

BILL NO: Senate Bill 183
TITLE: Expanding Human Trafficking Justice Act
COMMITTEE: Senate Judiciary
DATE: October 19, 2021
POSITION: SUPPORT

Dear Chairperson Manning, Vice Chair McColley, and Committee Members,

Thank you for hearing testimony on Senate Bill 183, which would expand critical access to post-conviction relief for survivors of sex trafficking. Shared Hope International is a global, DC-based NGO centered on addressing the plight of child and youth sex trafficking victims by supporting federal and state lawmakers in devising meaningful solutions for increasing victim protections and preventing harm.

Ten years ago we launched the State Report Card project (formerly the “Protected Innocence Challenge” project) to assess the status of state anti-trafficking laws and mobilize legislative progress. Since 2011, we have called on states to bookend protections against criminalization for survivors, including prohibiting the criminalization of minors for prostitution offenses and allowing sex trafficking victims to seek expungement and vacatur relief. Most recently, following a multi-year consultation process with leading experts in the field, we now urge states to pass broad protections for survivors that prohibit the criminalization of child and youth survivors for any offense committed as a result of trafficking victimization. However, until the state is willing to expand the Safe Harbor laws to all survivors and crimes, the state should, at a minimum, ensure that the experience of being criminalized does not result in additional vulnerabilities to re-exploitation. Providing post-adjudication or conviction options that, regardless of the underlying charge or conviction, restore survivors to their pre-victimization legal status can eliminate critical barriers to stabilization and true healing, including access to safe housing, meaningful employment opportunities, and higher education options.

It has come to our attention that some stakeholders have expressed concern with the impact on judicial systems and processes if expungement is available to all survivors of trafficking, not just those convicted of prostitution or prostitution-related offenses. Shared Hope has worked with impacted stakeholders in over 20 states that have similarly structured post-conviction relief mechanisms to what is proposed in SB 183; the relevant systems in such states have not been impacted by an “opening of the floodgates” or an overwhelming quantity of petitions for relief. As one stakeholder recently relayed (despite having even more expansive language than what is included in SB 183), “we have seen about 15-20 cases filed in the approximately two years since this [vacatur bill] went into effect . . . Suffice to say, we have not seen a ‘flood of people claiming they were trafficked to get relief,’ as the narrative sometimes goes.”

If the legislature’s goal is to meaningfully support and ensure justice for survivors, expanding which survivors deserve relief and opportunities for safety and healing will accomplish this goal. We respectfully urge this Committee to retain the present language and pass SB 183 out of Committee.

Lastly, as the Committee considers critical post-conviction and adjudication relief mechanisms, we respectfully urge all Committee members to consider policies that would actually *prevent* the need for such relief. Ideally, justice is served before a remedy is required. Shared Hope's [Seeking Justice](#) report and [2019 addendum](#) (attached) provides an in-depth analysis on the need for such a process and provides examples of strong, non-criminalization and immunity protections.

Respectfully,



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Attached:

[Policy Goal 4.3 Issue Brief](#): *Sex trafficked children and youth may vacate delinquency adjudications and criminal convictions for offenses arising from trafficking victimization without a waiting period.*

[Policy Goal 2.5 Issue Brief](#): *State law prohibits the criminalization of minors under 18 for prostitution offenses.*

[Policy Goal 2.6 Issue Brief](#): *State law prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanor and non-violent felony offenses committed as a result of their trafficking victimization.*

[Policy Goal 2.7 Issue Brief](#): *State law prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.*

[Policy Goal 2.8 Issue Brief](#): *State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.*