



## **TRAFFICKING SURVIVORS RELIEF ACT OF 2017 (S.104/H.R.459)**

This bill removes the barriers of criminal charges from offenses committed as a direct result of being a victim of human trafficking. This law builds on state laws already present in Arizona, Florida, Hawaii, Illinois, Maryland, Nevada, New Jersey, New York, Oklahoma, Washington, Wyoming, and Connecticut. This is a need for many survivors of trafficking that have barriers from previous convictions as a result of being trafficked that prevent them from obtaining a job, housing, or education.

### **This bill would provide:**

- A person convicted of any non-violent offense or offenses may petition a court to vacate the conviction(s) if the person's participation in the offense or offenses was the direct result of the person having been a victim of trafficking.
- If a court grants the motion to vacate, the court must vacate the conviction, enter a judgment of acquittal, and expunge the record.
- Victim's identity will be protected; no officer or employee may make public any document or image that identifies the victim.

### **The need:**

- **90.8% of trafficking survivors reported being arrested.**
  - *Of the 130 people who responded to the survey only 7 trafficking survivors responded that they had never been arrested.*
  - Of those 7 who were never arrested one was detained by law enforcement but then returned to her trafficker.
- Over **39%** of respondents reported being arrested **4 times or less**
- Over **40%** reported being arrested **over 9** times or more.
  - **65.3%** respondents indicated they had been arrested for prostitution
  - **42.7%** for solicitation
  - **25.3%** for intended to solicit
  - **40%** of respondents also reported being arrested for drug possession
  - **18.7%** for drug sales
  - **60%** reported being arrested for other crimes.

We can conclude from this information that traffickers force their victims to participate in other crimes beyond prostitution, especially drug sales and possession. Perhaps most significantly the survey demonstrated that **over half** of all respondents believed that **100%** of their arrests/charges/convictions were directly related to their trafficking experience. Only **25%** believe that the majority of their arrests were not related to their trafficking.

### **For example respondents indicated:**

- "I did lie to law enforcement about my identity, and I believe that is why I was taken into custody. I was told to lie by my trafficker."
- "I was given a mandate that I must testify against my trafficker. I was unable, so I was charged."
- "I was sentenced to 30 months in prison because I would not testify against my trafficker."
- "The only way to not be arrested was to testify that you had a pimp and [snitch] on [your man]."
- "Usually my attorney would try to have me expose my pimp other times no court officials never knew or cared about if I was a victim, just plead me and sentenced."