



NEW YORK STATE SENATOR

Andrew J. Lanza

## Senate Gives Final Passage To Two Pieces Of Legislation To Protect Victims Of Sexual Exploitation And Trafficking

ANDREW J. LANZA June 15, 2018

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The New York State Senate announced that two important bills to stop the sexual exploitation of children and provide safe housing for victims of human trafficking were given final passage and will be sent to the Governor for review.

The first bill (S5988B), sponsored by Senator Andrew Lanza (R-C-I, Staten Island), creates a critically needed criminal charge of sex trafficking of a child by eliminating the need to prove force, fraud, or coercion where a child under 18 engages in commercial sex.

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enslaving children for commercial sex. This bill will expand upon the landmark law from 2015, the Trafficking Victims Protection and Justice Act that I also sponsored with Assemblymember Paulin. Our state has been a leader in treating victims of human trafficking as just that – victims – and this bill addresses this horrible exploitation of children head on.”

Sex trafficking continues to be a scourge in communities across the state, and is especially damaging to the safety and well-being of children. In 2015, New York strengthened its criminal justice response to trafficking by increasing the accountability of traffickers, patronizers, and other exploiters, while providing necessary protections for victims. However, the law did not go far enough in helping to prevent the prevalence of the sexual exploitation of minors by holding traffickers more accountable for the devastating impact they have on the lives of children they abuse.

Unlike federal law, New York law requires that the prosecution must prove force, fraud or coercion was used in order to find a person guilty of sex trafficking, even if the child is under 18. While the state has long recognized that children do not have the legal, psychological, or emotional capacity to consent to sexual activity, it is increasingly difficult to prosecute traffickers for more serious offenses of their crimes. As part of their exploitation, they may seek to bond with their young victim to confuse the victim into thinking they are committing the forced sexual acts out of love, and not due to a threat of violence or other coercion.

A second bill (S8305), sponsored by Senator Martin Golden (R-C-I, Brooklyn), establishes short-term and long-term safe houses for victims of human trafficking. Operated by not-for-profit agencies, these residential facilities will also provide a variety of services to support

victims including case management, health care, mental health counseling, drug addiction screening and treatment, legal and educational services, job training and placement assistance, among others.

Senator Golden said, “A safe and supportive place to live is critical for survivors of human trafficking. This bill will create short-term and long-term safe housing facilities. These facilities will provide such services as health care, mental health counseling, drug addiction screening and treatment, and job training, to help survivors with the skills needed to establish a permanent home.”

In 2016, New York State ranked fifth in the nation for human trafficking with over 332 reported cases, according to the Human Trafficking Hotline. For many survivors of human trafficking fleeing exploitative work or living conditions, one of their most immediate needs is a safe, supportive place to stay. Some survivors turn to temporary shelters across the state to meet this need, but these resources are only helpful if a survivor meets each shelter system’s particular eligibility requirements and if there is a vacant bed or unit. Under this new legislation, survivors will have access to safe, reliable temporary housing as well as an extensive network of necessary services to support them.

Both bills have passed the Assembly and will be sent to the Governor for review.

These measures are in addition to S7836, sponsored by Senator Lanza and given final passage last week, that helps expand the availability of the Human Trafficking Intervention Court (HTIC) Initiative to reach more victims.