSION BY A MINOR TRAFFICKING VICTIM OR
ANYONE

26 ELSE ON THE MINOR TRAFFICKING VICTIM`S BEHALF TO COMMERCIAL
SEXUAL

27 ACTIVITY, SEXUAL PERFORMANCE, OR OBSCENE SEXUAL PERFORMANCE; OR

28 (D) THAT THE ACTOR BELIEVED OR HAD CAUSE TO BELIEVE THAT THE
MINOR
29 TRAFFICKING VICTIM WAS AT LEAST SEVENTEEN YEARS OF AGE.

30 TRAFFICKING A MINOR FOR SEXUAL SERVITUDE IS A CLASS B FELONY.

31 S 136.13 AGGRAVATED TRAFFICKING.

32 A PERSON IS GUILTY OF AGGRAVATED TRAFFICKING WHEN HE OR SHE
COMMITTS

33 THE CRIME OF TRAFFICKING A PERSON FOR LABOR SERVITUDE, OR TRAFFICKING
A

34 PERSON FOR SEXUAL SERVITUDE, AND:

35 1. THE OFFENSE INVOLVES MORE THAN ONE TRAFFICKING VICTIM, OR

36 2. THE VICTIM IS MAINTAINED IN LABOR SERVITUDE OR SEXUAL SERVITUDE
FOR

37 MORE THAN THIRTY DAYS, OR

38 3. THE VICTIM SUFFERS PHYSICAL INJURY, SERIOUS PHYSICAL INJURY,
OR

39 DEATH, OR

40 4. WHILE IN A CONDITION OF LABOR SERVITUDE OR SEXUAL SERVITUDE,
THE

41 VICTIM IS SUBJECTED TO RAPE IN THE FIRST DEGREE, CRIMINAL SEXUAL ACT
IN

42 THE FIRST DEGREE, SEXUAL ABUSE IN THE FIRST DEGREE, OR AGGRAVATED
SEXUAL

43 ABUSE IN THE FIRST, SECOND, THIRD, OR FOURTH DEGREE.

44 AGGRAVATED TRAFFICKING IS A CLASS B FELONY.

45 S 136.15 BENEFITING FROM TRAFFICKING.

46 A PERSON IS GUILTY OF BENEFITING FROM TRAFFICKING WHEN HE OR SHE
KNOW-

47 INGLY RECEIVES ANYTHING OF VALUE FROM PARTICIPATION IN A VENTURE
WHICH

48 HAS INVOLVED AN ACT IN VIOLATION OF SECTION 136.05, 136.10,
136.12,

49 136.13, OR 136.25 OF THIS ARTICLE.

50 BENEFITING FROM TRAFFICKING IS A CLASS D FELONY.

51 S 136.20 PROMOTING SEX TOURISM.

52 A PERSON IS GUILTY OF PROMOTING SEX TOURISM WHEN HE OR SHE
KNOWINGLY
53 SELLS OR OFFERS TO SELL TRAVEL-RELATED SERVICES THAT INCLUDE OR
FACILI-
54 TATE IN-STATE OR OUT-OF-STATE TRAVEL FOR THE PURPOSE OF ENGAGING
IN
55 ACTIVITY THAT WOULD CONSTITUTE PATRONIZING A PROSTITUTE IF THE
ACTIVITY
56 OCCURRED IN NEW YORK STATE.

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1 PROMOTING SEX TOURISM IS A CLASS C FELONY.
2 S 136.25 ACCOMPLICE LIABILITY.
3 WHOEVER KNOWINGLY AIDS, ABETS OR CONSPIRES WITH ONE OR MORE PERSONS
TO
4 VIOLATE SECTION 136.05, 136.10, 136.12 OR 136.15 OF THIS ARTICLE
SHALL
5 BE PUNISHABLE IN THE SAME MANNER AS FOR A COMPLETED VIOLATION OF
THAT
6 SECTION.
7 S 136.30 VICTIM PROSECUTION; DEFENSE.
8 IN ANY PROSECUTION FOR A VIOLATION OF SECTION 230.00 OF THIS PART
IT
9 SHALL BE A DEFENSE THAT THE DEFENDANT IS OR HAS BEEN THE VICTIM OF
TRAF-
10 FICKING A PERSON FOR SEXUAL SERVITUDE AS DEFINED IN SECTION 136.10
OF
11 THIS ARTICLE OR TRAFFICKING A MINOR FOR SEXUAL SERVITUDE AS DEFINED
IN
12 SECTION 136.12 OF THIS ARTICLE.
13 S 136.35 RESTITUTION.
14 1. RESTITUTION SHALL BE MANDATORY UNDER THIS ARTICLE. FOR
OFFENSES
15 UNDER THIS ARTICLE INVOLVING LABOR SERVITUDE, IN ADDITION TO ANY
OTHER
16 LOSS IDENTIFIED, THE COURT SHALL ORDER RESTITUTION INCLUDING THE
GREATER
17 OF:
18 (A) THE GROSS INCOME OR VALUE TO THE DEFENDANT OF THE
TRAFFICKING
19 VICTIM`S LABOR; OR
20 (B) THE VALUE OF THE TRAFFICKING VICTIM`S LABOR AS GUARANTEED
UNDER
21 THE MINIMUM WAGE AND OVERTIME PROVISIONS OF THE FAIR LABOR STANDARDS
ACT
22 AND THE STATE`S LABOR LAWS.
23 2. FOR VIOLATIONS OF THIS ARTICLE INVOLVING SEXUAL SERVITUDE, IN
ADDI-
24 TION TO ANY OTHER LOSS IDENTIFIED, THE COURT SHALL ORDER
RESTITUTION
25 INCLUDING THE INCOME OR VALUE OBTAINED BY THE DEFENDANT FROM THE
SEXUAL
26 SERVITUDE OF THE TRAFFICKING VICTIM.
27 3. WHERE NECESSARY, THE COURT MAY IMPUTE INCOME OR VALUE AWARDED
UNDER

28 THIS SECTION.
 29 4. FOR ALL OFFENSES UNDER THIS ARTICLE, IN ADDITION TO ANY OTHER
 LOSS
 30 IDENTIFIED, THE COURT SHALL ORDER RESTITUTION TO COMPENSATE THE
 TRAF-
 31 FICKING VICTIM FOR THE COST OF:
 32 (A) MEDICAL AND PSYCHOLOGICAL TREATMENT;
 33 (B) PHYSICAL AND OCCUPATIONAL THERAPY AND REHABILITATION;
 34 (C) NECESSARY TRANSPORTATION, TEMPORARY HOUSING, AND CHILDCARE; AND
 35 (D) ATTORNEY`S FEES AND COSTS, INCLUDING EXPERT WITNESS FEES
 AND
 36 EXPENSES.
 37 5. THE DOLLAR LIMITS ON RESTITUTION FOUND IN SUBDIVISION FIVE
 OF
 38 SECTION 60.27 OF THIS CHAPTER SHALL NOT APPLY TO OFFENSES
 COMMITTED
 39 UNDER THIS ACT.
 40 S 136.40 VICTIM ASSISTANCE.
 41 TRAFFICKED VICTIMS SHALL BE PROVIDED WITH INFORMATION ABOUT
 THEIR
 42 RIGHTS AND APPLICABLE SERVICES, INCLUDING:
 43 1. THE RIGHT TO PRO BONO AND LOW-COST LEGAL SERVICES;
 44 2. IN EVERY CASE CHARGED UNDER THIS ARTICLE BY A LAW ENFORCEMENT
 OFFI-
 45 CER, THE LAW ENFORCEMENT OFFICER SHALL, AS SOON AS POSSIBLE, PROVIDE
 TO
 46 TRAFFICKING VICTIMS WRITTEN REFERRAL INFORMATION FOR LOCAL
 VICTIM
 47 ASSISTANCE ORGANIZATIONS AND, WHERE POSSIBLE, ARRANGE FOR A
 MEETING
 48 BETWEEN TRAFFICKING VICTIMS AND SUCH ORGANIZATIONS;
 49 3. THE RIGHT TO ACCESS EXISTING FEDERAL AND STATE BENEFITS
 AND
 50 SERVICES, SUCH AS REGULARIZED IMMIGRATION STATUS, BENEFITS AND
 SERVICES
 51 UNDER THE FEDERAL VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT
 OF
 52 2000, AS AMENDED, AND STATE COMPENSATION.
 53 S 136.45 ASSESSMENT OF VICTIM PROTECTION NEEDS.
 54 1. THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL, NO LATER THAN
 ONE
 55 YEAR FROM THE EFFECTIVE DATE OF THIS ARTICLE ISSUE A REPORT
 OUTLINING
 56 HOW EXISTING VICTIM/WITNESS LAWS AND REGULATIONS RESPOND TO THE NEEDS
 OF

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1 TRAFFICKING VICTIMS AND SUGGESTING AREAS OF IMPROVEMENT AND
 MODIFICA-
 2 TION.
 3 2. THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE SHALL, NO
 LATER
 4 THAN ONE YEAR FROM THE EFFECTIVE DATE OF THIS ARTICLE, ISSUE A
 REPORT
 5 OUTLINING HOW EXISTING SOCIAL SERVICES PROGRAMS RESPOND OR FAIL

TO

6 RESPOND TO THE NEEDS OF TRAFFICKING VICTIMS, THE INTERPLAY OF
SUCH
7 EXISTING PROGRAMS WITH FEDERALLY-FUNDED VICTIM SERVICE PROGRAMS,
AND
8 SUGGESTING AREAS OF IMPROVEMENT AND MODIFICATION.

9 S 2. The second undesignated paragraph of section 230.03 of the
penal
10 law, as added by chapter 627 of the laws of 1978, is amended to read
as
11 follows:

12 Patronizing a prostitute in the fourth degree is a class {B} A
misdemeanor.
13

14 S 3. The second undesignated paragraph of section 230.04 of the
penal
15 law, as added by chapter 627 of the laws of 1978, is amended to read
as
16 follows:

17 Patronizing a prostitute in the third degree is a class {A
misdemeanor} E FELONY.
18

19 S 4. Section 230.05 of the penal law, as added by chapter 627 of
the
20 laws of 1978, is amended to read as follows:

21 S 230.05 Patronizing a prostitute in the second degree.

22 A person is guilty of patronizing a prostitute in the second
degree
23 when, being {over} eighteen years {of age} OLD OR MORE, he OR
SHE

24 patronizes a prostitute and the person patronized is less than
{four-
25 teen} FIFTEEN years {of age} OLD.

26 Patronizing a prostitute in the second degree is a class {E} D
felony.

27 S 5. Section 230.06 of the penal law, as added by chapter 627 of
the
28 laws of 1978, is amended to read as follows:

29 S 230.06 Patronizing a prostitute in the first degree.

30 A person is guilty of patronizing a prostitute in the first
degree
31 when:

32 1. he OR SHE patronizes a prostitute and the person patronized is
less
33 than eleven years {of age} OLD; OR

34 2. BEING EIGHTEEN YEARS OLD OR MORE, HE OR SHE patronizes a
prostitute

35 and the person patronized is less than thirteen years old.

36 Patronizing a prostitute in the first degree is a class {D} B felony.

37 S 6. The opening paragraph of subdivision 3 of section 125.25 of
the

38 penal law, as amended by chapter 264 of the laws of 2003, is amended
to

39 read as follows:

40 Acting either alone or with one or more other persons, he commits
or

41 attempts to commit robbery, burglary, kidnapping, arson, rape in
the
42 first degree, criminal sexual act in the first degree, sexual abuse
in
43 the first degree, aggravated sexual abuse, TRAFFICKING A PERSON
FOR
44 LABOR SERVITUDE, TRAFFICKING A PERSON FOR SEXUAL SERVITUDE,
TRAFFICKING
45 A MINOR FOR SEXUAL SERVITUDE, escape in the first degree, or escape
in
46 the second degree, and, in the course of and in furtherance of
such
47 crime or of immediate flight therefrom, he, or another participant,
if
48 there be any, causes the death of a person other than one of the
partic-
49 ipants; except that in any prosecution under this subdivision, in
which
50 the defendant was not the only participant in the underlying crime,
it
51 is an affirmative defense that the defendant:
52 S 7. Paragraph (a) of subdivision 4-b and subdivision 6 of
section
53 1310 of the civil practice law and rules, paragraph (a) of
subdivision
54 4-b as added by chapter 655 of the laws of 1990 and subdivision 6
as
55 added by chapter 669 of the laws of 1984, are amended to read
as
56 follows:

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1 (a) a conviction of a person for a violation of section
220.18,
2 220.21, 220.41, or 220.43 of the penal law, or where the
accusatory
3 instrument charges one or more of such offenses, conviction upon a
plea
4 of guilty to any of the felonies for which such plea is
otherwise
5 authorized by law or a conviction of a person for conspiracy to commit
a
6 violation of section 220.18, 220.21, 220.41, or 220.43 of the penal
law,
7 where the controlled substances which are the object of the
conspiracy
8 are located in the real property which is the subject of the
forfeiture
9 action, OR A FELONY CONVICTION OF A PERSON FOR A VIOLATION OF
ARTICLE
10 ONE HUNDRED THIRTY-SIX OF THE PENAL LAW; or
11 6. "Pre-conviction forfeiture crime" means only a felony defined
in
12 article two hundred twenty or section 136.05, 136.10, 136.12,
136.13,

13 221.30 or 221.55 of the penal law.
14 S 8. Paragraph (a) of subdivision 1 of section 1311 of the civil
prac-
15 tice law and rules, as added by chapter 669 of the laws of 1984,
is
16 amended to read as follows:
17 (a) Actions relating to post-conviction forfeiture crimes. An
action
18 relating to a post-conviction forfeiture crime must be grounded upon
a
19 conviction of a felony defined in subdivision five of section one
thou-
20 sand three hundred ten of this article, or upon criminal activity
aris-
21 ing from a common scheme or plan of which such a conviction is a
part,
22 or upon a count of an indictment or information alleging a felony
which
23 was dismissed at the time of a plea of guilty to a felony in
satisfac-
24 tion of such count. A court may not grant forfeiture until
such
25 conviction has occurred. However, an action may be commenced, and
a
26 court may grant a provisional remedy provided under this article,
prior
27 to such conviction having occurred. An action under this paragraph
must
28 be dismissed at any time after sixty days of the commencement of
the
29 action unless the conviction upon which the action is grounded
has
30 occurred, or an indictment or information upon which the
asserted
31 conviction is to be based is pending in a superior court. An
action
32 under this paragraph shall be stayed during the pendency of a
criminal
33 action which is related to it; provided, however, that such stay
shall
34 not prevent the granting or continuance of any provisional
remedy
35 provided under this article or any other provisions of law. IN NO
EVENT
36 SHALL THE AMOUNT THAT A TRAFFICKING VICTIM IS ELIGIBLE TO RECEIVE
PURSU-
37 ANT TO SECTION 136.35 OF THE PENAL LAW BE DIMINISHED THROUGH THE
APPLI-
38 CATION OF THIS SECTION.
39 S 9. Paragraph (a) of subdivision 1 of section 460.10 of the
penal
40 law, as amended by chapter 442 of the laws of 2006, is amended to
read
41 as follows:
42 (a) Any of the felonies set forth in this chapter: sections
120.05,

43 120.10 and 120.11 relating to assault; sections 125.10 to 125.27
relat-
44 ing to homicide; sections 130.25, 130.30 and 130.35 relating to
rape;
45 sections 135.20 and 135.25 relating to kidnapping; section 135.65
relat-
46 ing to coercion; SECTIONS 136.05, 136.10, 136.12 AND 136.13 RELATING
TO
47 THE TRAFFICKING OF PERSONS; sections 140.20, 140.25 and 140.30
relating
48 to burglary; sections 145.05, 145.10 and 145.12 relating to
criminal
49 mischief; article one hundred fifty relating to arson; sections
155.30,
50 155.35, 155.40 and 155.42 relating to grand larceny; sections
177.10,
51 177.15, 177.20 and 177.25 relating to health care fraud; article
one
52 hundred sixty relating to robbery; sections 165.45, 165.50, 165.52
and
53 165.54 relating to criminal possession of stolen property;
sections
54 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 and 170.70 relating
to
55 forgery; sections 175.10, 175.25, 175.35, 175.40 and 210.40 relating
to
56 false statements; sections 176.15, 176.20, 176.25 and 176.30 relating
to

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1 insurance fraud; sections 178.20 and 178.25 relating to criminal
diver-
2 sion of prescription medications and prescriptions; sections
180.03,
3 180.08, 180.15, 180.25, 180.40, 180.45, 200.00, 200.03, 200.04,
200.10,
4 200.11, 200.12, 200.20, 200.22, 200.25, 200.27, 215.00, 215.05
and
5 215.19 relating to bribery; sections 190.40 and 190.42 relating to
crim-
6 inal usury; section 190.65 relating to schemes to defraud;
sections
7 205.60 and 205.65 relating to hindering prosecution; sections
210.10,
8 210.15, and 215.51 relating to perjury and contempt; section
215.40
9 relating to tampering with physical evidence; sections 220.06,
220.09,
10 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43,
220.46,
11 220.55 and 220.60 relating to controlled substances; sections 225.10
and
12 225.20 relating to gambling; sections 230.25, 230.30, and 230.32
relat-
13 ing to promoting prostitution; sections 235.06, 235.07 and 235.21

relat-

14 ing to obscenity; section 263.10 relating to promoting an
obscene
15 performance by a child; sections 265.02, 265.03, 265.04, 265.11,
265.12,
16 265.13 and the provisions of section 265.10 which constitute a
felony
17 relating to firearms and other dangerous weapons; and sections
265.14
18 and 265.16 relating to criminal sale of a firearm; and section
275.10,
19 275.20, 275.30, or 275.40 relating to unauthorized recordings;
and
20 sections 470.05, 470.10, 470.15 and 470.20 relating to money
laundering;

21 or
22 S 10. Paragraph (b) of subdivision 8 of section 700.05 of the
criminal
23 procedure law, as amended by chapter 442 of the laws of 2006, is
amended

24 to read as follows:
25 (b) Any of the following felonies: assault in the second degree
as

26 defined in section 120.05 of the penal law, assault in the first
degree

27 as defined in section 120.10 of the penal law, reckless endangerment
in

28 the first degree as defined in section 120.25 of the penal law,
promot-

29 ing a suicide attempt as defined in section 120.30 of the penal
law,

30 criminally negligent homicide as defined in section 125.10 of the
penal

31 law, manslaughter in the second degree as defined in section 125.15
of

32 the penal law, manslaughter in the first degree as defined in
section

33 125.20 of the penal law, murder in the second degree as defined
in

34 section 125.25 of the penal law, murder in the first degree as
defined

35 in section 125.27 of the penal law, abortion in the second degree
as

36 defined in section 125.40 of the penal law, abortion in the first
degree

37 as defined in section 125.45 of the penal law, rape in the third
degree

38 as defined in section 130.25 of the penal law, rape in the second
degree

39 as defined in section 130.30 of the penal law, rape in the first
degree

40 as defined in section 130.35 of the penal law, criminal sexual act
in

41 the third degree as defined in section 130.40 of the penal law,
criminal

42 sexual act in the second degree as defined in section 130.45 of

the

43 penal law, criminal sexual act in the first degree as defined in
section

44 130.50 of the penal law, sexual abuse in the first degree as defined
in

45 section 130.65 of the penal law, unlawful imprisonment in the
first

46 degree as defined in section 135.10 of the penal law, kidnapping in
the

47 second degree as defined in section 135.20 of the penal law,
kidnapping

48 in the first degree as defined in section 135.25 of the penal
law,

49 custodial interference in the first degree as defined in section
135.50

50 of the penal law, coercion in the first degree as defined in
section

51 135.65 of the penal law, TRAFFICKING A PERSON FOR LABOR SERVITUDE
AS

52 DEFINED IN SECTION 136.05 OF THE PENAL LAW, TRAFFICKING A PERSON
FOR

53 SEXUAL SERVITUDE AS DEFINED IN SECTION 136.10 OF THE PENAL LAW,
TRAF-

54 FICKING A MINOR FOR SEXUAL SERVITUDE AS DEFINED IN SECTION 136.12 OF
THE

55 PENAL LAW, AGGRAVATED TRAFFICKING AS DEFINED IN SECTION 136.13 OF
THE

56 PENAL LAW, criminal trespass in the first degree as defined in
section

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9

1 140.17 of the penal law, burglary in the third degree as defined
in

2 section 140.20 of the penal law, burglary in the second degree
as

3 defined in section 140.25 of the penal law, burglary in the first
degree

4 as defined in section 140.30 of the penal law, criminal mischief in
the

5 third degree as defined in section 145.05 of the penal law,
criminal

6 mischief in the second degree as defined in section 145.10 of the
penal

7 law, criminal mischief in the first degree as defined in section
145.12

8 of the penal law, criminal tampering in the first degree as defined
in

9 section 145.20 of the penal law, arson in the fourth degree as
defined

10 in section 150.05 of the penal law, arson in the third degree as
defined

11 in section 150.10 of the penal law, arson in the second degree
as

12 defined in section 150.15 of the penal law, arson in the first degree
as

13 defined in section 150.20 of the penal law, grand larceny in the
fourth
14 degree as defined in section 155.30 of the penal law, grand larceny
in
15 the third degree as defined in section 155.35 of the penal law,
grand
16 larceny in the second degree as defined in section 155.40 of the
penal
17 law, grand larceny in the first degree as defined in section 155.42
of
18 the penal law, health care fraud in the fourth degree as defined
in
19 section 177.10 of the penal law, health care fraud in the third
degree
20 as defined in section 177.15 of the penal law, health care fraud in
the
21 second degree as defined in section 177.20 of the penal law, health
care
22 fraud in the first degree as defined in section 177.25 of the penal
law,
23 robbery in the third degree as defined in section 160.05 of the
penal
24 law, robbery in the second degree as defined in section 160.10 of
the
25 penal law, robbery in the first degree as defined in section 160.15
of
26 the penal law, unlawful use of secret scientific material as defined
in
27 section 165.07 of the penal law, criminal possession of stolen
property
28 in the fourth degree as defined in section 165.45 of the penal
law,
29 criminal possession of stolen property in the third degree as defined
in
30 section 165.50 of the penal law, criminal possession of stolen
property
31 in the second degree as defined by section 165.52 of the penal
law,
32 criminal possession of stolen property in the first degree as defined
by
33 section 165.54 of the penal law, trademark counterfeiting in the
first
34 degree as defined in section 165.73 of the penal law, forgery in
the
35 second degree as defined in section 170.10 of the penal law, forgery
in
36 the first degree as defined in section 170.15 of the penal law,
criminal
37 possession of a forged instrument in the second degree as defined
in
38 section 170.25 of the penal law, criminal possession of a forged
instru-
39 ment in the first degree as defined in section 170.30 of the penal
law,
40 criminal possession of forgery devices as defined in section 170.40
of

41 the penal law, falsifying business records in the first degree
as
42 defined in section 175.10 of the penal law, tampering with
public
43 records in the first degree as defined in section 175.25 of the
penal
44 law, offering a false instrument for filing in the first degree
as
45 defined in section 175.35 of the penal law, issuing a false
certificate
46 as defined in section 175.40 of the penal law, criminal diversion
of
47 prescription medications and prescriptions in the second degree
as
48 defined in section 178.20 of the penal law, criminal diversion
of
49 prescription medications and prescriptions in the first degree
as
50 defined in section 178.25 of the penal law, escape in the second
degree
51 as defined in section 205.10 of the penal law, escape in the
first
52 degree as defined in section 205.15 of the penal law, absconding
from
53 temporary release in the first degree as defined in section 205.17
of
54 the penal law, promoting prison contraband in the first degree
as
55 defined in section 205.25 of the penal law, hindering prosecution in
the
56 second degree as defined in section 205.60 of the penal law,
hindering

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10

1 prosecution in the first degree as defined in section 205.65 of
the
2 penal law, criminal possession of a weapon in the third degree
as
3 defined in subdivisions two, three, four and five of section 265.02
of
4 the penal law, criminal possession of a weapon in the second degree
as
5 defined in section 265.03 of the penal law, criminal possession of
a
6 dangerous weapon in the first degree as defined in section 265.04 of
the
7 penal law, manufacture, transport, disposition and defacement of
weapons
8 and dangerous instruments and appliances defined as felonies in
subdivi-
9 sions one, two, and three of section 265.10 of the penal law,
sections
10 265.11, 265.12 and 265.13 of the penal law, or prohibited use of
weapons
11 as defined in subdivision two of section 265.35 of the penal law,

relat-

12 ing to firearms and other dangerous weapons;

13 S 11. The civil practice law and rules is amended by adding a
new

14 section 1311-b to read as follows:

15 S 1311-B. VICTIM OF TRAFFICKING; CAUSE OF ACTION. 1. A PERSON WHO
HAS

16 BEEN SUBJECT TO TRAFFICKING UNDER ARTICLE ONE HUNDRED THIRTY-SIX OF
THE

17 PENAL LAW MAY BRING A CAUSE OF ACTION AGAINST THE DEFENDANT FOR
ACTUAL

18 DAMAGES, COMPENSATORY DAMAGES, PUNITIVE DAMAGES, INJUNCTIVE RELIEF,
OR

19 ANY COMBINATION THEREOF, OR ANY OTHER APPROPRIATE RELIEF. A
PREVAILING

20 PLAINTIFF SHALL ALSO BE AWARDED ATTORNEY`S FEES AND COSTS.
TREBLE

21 DAMAGES SHALL BE AWARDED ON PROOF OF ACTUAL DAMAGES WHERE
DEFENDANT`S

22 ACTS WERE WILLFUL AND MALICIOUS.

23 2. ANY LEGAL GUARDIAN, FAMILY MEMBER, OR OTHER REPRESENTATIVE OF
THE

24 TRAFFICKED PERSON, OR COURT APPOINTEE, MAY REPRESENT THE
TRAFFICKED

25 PERSON`S RIGHTS, IN THE EVENT THE TRAFFICKED PERSON IS DECEASED
OR

26 OTHERWISE UNABLE TO REPRESENT HIS OR HER OWN INTERESTS IN COURT.

27 S 12. The civil practice law and rules is amended by adding a
new

28 section 213-d to read as follows:

29 S 213-D. ACTION BY VICTIM OF TRAFFICKING. 1. A CAUSE OF ACTION BY
A

30 VICTIM OF A TRAFFICKING OFFENSE UNDER ARTICLE ONE HUNDRED THIRTY-SIX
OF

31 THE PENAL LAW AGAINST A DEFENDANT BROUGHT PURSUANT TO SECTION
THIRTEEN

32 HUNDRED ELEVEN-B OF THIS CHAPTER MAY BE COMMENCED WITHIN SEVEN YEARS
OF

33 THE DATE OF THE CRIME.

34 2. DISABILITY SHALL TOLL THE RUNNING OF THE STATUTE OF
LIMITATION

35 ESTABLISHED PURSUANT TO THIS SECTION. AS USED IN THIS SECTION,
"DISABIL-

36 ITY" MEANS THAT THE PLAINTIFF IS UNDER THE AGE OF EIGHTEEN,
INSANE,

37 IMPRISONED OR UNDER OTHER INCAPACITY OR THAT SUCH PERSON IS
PHYSICALLY

38 OR MENTALLY INJURED TO THE EXTENT THAT IT IS IMPOSSIBLE OR
IMPRACTICAL

39 FOR HIM OR HER TO COMMENCE OR MAINTAIN AN ACTION PURSUANT TO
SECTION

40 THIRTEEN HUNDRED ELEVEN-B OF THIS CHAPTER.

41 3. THE STATUTE OF LIMITATION WILL NOT RUN AGAINST AN INCOMPETENT
OR

42 MINOR IN THE EVENT A GUARDIAN AD LITEM IS APPOINTED. SUCH
APPOINTMENT

43 SHALL NOT PREJUDICE THE PLAINTIFF`S RIGHT TO BRING THE CAUSE OF
ACTION

44 AFTER HIS OR HER DISABILITY CEASES.

45 4. A DEFENDANT IS ESTOPPED FROM ASSERTING A DEFENSE OF THE STATUTE
OF

46 LIMITATIONS WHEN THE EXPIRATION OF THE STATUTE IS DUE TO: CONDUCT BY
THE

47 DEFENDANT INDUCING THE PLAINTIFF TO DELAY THE FILING OF THE ACTION,
OR

48 PREVENTING THE PLAINTIFF FROM FILING THE ACTION; OR THREATS MADE BY
THE

49 DEFENDANT THAT CAUSED DURESS UPON THE PLAINTIFF.

50 5. SUSPENSION OF THE STATUTE OF LIMITATION DUE TO DISABILITY OR
ESTO-

51 PPEL SHALL APPLY TO ALL CLAIMS ARISING FROM THE TRAFFICKING OFFENSE.

52 S 13. Subdivision 5 of section 621 of the executive law, as amended
by

53 chapter 620 of the laws of 1997, is amended to read as follows:

54 5. "Victim" shall mean (a) a person who suffers personal
physical

55 injury as a direct result of a crime; (b) a person who is the victim
of

56 either the crime of (1) unlawful imprisonment in the first degree
as

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11

1 defined in section 135.10 of the penal law, (2) kidnapping in the
second

2 degree as defined in section 135.20 of the penal law, {or} (3)
kidnap-

3 ping in the first degree as defined in section 135.25 of the penal
law,

4 (4) TRAFFICKING A PERSON FOR LABOR SERVITUDE AS DEFINED IN
SECTION

5 136.05 OF THE PENAL LAW, (5) TRAFFICKING A PERSON FOR SEXUAL
SERVITUDE

6 AS DEFINED IN SECTION 136.10 OF THE PENAL LAW, (6) TRAFFICKING A
MINOR

7 FOR SEXUAL SERVITUDE AS DEFINED IN SECTION 136.12 OF THE PENAL LAW,
OR

8 (7) AGGRAVATED TRAFFICKING AS DEFINED IN SECTION 136.13 OF THE
PENAL

9 LAW; or a person who has had a frivolous lawsuit filed against them.

10 S 14. The criminal procedure law is amended by adding a new
section

11 60.80 to read as follows:

12 S 60.80 RULES OF EVIDENCE; VICTIM OF HUMAN TRAFFICKING.

13 1. EVIDENCE OF THE FOLLOWING FACTS OR CONDITIONS SHALL BE
INADMISSIBLE

14 IN A PROSECUTION UNDER SECTION 136.05, 136.10, 136.12, OR 136.13 OF
THE

15 PENAL LAW:

16 A TRAFFICKING VICTIM`S SEXUAL HISTORY, OR HISTORY OF CONVICTION OF
ONE

17 OR MORE PROSTITUTION OFFENSES.

18 2. FOR PURPOSES OF THIS SECTION, "TRAFFICKING VICTIM" SHALL HAVE
THE
19 MEANING SET FORTH IN SUBDIVISION TWELVE OF SECTION 136.00 OF THE
PENAL
20 LAW.
21 S 15. The social services law is amended by adding a new article 10-
D
22 to read as follows:
23 ARTICLE 10-D
24 SERVICES FOR TRAFFICKED PERSONS
25 SECTION 483-M. DEFINITIONS.
26 483-N. SERVICES FOR TRAFFICKING VICTIMS.
27 483-O. INTERAGENCY ADVISORY COMMITTEE ON HUMAN TRAFFICKING.
28 483-P. DATA COLLECTION ON HUMAN TRAFFICKING.
29 483-Q. RESIDENTIAL SERVICES FOR TRAFFICKING VICTIMS.
30 S 483-M. DEFINITIONS. IN THIS ARTICLE:
31 1. "COORDINATOR OF SERVICES FOR VICTIMS OF HUMAN TRAFFICKING"
SHALL
32 MEAN A NOT-FOR-PROFIT CONTRACTOR WITH LINGUISTICALLY AND
CULTURALLY
33 APPROPRIATE STAFF TO ASSIST VICTIMS OF HUMAN TRAFFICKING. SUCH
ASSIST-
34 ANCE SHALL INCLUDE, BUT NOT BE LIMITED TO, THE SERVICES DESCRIBED
IN
35 PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION FOUR HUNDRED EIGHTY-THREE-
N
36 OF THIS ARTICLE.
37 2. "TRAFFICKING VICTIM" SHALL MEAN A PERSON WHO IS A VICTIM OF A
CRIME
38 OF HUMAN TRAFFICKING AS SUCH CRIME MAY BE DEFINED BY STATE OR
FEDERAL
39 LAW.
40 S 483-N. SERVICES FOR TRAFFICKING VICTIMS. 1. COORDINATION
OF
41 SERVICES. (A) THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
SHALL
42 ENSURE THAT COORDINATORS OF SERVICES FOR VICTIMS OF HUMAN
TRAFFICKING
43 ARE REASONABLY AVAILABLE FOR VICTIMS OF HUMAN TRAFFICKING WHO ARE
FOUND
44 IN THE STATE. SERVICES PROVIDED BY SUCH COORDINATORS SHALL INCLUDE,
BUT
45 NOT BE LIMITED TO, ASSISTANCE WITH:
46 (I) APPLICATIONS FOR T NON-IMMIGRANT STATUS OR U NON-IMMIGRANT
STATUS
47 AVAILABLE UNDER THE FEDERAL VICTIMS OF TRAFFICKING AND
VIOLENCE
48 PROTECTION ACT OF 2000;
49 (II) APPLICATIONS FOR LEGAL PERMANENT RESIDENCE FOR ELIGIBLE
RECIPI-
50 ENTS OF T NON-IMMIGRANT STATUS OR U NON-IMMIGRANT STATUS;
51 (III) IDENTIFICATION OF AND APPLICATION FOR AVAILABLE PUBLIC
BENEFITS,
52 INCLUDING BUT NOT LIMITED TO, TEMPORARY ASSISTANCE, REFUGEE
MATCH
53 GRANTS, REFUGEE CASH ASSISTANCE, FOOD STAMPS, CHILD CARE AND

MEDICAL

54 ASSISTANCE;

55 (IV) ACCESS TO BOTH SHORT TERM AND LONG TERM SAFE AND
APPROPRIATE

56 HOUSING;

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1 (V) ACCESS TO NEEDED MEDICAL CARE, DENTAL CARE, AND MENTAL
HEALTH

2 TREATMENT, INCLUDING BUT NOT LIMITED TO, WHERE THE VICTIM HAS BEEN
A

3 VICTIM OF SEXUAL ASSAULT, FREE OPTIONAL TESTING FOR HIV AND OTHER
SEXU-

4 ALLY TRANSMITTED DISEASES AND A COUNSELING SESSION BY A
MEDICALLY

5 TRAINED PROFESSIONAL ON THE ACCURACY OF SUCH TESTS AND THE RISK OF
TRAN-

6 SMISION OF SEXUALLY TRANSMITTED DISEASES;

7 (VI) ACCESS TO JOB TRAINING AND PLACEMENT, WHERE APPROPRIATE;

8 (VII) ACCESS TO LANGUAGE TRANSLATION SERVICES IN THE VICTIM`S
NATIVE

9 LANGUAGE OR LANGUAGE OF FLUENCY;

10 (VIII) ACCESS TO EDUCATION OR ENGLISH AS A SECOND LANGUAGE
TRAINING,

11 WHERE APPROPRIATE; AND

12 (IX) ACCESS TO ANY OTHER SERVICES NECESSARY TO SAFEGUARD THE
HEALTH

13 AND WELL-BEING OF VICTIMS OF TRAFFICKING.

14 (B) COORDINATORS OF SERVICES FOR VICTIMS OF HUMAN TRAFFICKING
SHALL

15 ASSIST VICTIMS OF TRAFFICKING WITH APPLICATION FOR T NON-
IMMIGRANT

16 STATUS OR U NON-IMMIGRANT STATUS BY COMPLETING OR ASSISTING THE
TRAF-

17 FICKING VICTIM IN COMPLETING AN ORAL OR WRITTEN REQUEST TO STATE
LAW

18 ENFORCEMENT REQUESTING THAT STATE LAW ENFORCEMENT SUBMIT A
WRITTEN

19 REQUEST TO FEDERAL AUTHORITIES ASKING THAT THE TRAFFICKING VICTIM
BE

20 GRANTED TEMPORARY IMMIGRATION STATUS KNOWN AS "CONTINUED PRESENCE";
BY

21 COMPLETING OR ASSISTING THE TRAFFICKING VICTIM IN COMPLETING AN ORAL
OR

22 WRITTEN REQUEST TO STATE LAW ENFORCEMENT FOR LAW ENFORCEMENT
DOCUMENTS

23 NECESSARY TO SUPPORT AN APPLICATION FOR T NON-IMMIGRANT STATUS OR
U

24 NON-IMMIGRANT STATUS SUCH AS A DECLARATION OF LAW ENFORCEMENT
OFFICER

25 FOR VICTIM OF TRAFFICKING IN PERSONS; AND BY COMPLETING OR ASSISTING
THE

26 TRAFFICKING VICTIM IN COMPLETING AN ORAL OR WRITTEN REQUEST FROM
LAW

27 ENFORCEMENT FOR DOCUMENTATION NECESSARY TO SUPPORT THE

TRAFFICKING

28 VICTIM`S REQUEST FOR BENEFITS AND SERVICES AUTHORIZED BY THE
FEDERAL

29 VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000.

30 2. SERVICES MADE AVAILABLE TO A VICTIM OF HUMAN TRAFFICKING SHALL
NOT,

31 UNLESS OTHERWISE REQUIRED BY FEDERAL LAW, BE PROVIDED TO SUCH
VICTIM

32 CONTINGENT UPON HIS OR HER IMMIGRANT STATUS, WILLINGNESS TO
COOPERATE

33 WITH A LAW ENFORCEMENT INVESTIGATION, OR PROSECUTION OR CONVICTION
OF

34 THE ALLEGED HUMAN TRAFFICKER.

35 S 483-O. INTERAGENCY ADVISORY COMMITTEE ON HUMAN TRAFFICKING. 1.
THE

36 INTERAGENCY ADVISORY COMMITTEE ON HUMAN TRAFFICKING IS HEREBY
CREATED

37 WITHIN THE EXECUTIVE DEPARTMENT TO HAVE AND EXERCISE THE
FUNCTIONS,

38 POWERS AND DUTIES PROVIDED BY THE PROVISIONS OF THIS SECTION AND
ANY

39 OTHER APPLICABLE PROVISION OF LAW. THE ADVISORY COMMITTEE SHALL
BE

40 COMPRISED OF APPROPRIATE OFFICIALS FROM THE OFFICE OF TEMPORARY
AND

41 DISABILITY ASSISTANCE, THE OFFICE OF CHILDREN AND FAMILY SERVICES,
THE

42 DEPARTMENT OF LAW, THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF
CRIMINAL

43 JUSTICE SERVICES, THE DIVISION OF PAROLE, THE DEPARTMENT OF LABOR,
THE

44 OFFICE OF MENTAL HEALTH AND THE OFFICE OF ALCOHOL AND SUBSTANCE
ABUSE

45 SERVICES. THE ADVISORY COMMITTEE SHALL ALSO BE COMPRISED OF AT LEAST
TEN

46 OTHER INDIVIDUALS FROM EIGHT OR MORE NONGOVERNMENTAL ORGANIZATIONS
WITH

47 EXPERTISE IN THE AREAS OF IMMIGRATION LAW AND SERVICES FOR
TRAFFICKING

48 VICTIMS. SUCH NONGOVERNMENTAL ORGANIZATIONS SHALL REFLECT THE
GEOGRAPH-

49 ICAL DIVERSITY OF NEW YORK STATE, INCLUDING REPRESENTATIVES FROM
NEW

50 YORK CITY AND OTHER UPSTATE REGIONS, AND SHALL POSSESS A RANGE OF
EXPER-

51 TISE IN PROVIDING SERVICES TO TRAFFICKING VICTIMS SUBJECTED TO
BOTH

52 LABOR SERVITUDE AND SEXUAL SERVITUDE. A REPRESENTATIVE FROM THE
OFFICE

53 OF TEMPORARY AND DISABILITY ASSISTANCE SHALL BE CHAIRPERSON OF THE
TASK

54 FORCE AND SHALL APPOINT THE NONGOVERNMENTAL MEMBERS OF THE
ADVISORY

55 COMMITTEE. THE CHAIRPERSON SHALL TAKE INTO CONSIDERATION, WHEN
APPOINT-

56 ING SUCH NONGOVERNMENTAL MEMBERS, ORGANIZATIONS THAT ARE GRANTEEES

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1 FEDERAL FUNDS PROVIDED THROUGH THE UNITED STATES DEPARTMENT OF
JUSTICE
2 BUREAU OF JUSTICE ASSISTANCE AND OFFICE FOR VICTIMS OF CRIME TO
ASSIST
3 SUCH ORGANIZATIONS IN THE PROVISION OF SERVICES TO VICTIMS OF
HUMAN
4 TRAFFICKING. THE ADVISORY COMMITTEE SHALL MEET AS NECESSARY TO
CARRY
5 OUT ITS FUNCTIONS, POWERS AND DUTIES, BUT SUCH MEETINGS SHALL OCCUR
AT
6 LEAST ONCE EACH QUARTER.
7 2. THE ADVISORY COMMITTEE SHALL, IN CONSULTATION WITH GOVERNMENTAL
AND
8 NONGOVERNMENTAL ORGANIZATIONS AND IN CONSULTATION WITH
TRAFFICKING
9 VICTIMS, PROVIDE AN INTERAGENCY FORUM FOR THE COLLABORATION OF
VARIOUS
10 STATE AGENCIES AND SERVICE PROVIDERS TO DEVELOP STATE POLICIES TO
MEET
11 THE VARIED NEEDS OF TRAFFICKING VICTIMS FOUND IN THE STATE. THE
DUTIES
12 OF THE ADVISORY COMMITTEE SHALL INCLUDE, BUT NOT BE LIMITED TO:
13 (A) COORDINATION OF ACTIVITIES NECESSARY TO IMPLEMENT THE
PROVISIONS
14 OF THIS ARTICLE;
15 (B) COORDINATION OF TRAINING BASED ON EXISTING TRAINING MATERIALS
THAT
16 WERE DEVELOPED WITH FEDERAL FUNDING FROM THE DEPARTMENT OF HEALTH
AND
17 HUMAN SERVICES TO EDUCATE INDIVIDUALS LIKELY TO COME INTO CONTACT
WITH
18 TRAFFICKING VICTIMS, INCLUDING BUT NOT LIMITED TO, HEALTH CARE
PROVID-
19 ERS, STATE AND LOCAL LAW ENFORCEMENT OFFICER, DOMESTIC VIOLENCE
SERVICE
20 PROVIDERS AND LABOR, HOUSING AND SOCIAL SERVICES OFFICIALS. SUCH
TRAIN-
21 ING MATERIALS SHALL BE USED TO EDUCATE THESE INDIVIDUALS ON THE
PHENOME-
22 NON OF HUMAN TRAFFICKING, STATE AND FEDERAL LAWS THAT ADDRESS
TRAFFICK-
23 ING AND THE RIGHTS OF TRAFFICKING VICTIMS, THE NEEDS OF
TRAFFICKING
24 VICTIMS, METHODS FOR ACCURATELY IDENTIFYING TRAFFICKING VICTIMS AND
TO
25 THEN PROVIDE THEM EFFECTIVE SERVICES, ADVISE THEM OF THEIR RIGHTS
AND
26 PROTECT THEIR SAFETY, AND PROCEDURES AND TECHNIQUES FOR ADDRESSING
THE
27 SPECIALIZED NEEDS OF TRAFFICKING VICTIMS THAT MAY ARISE DUE TO
CULTURAL
28 OR LANGUAGE BARRIERS;

29 (C) THE DEVELOPMENT OF MEASURES TO EVALUATE STATE PROGRESS IN
THE
30 AREAS OF TRAFFICKING PREVENTION, PROTECTION, AND ASSISTANCE TO
VICTIMS
31 OF TRAFFICKING, AND THE PROSECUTION OF AND ENFORCEMENT AGAINST
PERPETRA-
32 TORS OF HUMAN TRAFFICKING;
33 (D) THE CREATION AND OVERSIGHT OF INTERAGENCY PROCEDURES TO
COLLECT
34 AND ORGANIZE DATA, WHICH WILL RESPECT THE CONFIDENTIALITY OF
TRAFFICKING
35 VICTIMS, RELATING TO TRAFFICKING, INCLUDING BUT NOT LIMITED TO,
SIGNIF-
36 ICANT RESEARCH AND RESOURCE INFORMATION ON DOMESTIC TRAFFICKING;
37 (E) THE EVALUATION OF AVAILABLE FUNDING STREAMS, INCLUDING BUT
NOT
38 LIMITED TO, ANY FEDERAL GRANTS THAT MAY BE AVAILABLE TO ASSIST STATES
IN
39 ESTABLISHING OR EXPANDING PROGRAMS FOR TRAFFICKING VICTIMS, TO
PROVIDE
40 SERVICES TO TRAFFICKING VICTIMS AND TO CREATE AND DISSEMINATE
TRAINING
41 AND EDUCATIONAL MATERIALS ON HUMAN TRAFFICKING AND TECHNICAL
ASSISTANCE
42 TO STATE AGENCIES APPLYING FOR ANY SUCH IDENTIFIED FUNDING; AND
43 (F) THE COMPLETION OF A COMPREHENSIVE NEEDS ASSESSMENT TO EVALUATE
THE
44 NEEDS OF TRAFFICKING VICTIMS, THE SERVICES THAT CURRENTLY EXIST TO
MEET
45 THOSE NEEDS, THE SERVICES THAT ARE CURRENTLY IN PLACE WHICH COULD
MEET
46 THE NEEDS OF TRAFFICKING VICTIMS WITH SMALL CHANGES, AND A LONG
TERM
47 PLAN TO DEVELOP A SERVICE SYSTEM TO BETTER MEET THE NEEDS OF
TRAFFICKING
48 VICTIMS.
49 3. THE ADVISORY COMMITTEE SHALL PROVIDE A REPORT TO THE GOVERNOR,
THE
50 TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY
ONE
51 YEAR AFTER THE EFFECTIVE DATE OF THIS ARTICLE AND ANNUALLY
THEREAFTER.
52 SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, INFORMATION ON
THE
53 PROGRESS OF THE STATE IN THE AREAS OF TRAFFICKING PREVENTION,
PROTECTION
54 OF TRAFFICKING VICTIMS, ASSISTANCE AND SERVICES FOR TRAFFICKING
VICTIMS,
55 THE PROSECUTION OF AND ENFORCEMENT AGAINST TRAFFICKERS AND THE NUMBER
OF
56 TRAFFICKING VICTIMS WHO RECEIVED SERVICES FROM COORDINATORS OF
SERVICES

BY
2 THOSE VICTIMS.
3 S 483-P. DATA COLLECTION ON HUMAN TRAFFICKING. THE OFFICE OF
TEMPO-
4 RARY AND DISABILITY ASSISTANCE SHALL COLLECT THE FOLLOWING DATA ON
TRAF-
5 FICKING CASES SERVED BY COORDINATORS OF SERVICES FOR VICTIMS OF
HUMAN
6 TRAFFICKING IN THE STATE:
7 1. THE NUMBER OF TRAFFICKED PERSONS WHO RECEIVED THE FOLLOWING,
THE
8 NUMBER OF TRAFFICKED PERSONS WHO WERE REFUSED THE FOLLOWING, AND
THE
9 NUMBER OF TRAFFICKED PERSONS WHOSE APPLICATIONS ARE IN PROCESS FOR:
10 A. CONTINUOUS PHYSICAL PRESENCE STATUS;
11 B. T NON-IMMIGRANT VISAS; AND
12 C. U NON-IMMIGRANT VISAS;
13 2. THE NUMBER OF TRAFFICKING CASES INVESTIGATED BY LAW ENFORCEMENT;
14 3. THE NUMBER OF PROSECUTIONS, CONVICTIONS AND PLEA BARGAINS FOR
TRAF-
15 FICKING RELATED CRIMES;
16 4. THE AGE, SEX AND NATIONALITY OF THE TRAFFICKING VICTIMS AND
PERPE-
17 TRATORS OF TRAFFICKING IN ALL CASES PROSECUTED; AND
18 5. THE FORM OF TRAFFICKING FOR EACH TRAFFICKING CASE
INVESTIGATED
19 INCLUDING WHETHER THE TRAFFICKING VICTIM WAS SUBJECTED TO SEX
TRAFFICK-
20 ING, COERCION, DEBT BONDAGE, INVOLUNTARY SERVITUDE OR PEONAGE, AS
SUCH
21 ARE DEFINED IN THE FEDERAL VICTIMS OF TRAFFICKING AND
VIOLENCE
22 PROTECTION ACT OF 2000.
23 S 483-Q. RESIDENTIAL SERVICES FOR TRAFFICKING VICTIMS. THE OFFICE
OF
24 CHILDREN AND FAMILY SERVICES SHALL PREPARE A PLAN TO MEET THE
EMERGENCY
25 SHELTER NEEDS OF TRAFFICKING VICTIMS IN A MANNER THAT ENSURES SAFETY
AND
26 CONFIDENTIALITY FOR TRAFFICKING VICTIMS.
27 S 16. Paragraph (g) of subdivision 1 of section 158 of the
social
28 services law, as added by section 44 of part B of chapter 436 of
the
29 laws of 1997, is amended to read as follows:
30 (g) is a qualified alien who is ineligible to receive
assistance
31 funded under the temporary assistance for needy families block
grant
32 solely because of section four hundred three of the federal
personal
33 responsibility and work opportunity reconciliation act of 1996
(P.L.
34 104-193) {or}, is an alien who is permanently residing under color
of
35 law but is not a qualified alien, OR IS AN ALIEN WHO HAS PROVIDED

CREDI-

36 BLE EVIDENCE THAT HE OR SHE HAS MORE LIKELY THAN NOT BEEN A VICTIM
OF
37 TRAFFICKING AND HAS NOT YET RECEIVED THE TEMPORARY IMMIGRATION STATUS
OF
38 CONTINUED PRESENCE.

39 S 17. Section 63 of the executive law is amended by adding a
new
40 subdivision 16 to read as follows:

41 16. APPOINT AN ASSISTANT TO FUNCTION AS A LIAISON WITH THE
UNITED
42 STATES DEPARTMENT OF JUSTICE IN ORDER TO LINK THE STATE AND
FEDERAL

43 RESPONSE TO HUMAN TRAFFICKING, SUCH ASSISTANT SHALL WORK DIRECTLY
WITH

44 THE FEDERAL GOVERNMENT TO IDENTIFY FEDERAL FUNDING STREAMS FOR THE
STATE

45 TO ASSIST TRAFFICKING VICTIMS AND TO ASSIST COORDINATORS OF SERVICES
FOR

46 VICTIMS OF HUMAN TRAFFICKING IN THEIR WORK TO OBTAIN FEDERAL
DOCUMENTA-

47 TION NEEDED FOR CONTINUOUS PHYSICAL PRESENCE STATUS, T NON-
IMMIGRANT

48 VISAS OR U NON-IMMIGRANT VISAS.

49 S 18. The executive law is amended by adding a new section 214-c
to

50 read as follows:

51 S 214-C. HUMAN TRAFFICKING INTERVENTION. IN ORDER TO ENSURE
THAT

52 TRAFFICKING VICTIMS ARE ABLE TO ACCESS ALL AVAILABLE FEDERAL
BENEFITS

53 AND PROGRAMS FOR TRAFFICKED PERSONS, THE STATE POLICE SHALL:

54 (1) KEEP FEDERAL AUTHORITIES INFORMED ABOUT TRAFFICKING CASES KNOWN
TO

55 THE STATE POLICE;

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1 (2) WITHIN SEVENTY-TWO HOURS OF A WRITTEN REQUEST FOR SUBMISSION
FROM

2 A PERSON IDENTIFIED BY LOCAL OR STATE AUTHORITIES AS SOMEONE WHO
HAS,

3 MORE LIKELY THAN NOT, BEEN A VICTIM OF TRAFFICKING OR A WRITTEN
REQUEST

4 FROM HIS OR HER AUTHORIZED REPRESENTATIVE, SUBMIT A WRITTEN REQUEST
TO

5 THE APPROPRIATE FEDERAL AUTHORITIES REQUESTING THAT THE
TRAFFICKING

6 VICTIM BE GRANTED THE TEMPORARY IMMIGRATION STATUS OF CONTINUED
PRES-

7 ENCE;

8 (3) WITHIN SEVENTY-TWO HOURS OF A WRITTEN REQUEST FOR
DOCUMENTATION

9 FROM A PERSON IDENTIFIED BY LOCAL OR STATE AUTHORITIES AS SOMEONE
WHO

10 HAS, MORE LIKELY THAN NOT, BEEN A VICTIM OF TRAFFICKING OR A

WRITTEN

11 REQUEST FROM HIS OR HER AUTHORIZED REPRESENTATIVE, PROVIDE THE
PERSON

12 WITH A DECLARATION OF LAW ENFORCEMENT OFFICER FOR VICTIM OF
TRAFFICKING

13 IN PERSONS THAT SATISFIES THE LAW ENFORCEMENT AGENCY ENDORSEMENT
REGU-

14 LATIONS IN SUPPORT OF SUCH PERSON'S APPLICATION FOR THE T NON-
IMMIGRANT

15 STATUS OR THE U NON-IMMIGRANT STATUS AVAILABLE TO TRAFFICKING
VICTIMS;

16 AND

17 (4) WITHIN SEVENTY-TWO HOURS OF A REQUEST FOR DOCUMENTATION FROM
A

18 PERSON IDENTIFIED BY LOCAL OR STATE AUTHORITIES AS SOMEONE WHO HAS,
MORE

19 LIKELY THAN NOT, BEEN A VICTIM OF TRAFFICKING, OR A WRITTEN REQUEST
FROM

20 HIS OR HER AUTHORIZED REPRESENTATIVE, PROVIDE THE PERSON WITH
DOCUMENTA-

21 TION IN SUPPORT OF SUCH PERSON'S REQUEST FOR BENEFITS AND SERVICES TO
BE

22 PROVIDED TO TRAFFICKING VICTIMS BY THE OFFICE OF REFUGEE AND
RESETTLE-

23 MENT IN THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES.

24 S 19. This act shall take effect on the first of November
next

25 succeeding the date on which it shall have become a law.