



## **SUPPORT ENACTMENT OF LAWS TO PREVENT RE-VICTIMIZATION OF HUMAN TRAFFICKING VICTIMS AND TO TOUGHEN PENALTIES AGAINST TRAFFICKERS AND EXPLOITERS**

***The Trafficking Victims Protection and Justice Act A.2240/S.2135***

***Sponsors: Assembly Member Amy Paulin/Senator Andrew Lanza***

***NYSPAC Position: SUPPORT***

The New York State Public Affairs Committee (NYSPAC) of the Junior League supports the enactment of legislation that would strengthen New York State's human trafficking laws by closing loopholes and gaps in the 2007 Human Trafficking and the 2008 Safe Harbor laws. The Trafficking Victims Protection and Justice Act (TVPJA) would make important changes relating to the continued criminalization of trafficking victims – particularly sexually exploited children -- and toughen penalties against those who prey on them, namely the traffickers and patrons themselves.

As the country celebrates the 150th anniversary of the Emancipation Proclamation, we see that modern day slavery still exists in the form of human trafficking. It is a heinous crime that ruthlessly exploits, men, women, and children for a myriad of purposes -- including forced labor and sex -- where its victims are often subjugated to a life involving physical, emotional, and sometimes sexual abuse. Human trafficking is a market-based economy -- an **estimated \$32 billion dollar a year illicit global industry** -- that exists on principles of supply and demand where it thrives due to conditions which allow for high profits to be generated at low risk. Due to the covert nature of the crime and high levels of under-reporting, the exact number of trafficking victims in the United States is still being researched. However, government agencies have previously estimated that 600,000 to 800,000 people are bought and sold across international borders a year, while the U.S. Department of Justice estimates that **300,000 children in the U.S.** alone are at risk for commercial sexual exploitation.

While New York State has one of the most comprehensive statutes fighting human trafficking, it still faces challenges to effectively and consistently implement the 3P paradigm of human trafficking – prevention, protection, and prosecution – to victims, traffickers, and patrons. Certain aspects and gaps in current state law continue to inhibit victims from coming forward to identify their traffickers and buyers. A pervasive problem is one where victims may be dealing with the trauma of domestic violence or sexual abuse and are reluctant to aid law enforcement in the capture or prosecution of their traffickers. Further, many adult and child victims of trafficking are arrested and brought to court as defendants in prostitution-related cases.

For its part, the TVPJA seeks to prevent this re-victimization by establishing sex trafficking as an affirmative defense to prostitution, encouraging defense counsel to investigate their clients' backgrounds as trafficking victims and bring these potentially mitigating factors to the attention of prosecutors and criminal courts. The TVPJA also provides for increased access to social services for victims by widening the group of authorized service referrers, whereas now only law enforcement officials are able to perform this action.

Other key provisions within the TVPJA identify that the selling of children for sex is an inherently coercive crime; ensure that trafficked 16- and 17-year olds receive services and shelter instead of jail and convictions; and make sex trafficking a violent felony, raising the penalty for labor trafficking.

Surprisingly, current state penalties for trafficking do not always match the crime. Sex traffickers often subject their victims to repeated rape and abuse. Victims of labor trafficking are forced into enslavement, severe abuse, and discrimination. The TVPJA accordingly **assigns sex trafficking as a Class B violent felony** and raises the penalty for labor trafficking from a Class D felony to a Class B felony. Equally disturbing is how New York presently deals with those who buy sex from a child. Under current law, a convicted individual receives a lesser penalty than one convicted for raping a child of the same age. This bill creates the crime of “aggravated patronizing of a minor,” **aligning the penalties for purchasing sex with a child with those of statutory rape.**

The TVPJA also recognizes the changing nature of how trafficking can occur by closing loopholes for exploiters. The bill identifies that some taxi and limousine drivers are central players in human trafficking as they engage in the business or enterprise of transporting people for the purposes of prostitution. It also clarifies that using certain types of drugs with the intent to impair a victim's judgment constitutes sex trafficking, as well as enhances penalties for *patronizing* a prostitute in a school zone.

Discourse on fighting human trafficking has gained momentum in the past decade. Despite this, victims continue to be treated as criminals and the conviction rates of their traffickers and buyers is still shockingly low in relative comparison. New York needs to create a paradigm shift where we prevent the re-victimization of this vulnerable population – particularly children who have been sexually exploited – by holding their predators accountable through levying tougher penalties. On behalf of more than 7,500 women represented by the 17 Junior Leagues of New York State, we urge you to enact the TVPJA. **For more information, please contact NYSPAC at [info@jl-nyspac.org](mailto:info@jl-nyspac.org) or Co-Chairs Lisa Hofflich at [lisahofflich@gmail.com](mailto:lisahofflich@gmail.com), and Denise Murphy McGraw at [dmurphymcgraw@hgmlobby.com](mailto:dmurphymcgraw@hgmlobby.com).**