

SENATE No. 2151

Senate, May 25, 2017 -- Text of amendment (43) (offered by Senator Montigny et al) to the Ways and Means amendment (Senate, No. 3) to the House Bill making appropriations for the fiscal year 2018 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

1 by inserting after section __ the following 22 sections:-

2 SECTION 1. Chapter 6 of the General Laws, as appearing in the 2014 Official Edition, is
3 hereby amended by adding the following section:-

4 Section 219. (a) For purposes of this section, “partnership” shall mean the human
5 trafficking prevention business partnership.

6 (b) There shall be a human trafficking prevention business partnership. The partnership
7 shall engage participating corporations and other private entities in voluntary efforts to prevent
8 and combat human trafficking. The governor, or the governor's designee, shall serve as chair of
9 the partnership.

10 (c) Participating corporations in the partnership shall: (i) adopt a zero tolerance policy
11 toward human trafficking; (ii) ensure that the corporation's or entity's employees comply with the
12 policy adopted under clause (i); (iii) participate in public awareness and education campaigns;
13 (iv) enhance awareness of and encourage participation in the partnership; and (v) exchange

information about effective practices for abolishing human trafficking including, but not limited to, identifying private and nonprofit resources that may be available to support the work of the partnership and promote efforts to abolish human trafficking.

(d) The governor, or his designee, shall work collaboratively to promote the partnership with other state agencies, including but not limited to the executive office of labor and workforce development, the executive office of health and human services, and the executive office of public safety and security.

(e) The chair of the partnership shall present a certificate of recognition to participating corporations and private entities to recognize the corporation's or entity's contributions and commitment to abolishing human trafficking.

(g) Nothing in this section shall be construed as limiting any laws currently in effect related to human trafficking.

SECTION 2. Chapter 13 of the General Laws is hereby amended by adding the following 2 sections:-

Section 109. (a) There shall be a board of registration in bodywork therapy consisting of 7 members who are residents of the commonwealth appointed by the governor, 3 of whom shall be licensed bodywork therapists engaged in the practice of bodywork therapy in the commonwealth for not fewer than 5 years immediately preceding appointment or, in the case of initial appointments, who are able to provide proof of: (i) not fewer than 500 hours of bodywork therapy for compensation; (ii) authorization to practice bodywork therapy issued by a municipal board of health within the commonwealth within the preceding 2 years; or (iii) not fewer than 40 hours of bodywork therapy performed within a licensed healthcare facility; 1 of whom shall be a

36 health agent, board member or other health professional employed by or elected to a municipal
37 board of health within the commonwealth; 1 of whom shall be an individual engaged in the
38 operation of a bodywork therapy education program; and 2 of whom shall be consumers of
39 bodywork therapy. Board members shall be subject to chapter 268A.

40 (b) Board members shall be appointed for a term of 3 years; provided, however, that of
41 the members first appointed to the board, 3 shall serve for a term of 3 years, 2 shall serve for a
42 term of 2 years and 2 shall serve for a term of 1 year. Upon expiration of their terms members of
43 the board shall continue to hold office until the appointment of a successor. A member may be
44 removed by the governor for cause. Upon the death, resignation or removal for cause of any
45 member of the board, the governor shall fill the vacancy for the remainder of that member's
46 term.

47 (c) The board shall at its first meeting and annually thereafter elect from among its
48 members, by majority vote, a chairman and vice-chairman. The board shall meet at least once
49 every 3 months and may hold additional meetings as necessary for the discharge of its duties.
50 Members shall receive no compensation but shall be entitled to reasonable travel expenses. The
51 members of the board shall be public employees for the purposes of chapter 258 for all acts or
52 omissions within the scope of their duties as board members.

53 Section 110. The board shall have the following powers and duties: (i) to administer and
54 enforce sections 265 to 272, inclusive, of chapter 112; (ii) to adopt rules and regulations
55 governing the licensure of bodywork therapists, the practice of bodywork therapy and the
56 operation of bodywork therapy establishments and schools to promote the public health, welfare
57 and safety of the citizens of the commonwealth; (iii) to establish standards of professional and

58 ethical conduct; (iv) to establish standards for continuing education reflecting acceptable national
59 standards; (v) to investigate complaints, conduct inspections, review billing and treatment
60 records and set and administer penalties as defined in sections 61 to 65F, inclusive, and sections
61 265 to 272, inclusive, of chapter 112 for fraudulent, deceptive or professionally incompetent and
62 unsafe practices and for violations of rules and regulations promulgated by the board; and (vi) to
63 make available to the public a list of licensed bodywork therapists.

64 SECTION 3. Chapter 62 of the General Laws, as so appearing, is hereby amended by
65 inserting after section 6N the following section:-

66 Section 6O. A person filing an individual or a joint return may voluntarily contribute all
67 or part of any refund to which they are entitled, or may voluntarily add an amount on to any
68 amount due, to be credited to the Victims of Human Trafficking Trust Fund established in
69 section 66A of chapter 10.

70 A contribution under this section may be made with respect to any taxable year at the
71 time of filing a return of the tax established by this chapter for such taxable year. The
72 commissioner shall prescribe the manner in which the contribution shall be made on the face of
73 the return required by section 5 of chapter 62C; provided, however, that the commissioner shall
74 assure that taxpayers filing any such forms are made clearly aware of their ability to make the
75 contributions provided for by this section.

76 The commissioner shall annually report the total amount designated under this section to
77 the state treasurer, who shall credit such amount to the Victims of Human Trafficking Trust
78 Fund.

SECTION 4. Chapter 112 of the General Laws is hereby amended by adding the following 9 sections:-

Section 265. As used in this section and sections 266 to 272, inclusive, the following words shall have the following meanings:-

“Board”, the board of registration of bodywork therapy established in section 109 of chapter 13.

“Licensed bodywork establishment”, an office, clinic, spa, salon or other establishment licensed by the board to offer bodywork services.

“Bodywork” or “bodywork therapy”, the use of touch, words or directed movement to deepen awareness of patterns of movement in the body, or the affectation of the human energy system or acupoints or Qi meridians of the human body including, but not be limited to: the Feldenkrais method; reflexology; the Trager approach; Ayurvedic therapies; Rolf structural integration; polarity or polarity therapy; polarity therapy bodywork; Asian bodywork therapy; acupressure; Jin Shin Do; Qi Gong; Tui Na; Shiatsu; body-mind centering and Bowenwork; provided, however, that bodywork or bodywork therapy shall not include massage as that term is defined in section 227, nor the practice or instruction in yoga or Reiki; and provided, further, that bodywork therapy shall not include diagnosis of illness or disease, the prescription of drugs or medicines, spinal or other joint manipulations, electrical stimulation, application of ultrasound or any services or procedures for which a license to practice medicine, chiropractic, acupuncture, massage therapy, occupational therapy, physical therapy or podiatry is required by law.

“Bodywork therapist” or “bodywork practitioner”, a person licensed by the board that instructs or administers bodywork or bodywork therapy for compensation.

Section 266. (a) No person shall advertise or be otherwise characterized as a bodywork therapist or practice bodywork or bodywork therapy unless that person holds a valid license issued in accordance with this chapter; provided, however, that a student of bodywork therapy enrolled in a bodywork therapy program approved by the board may engage in a required clinical component of the student's course of study under the guidance of a licensed bodywork therapist and for no compensation.

(b) The following individuals shall be exempt from the licensure requirements of this section: (i) a person duly licensed, registered or certified in another state, territory, the District of Columbia or a foreign country who is temporarily in the commonwealth to teach a course related to bodywork therapy or to consult with a person licensed as a bodywork therapist under this chapter; (ii) a person providing bodywork therapy to a member of that person's immediate family for which the person receives no compensation; (iii) a person who holds a professional license, certificate or registration under the General Laws who performs services within the scope of practice authorized by the license, certificate or registration but does not hold themselves out to be a bodywork therapist; and (iv) a person, duly licensed, registered or certified in another state, territory, the District of Columbia, or a foreign country, who is incidentally in the commonwealth to provide service as part of an emergency response team working in conjunction with disaster relief officials..

Section 267. (a) An applicant for licensure as a bodywork therapist shall submit an application on a form furnished by the board. The information included in the application shall be attested to and signed by the applicant. Each application shall be accompanied by payment of the fee prescribed by the executive office of administration and finance under section 3B of chapter 7. Upon submission of a completed application to the board and the payment of the

required fees, the board may issue a license to practice as a bodywork therapist to an applicant who: (i) is 18 years of age or older; (ii) is of good moral character as determined by the board; (iii) has obtained a high school diploma or its equivalent; (iv) has submitted 2 professional letters of reference including at least 1 letter from an employer or licensed professional in the field of bodywork therapy or a similar field as defined by the board; (v) has successfully completed a course of study or training program approved by the board; (vi) has not been convicted in any jurisdiction of a sexually-related crime or a crime involving moral turpitude during the 10 years immediately preceding the date of application; (vii) provides proof of adequate professional liability coverage as determined by the board; and (viii) demonstrates professional competence as determined by the board.

(b) The director of the division of professional licensure shall determine the renewal cycle and renewal period for bodywork therapy licenses. Each person licensed in accordance with these sections may apply to the board for renewal of a license on or before the expiration date, as determined by the director, unless the license was revoked, suspended or canceled earlier by the board as a result of a disciplinary proceeding instituted pursuant to this chapter. Applications for renewal shall be made on forms furnished by the board and accompanied by payment of a renewal fee, as prescribed by the executive office of administration and finance under section 3B of chapter 7, which fee shall not be less than \$100.

(c) As a condition of renewal of a license each licensed bodywork therapist shall furnish the board with satisfactory proof that the licensee: (i) has not been convicted in any jurisdiction of a sexually-related crime or a crime involving moral turpitude during the term of licensure; (ii) carries adequate professional liability coverage as determined by the board; and (iii) has completed the required number of relevant continuing education hours on the practice of

bodywork therapy and business practices as determined by the board. The board shall issue a renewal license upon satisfactory proof of compliance with the licensing requirements. The board may provide for the late renewal of a license which has lapsed and may require payment of a late fee. All licensing and application fees collected pursuant to sections 265 to 272, inclusive, shall be deposited into the trust fund established in section 35V of chapter 10.

(d) Every person receiving a license from the board shall conspicuously display the license in the licensee's place of business.

Section 268. The board may provide reciprocal licenses for registered, certified or licensed bodywork therapists from other jurisdictions if the standards of registration, certification or licensure in their jurisdictions are reasonably equivalent to those set forth in section 267. The board shall promulgate regulations to implement this section. The fee for a reciprocal license shall be prescribed by the executive office of administration and finance under section 3B of chapter 7 and shall not be less than \$100. An applicant shall not be granted reciprocity if the applicant's license to practice has been revoked or suspended in another jurisdiction. The board, subject to a vote of the majority of its members, may revoke a license if the license, certificate of registration issued by another state or territory of the United States, the District of Columbia or a foreign state or nation has been revoked, cancelled, suspended, or otherwise acted against, or if the holder has been disciplined in that jurisdiction where the basis for the action would constitute a basis for disciplinary action in the commonwealth.

Section 269. The board may grant a license to an individual who: (i) submits a completed application and pays the necessary fee prescribed by the executive office of administration and finance under section 3B of chapter 7; (ii) is 18 years of age or older; (iii) is

of good moral character as determined by the board; (iv) has obtained a high school diploma or its equivalent; (v) has submitted 2 professional letters of reference including at least 1 letter from an employer; (vi) provides proof of adequate professional liability coverage; (vii) has not been convicted in any jurisdiction of a sexually-related crime or a crime involving moral turpitude during the 10 years immediately preceding the date of application; and (viii) submits documentation in a form determined by the board that the individual: (A) previously provided at least 500 hours of bodywork therapy for compensation to individuals other than immediate family members; (B) has been authorized by a municipal board of health in the commonwealth to practice bodywork therapy within 2 years of the date of application; or (C) previously provided at least 40 hours of bodywork therapy within a licensed healthcare facility.

Section 270. (a) The board shall conduct inspections and investigate all complaints filed relating to the proper practice of bodywork therapy and any violation of sections 265 to 272, inclusive, or any rule or regulation of the board. Complaints may be brought by any person or municipality, or the board may initiate a complaint.

(b) The board shall be under the supervision of the division of professional licensure and shall have the authority conferred under sections 61 to 65F, inclusive. For the purposes of this section and sections 61 to 65F, inclusive, conduct which places into question the holder's competence to practice bodywork therapy shall include, but not be limited to: (i) committing fraud or misrepresentation in obtaining a license; (ii) criminal conduct resulting in a conviction, guilty plea or plea of nolo contendere or an admission of sufficient facts; (iii) violating a rule or regulation of the board; (iv) failing to cooperate with the board or its agents in the conduct of an inspection or investigation; (v) failing to fulfill any continuing education requirements set out by the board; or (vi) violating an ethical standard which in the board's determination renders the

192 person unfit to practice as a bodywork therapist including, but not limited to, inappropriate
193 conduct or touching in the practice of bodywork therapy, offering medical opinion or diagnosis
194 or negligence in the course of professional practice.

195 (c) The board may issue an order to a licensee directing the licensee to cease and desist
196 from unethical or unprofessional conduct if the board finds, after the opportunity for a hearing,
197 that the licensee has engaged in such conduct.

198 (d) A bodywork therapist whose license to practice is suspended for more than 1 year as
199 the result of professional misconduct related to insurance fraud during the course of the
200 licensee's practice shall not own, operate, practice in or be employed by another bodywork
201 therapist, massage therapist, physical therapist or chiropractor in any capacity during the course
202 of the suspension and until the license is reinstated by the board. A second occurrence of
203 professional misconduct related to insurance fraud during the course of a licensee's practice shall
204 result in the permanent revocation of the license. The licensee shall be barred from owning,
205 operating, practicing or being employed in a business that provides bodywork therapy, massage
206 therapy, physical therapy or chiropractic care.

207 (e) Nothing in this section shall limit the board's authority to impose sanctions by consent
208 agreements that are considered reasonable and appropriate by the board. Any person aggrieved
209 by a disciplinary action taken by the board under this chapter may file a petition for judicial
210 review under section 64.

211 Section 271. Every person licensed by the board to practice bodywork therapy shall
212 conspicuously display the license in the licensee's place of business.

Section 272. (a) Only persons duly licensed under this chapter shall be designated as bodywork therapists and entitled to use the term “bodywork” or “bodywork therapy” when advertising or printing promotional material. Any person who uses the term “bodywork” in a professional title without being authorized to do so may be the subject of disciplinary action by the board under section 65A.

(b) Any person who: (i) knowingly aids and abets another person in the use of the term “bodywork” as part of a professional title when the person using the term is not authorized to do so; or (ii) knowingly employs unlicensed individuals in the operation of a bodywork therapy business may be the subject of a disciplinary proceeding before the board.

(c) It shall be a violation of this chapter for a person to advertise: (i) as a bodywork therapist or a bodywork therapy business unless each person employed as part of the business, and acting as a bodywork therapist, holds a valid license under this chapter; (ii) licensed bodywork therapy services with escort or dating services; (iii) as specializing in particular bodywork therapy services without an appropriate showing of competency as determined by the board; or (iv) services not recognized as bodywork therapy by the board or explicitly prohibited under section 265. The term “advertise” as used in this section shall include, but not be limited to: (A) providing a card, sign or device to another; (B) causing, permitting, or allowing a sign or marking on or in a building, vehicle or structure; (C) causing the placement of an advertisement in a newspaper, magazine or on television; or (D) listing or causing the placement of an advertisement in a directory under a classification or heading that includes the word “bodywork”.

Section 273. A city or town may adopt ordinances or by-laws relative to health and safety of the practice of bodywork therapy not inconsistent with sections 265 to 272, inclusive;

provided, however, that local ordinances pertaining to bodywork therapy in effect prior to the effective date of sections 265 to 272, inclusive, of the General Laws and that are consistent with and that may exceed the requirements of those sections may remain in effect.

SECTION 5. Section 269 of said chapter 112 is hereby repealed.

SECTION 6. Section 12 of chapter 120 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the figure “265”, in line 19, the following words:- ; or trafficking of persons for sexual servitude in violation of subsection (a) of section 50 of said chapter 265; or trafficking of persons for sexual servitude upon a person under 18 years of age in violation of subsection (b) of said section 50 of said chapter 265.

SECTION 7. Section 90A of chapter 127 of the General Laws, as so appearing, is hereby amended by striking out, in line 13, the words “or section twenty-six” and inserting in place thereof the following words:- , section 26 or section 50.

SECTION 8. Chapter 140 of the General Laws is hereby amended by adding the following section:-

Section 207. State police or members of the police department of a city or town may, upon appropriate legal process, enter and inspect any premises in a town where bodywork or bodywork therapy services are provided under chapter 112.

SECTION 9. Section 4D of chapter 260 of the General Laws, as so appearing, is hereby amended by striking out, in lines 11 and 14, the figure “3” and inserting in place thereof the following figure:- 10.

SECTION 10. Section 50 of chapter 265 of the General Laws, as so appearing, is hereby amended by adding the following subsection:-

(e) Upon the release of a person convicted of trafficking of persons for sexual servitude in violation of subsection (a) of section 50 of said chapter 265; or trafficking of persons for sexual servitude upon a person under 18 years of age in violation of subsection (b) of said section 50 of said chapter 265, the department of corrections or the county sheriff shall notify the chief of police of the city or town of which the person will reside and the chief of police of the city or town where the offense occurred.

SECTION 11. Section 57 of chapter 265 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words “section 53A” and inserting in place thereof the following words:- sections 8, 26 or 53A.

SECTION 12. Chapter 265 of the General Laws, as appearing in the 2014 Official Edition, is hereby further amended by adding the following section:-

Section 59. (a) At any time after the entry of a judgment of disposition on an indictment or criminal or delinquency complaint for an offense, excluding a felony offense, the court in which it was entered shall, upon motion of the defendant, vacate any conviction, adjudication of delinquency, or continuance without a finding and permit the defendant to withdraw any plea of guilty, plea of nolo contendere, plea of delinquent, or factual admission tendered in association with one or more pleas upon a finding by the court, established by a preponderance of the evidence, that the defendant’s participation in the offense was a result of having been a victim of human trafficking as defined by section 20M of chapter 233 or a victim of trafficking in persons under 22 U.S.C. 7102.

(b) For the purposes of this subsection, “official documentation” shall mean a document issued by a local, state or federal government agency in the agency’s official capacity.

Except as provided in this section, the defendant shall have the burden of establishing by a preponderance of the evidence that the defendant’s participation in the offense was the result of having been a victim of human trafficking. If the conviction, adjudication of delinquency, or continuance without a finding was for an offense under sections 8, 26 or 53A of chapter 272 or common nightwalking or common streetwalking under section 53 of chapter 272, official documentation of the defendant’s status as a victim of human trafficking or trafficking in persons at the time of the offense shall create a rebuttable presumption that the defendant’s participation in the offense was a result of having been a victim of human trafficking or trafficking in persons; provided, however, that such documentation shall not be required for granting a motion under this section.

(c) In determining whether the defendant’s participation in the offense was a result of having been a victim of human trafficking, the court may consider any evidence it deems appropriate in determining whether the person was a victim of human trafficking.

(d) The rules concerning the admissibility of evidence at criminal trials shall not apply to the presentation and consideration of evidence at a hearing conducted pursuant to this section. The court may, in its discretion, consider any evidence it deems relevant, including, but not limited to, hearsay evidence.

(e) Where a child under the age of 18 was adjudicated delinquent for an offense under sections 8, 26, 53 or 53A of chapter 272, based on allegations of prostitution, there shall be an

irrebuttable presumption that the child's participation in the offense was a result of having been a victim of human trafficking or trafficking in persons.

(f) A motion pursuant to this section may be heard by the justice that originally heard the matter or any sitting justice of the court that originally heard the matter.

(g) Upon vacatur of a conviction, adjudication of delinquency, or continuance without a finding, the court shall enter a plea of not guilty, except if the vacated conviction, adjudication of delinquency, or continuance without a finding was for an offense under sections 8, 26 or 53A of chapter 272 or for common nightwalking or common streetwalking under section 53 of chapter 272, in which case the court shall dismiss the indictment or criminal or delinquency complaint with prejudice. Upon vacatur of a conviction, adjudication of delinquency, or continuance without a finding and the entrance of a plea of not guilty pursuant to this section, it shall be an affirmative defense to the charges against the defendant that the defendant's participation in the offense was a result of having been a victim of human trafficking or trafficking in persons.

(h) The chief justice of the trial court shall prescribe the form in which a motion may be filed under this section.

(i) A conviction, adjudication of delinquency, or continuance without a finding vacated under this section shall be deemed to have been vacated on the merits.

SECTION 13. Chapter 276 of the General Laws, as so appearing, is hereby amended by inserting after section 87A the following section:-

Section 87B. (a) First offender commercial sexual exploitation prevention programs may be established and certified subject to appropriation. A court and the district attorney may after

arraignment and prior to the disposition of a defendant and with the approval of the district attorney divert the defendant charged with a first offense of subsection (b) or (c) of section 53A of chapter 272 to a first offender commercial sexual exploitation prevention program. The court shall continue the matter while the defendant fulfills the requirements of the program and shall retain jurisdiction pending the defendant's successful completion of the program.

(b) The court shall determine if the defendant is eligible to participate in the first offender commercial sexual exploitation prevention program established pursuant to this section. The defendant shall not be eligible if the court determines that: (i) the defendant was convicted or admitted to sufficient facts of a previous violation of subsection (b) or (c) of section 53A of chapter 272 or a similar offense under the laws of another state; (ii) the defendant was previously admitted to a first offender commercial sexual exploitation prevention program under this section; (iii) the defendant has previously been charged with a violation of said subsection (b) or (c) of section 53A of said chapter 272 or a similar offense under the laws of another state and is awaiting adjudication of such offense; (iv) the defendant has been charged with, convicted of or admitted to sufficient facts of a violation of section 50 or 51 of chapter 265; or (v) the defendant is a registered sex offender under chapter 6 or under the laws of another jurisdiction.

(c) A first offender commercial sexual exploitation prevention program shall, at a minimum: (i) provide each participant with information, counseling and services relating to: (A) the negative impact of commercial sex and sex trafficking on victims; (B) the negative impact of commercial sex and sex trafficking on communities; (C) the health risks involved in commercial sexual exploitation, including the risk of sexually transmitted diseases and issues relating to mental health, substance abuse and sexual addiction; (D) the legal consequence to the defendant; and (E) classroom instruction related to the prevention of commercial sexual exploitation and

organized crime and the sex industry; (ii) employ persons or solicit volunteers that may include, but shall not be limited to, health care professionals, psychologists, licensed social workers or counselors, survivors of commercial sexual exploitation, members of a neighborhood association or community that is adversely affected by the commercial sex trade or trafficking of persons or employees of a nongovernmental organization specializing in advocacy on laws related to sex trafficking or human trafficking or in providing services to victims of those offenses; (iii) allow a participant to withdraw from the program at any time before a trial on the merits has been initiated; and (iv) certify to the court that the defendant has successfully completed the requirements of the program, has failed to complete the program or has withdrawn from the program.

(d) Upon successful completion of the program, the court may dismiss the charge against the defendant. Upon dismissal, the court may order the record of the defendant sealed.

(e) The court shall determine and assess an appropriate fee for participation in the first offender commercial sexual exploitation prevention program. The court shall not waive the fee but may, under section 100C of chapter 276 and its prevailing procedure and authority, reduce the fee based on a determination by the court that the defendant cannot pay the entire fee. The fee shall be distributed as follows: (i) 1/3 shall be transferred to the nonprofit organization certified by the commissioner of probation to conduct the program; (ii) 1/3 shall be transferred to the Victims of Human Trafficking Trust Fund established in section 66A of chapter 10; and (iii) 1/3 shall be transferred to the state or municipal law enforcement agency responsible for the arrest of the defendant which shall be used for human trafficking investigations and prevention and to fund mandatory training for law enforcement agencies, prosecutors, public defenders,

juvenile detention center employees providing direct services to victims of human trafficking and others providing direct services in the juvenile justice system and criminal justice system.

(f) The commissioner of probation shall review each organization that operates a first offender commercial sexual exploitation prevention program and shall certify that the program is operating under the requirements of subsection (c). The commissioner shall notify the administrative office of the trial court and the district attorney of all programs receiving such certification. Only programs certified by the commissioner shall be qualified to operate a program under this section. The commissioner, at the commissioner's discretion, may decertify a program for good cause and the commissioner shall notify the administrative office of the trial court of decertification.

SECTION 14. Chapter 276 of the General Laws, as so appearing, is hereby amended by inserting after section 100D the following section:-

Section 100E. (a) In any case wherein a plea of not guilty has been entered by a court pursuant to section 59 of chapter 265 and (i) the criminal complaint is subsequently dismissed; (ii) the defendant is found not guilty by a judge or a jury; (iii) a finding of no probable cause is made by the court; or (iv) a nolle prosequi has been entered, a judge shall, upon motion of the defendant, seal said court appearance and disposition recorded, and the clerk and the probation officers of the courts in which the proceedings occurred or were initiated shall likewise seal the records of the proceedings in their files. Sealed records shall not operate to disqualify a person in any examination, appointment, or application for public employment in the service of the commonwealth or of any political subdivision.

(b) An application for employment used by an employer which seeks information concerning prior arrests or convictions or adjudications of delinquency of the applicant shall include in addition to the statement required under section 100A the following statement: "An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' with respect to an inquiry herein relative to prior arrests or criminal court appearances." The attorney general may enforce the provisions of this section by a suit in equity commenced in the superior court. Notwithstanding this section or any other general or special law to the contrary, the commissioner of probation or the clerk of courts in any district court, superior court, juvenile court, or the Boston municipal court, in response to inquiries by authorized persons other than by a law enforcement agency or a court, shall in the case of a sealed record report that no record exists.

SECTION 15. (a) All state, county, municipal and campus police departments and other law enforcement agencies that report crime statistics to the executive office of public safety and security shall include statistics on the crimes of trafficking of persons for sexual servitude under section 50 of chapter 265 and trafficking of persons for forced service under section 51 of said chapter 265 to ensure compliance with reporting standards established by the Federal Bureau of Investigation Uniform Crime Reporting Program.

(b) The executive office of public safety and security shall promulgate regulations relative to the collection of human trafficking crime data. Said regulations shall include, but not be limited to: (i) the responsibilities of the crime reporting unit, as defined by section 32 of chapter 22C, for the collection, analysis, classification reporting and retention of human trafficking crime data in a central repository; (ii) the procedures necessary to ensure effective data-gathering, preservation and protection of confidential information including, but not limited

to, victims' private and identifying information, and the disclosure of information as required by this section; (iii) the procedures for reporting data on a standardized form to the crime reporting unit by law enforcement agencies; and (iv) the procedures for assessing the credibility and accuracy of reports of human trafficking from law enforcement agencies.

(c) The crime reporting unit shall analyze and summarize reports of human trafficking data received by the unit. The crime reporting unit shall produce a report summarizing the data collected from law enforcement agencies which shall be submitted annually to the governor, attorney general, the senate and house chairs of the joint committee on public safety, the senate and house chairs of the joint committee on the judiciary, the senate and house chairs of the committee on rules and the chairs of the senate and house committees on ways and means. The report shall not include the names, locations or other identifying information of victims of human trafficking. The annual report shall be a public record and shall be available on the executive office of public safety and security's website.

(d) The crime reporting unit shall make data collected on human trafficking under this section available to federal, state and municipal agencies including, but not limited to, law enforcement agencies. Data collected on human trafficking under this section shall be made available to the public. The disclosed information shall not include the names, addresses or other identifying information of victims of human trafficking.

(e) The district attorney for each county shall report on human trafficking data to the crime reporting unit. Data provided to the crime reporting unit shall include, but not be limited to: (i) the number of prosecutions and convictions of human trafficking crimes, including prosecutions and convictions under sections 50 and 51 of chapter 265; (ii) the characteristics of

individuals prosecuted for and convicted of violations under sections 50 and 51 of chapter 265, including nationality, age, gender, and place of origin; (iii) the characteristics of victims of human trafficking, including nationality, age, gender, and place of origin; (iv) the number of human trafficking prosecutions and convictions originating in each municipality under the district attorney's jurisdiction.

(f) The attorney general shall report on human trafficking data to the crime reporting unit. Data provided to the crime reporting unit shall include, but not be limited to: (i) the number of prosecutions and convictions of human trafficking crimes, including prosecutions and convictions under sections 50 and 51 of chapter 265; (ii) the characteristics of individuals prosecuted for and convicted of violations under sections 50 and 51 of chapter 265, including nationality, age, gender, and place of origin; (iii) the characteristics of victims of human trafficking, including nationality, age, gender, and place of origin; (iv) the number of human trafficking prosecutions and convictions originating in each municipality under the attorney general's jurisdiction.

(g) The executive office of public safety and security shall prescribe a standardized form for data collection under (e) and (f).

SECTION 16. The executive office of public safety and security, in conjunction with the executive office of health and human services and the office of the attorney general, shall establish and maintain an independent website to disseminate information regarding human trafficking, human trafficking crime statistics and resources for victims of human trafficking. Information available through the website shall not include the names, locations or other identifying information of victims of human trafficking.

SECTION 17. (a) Law enforcement agencies, prosecutors, public defenders, juvenile detention center employees providing direct services and others providing direct services in the juvenile justice system and criminal justice system shall be trained in identifying and responding to human trafficking. The executive office public safety and security shall provide the training which shall include information on: (i) human trafficking offenses; (ii) methods used in identifying victims of human trafficking who may be United States citizens or foreign national citizens, including preliminary interview techniques and appropriate questioning methods; (iii) prosecuting human traffickers; (iv) increasing effective collaboration between the courts, nongovernmental organizations and other relevant social service organizations to assist in the investigation and prosecution of human trafficking cases; (v) protecting the rights of victims of human trafficking, including but not limited to specific consideration of human rights, female and minor victims; (vi) interacting with victims of human trafficking as crime victims rather than criminals; and (vi) promoting the safety of victims of human trafficking. The training shall include information on the screening of individuals who may be victims of human trafficking and data collection protocols under section 12.

(b) The administrative office of the trial court shall provide mandatory training for judges, clerk-magistrates and court personnel.

(c) The executive office of public safety and security shall collaborate with nongovernmental organizations and other relevant organizations in the preparation and presentation of the training required pursuant to this section.

(d) The executive office of education shall implement mandatory educational training for educators in kindergarten through grade 12. The training shall include information to assist

educators in identifying victims of human trafficking and providing appropriate support to victims of human trafficking. The training shall be incorporated into professional development modules. The executive office of education may collaborate with public or nongovernmental organizations to provide training and may use previously developed courses. The executive office of education shall also develop a parent guide and teacher training material on internet safety and methods of preventing the exploitation of minors over the internet.

(e) The department of public health shall implement mandatory training for all health care professionals who are mandated reporters to assist in identifying human trafficking victims and the appropriate actions to be undertaken when such victims have been identified. The department may collaborate with public or nongovernmental organizations to provide training and may use previously developed courses.

SECTION 18. (a) The executive office of health and human services, in cooperation with the executive office of public safety and security, other agencies and nongovernmental organizations shall, subject to appropriation, prepare public awareness programs designed to educate potential victims of human trafficking and their families on the risks of victimization. The public awareness programs shall include, but not be limited to: (i) information about the risks of becoming a victim of human trafficking that uses best practices to prevent stigmatization of victims and includes information about common recruitment techniques, use of debt bondage and other coercive tactics, risk of maltreatment, rape, exposure to HIV/AIDS and other sexually-transmitted diseases and psychological harm related to victimization in human trafficking cases; (ii) information about victims' rights under federal and state laws; (iii) methods for reporting suspected recruitment activities; and (iv) information on the types of services available to victims

496 of human trafficking and how to access such services, including information on relevant hotlines,
497 such as the National Human Trafficking Resource Center hotline.

498 (b) The executive office of health and human services, in cooperation with other
499 appropriate government agencies and nongovernmental organizations, shall prepare and
500 disseminate general public awareness materials to educate the public on the extent of human
501 trafficking of both United States citizens and foreign nationals within the United States, to
502 discourage the demand that fosters the exploitation of persons and that leads to human
503 trafficking.

504 (c) General public awareness materials may include information on the impact of human
505 trafficking on individual victims, whether United States citizens or foreign nationals; aggregate
506 information on human trafficking worldwide and domestically; and warnings of the criminal
507 consequences of engaging in human trafficking. Such materials may include pamphlets,
508 brochures, posters, advertisements in mass media and any other appropriate media.

509 (d) Programs and materials described in this section shall preserve the privacy of victims
510 and their family members.

511 (e) All public awareness programs shall be evaluated periodically to ensure their
512 effectiveness.

513 SECTION 19. (a) The Massachusetts Department of Transportation shall display public
514 awareness signs that contain the National Human Trafficking Resource Center hotline, or its
515 successor, in every transportation station, rest area and welcome center that is open to the public.

(b) Public awareness campaign advertisements shall be displayed in a conspicuous location visible to the public and employees in the following facilities: (i) adult entertainment facilities and other businesses primarily dedicated to adult entertainment or sex-related products; (ii) facilities determined to be a nuisance for prostitution under section 4 of chapter 139; (iii) facilities licensed as massage establishments and facilities providing bodyworks and related therapies; (iv) nail salons; (v) job recruitment centers; (vi) facilities operating as foreign transmittal agencies under chapter 169; (vii) hospitals; and (viii) emergency care providers.

(c) An employer who violates subsection (b) shall be punished by a fine of not more than \$500 for a first offense and a fine of not more than \$1,000 for a second or subsequent offense.

(d) The attorney general shall promulgate rules and regulations to enforce subsection (b).

SECTION 20. The secretary of health and human services shall file an annual report not later than January 1 with the senate and house chairs of the joint committee on children, families and persons with disabilities, the chairs of the senate and house committees on ways and means and the chairs of the senate and house committees on rules outlining the adequacy and limitations of current services to meet the safety, support, housing, health, education and quality of life needs of human trafficking victims. The report shall identify specialized needs of victims under the age of 18 including, but not limited to, the needs or current efforts to provide specialized foster care, other suitable housing arrangements, and services to safe guard children. The report shall also identify current resources available at safe house facilities, including the number of beds, resources located on site, and number of victims served. The initial report shall be filed no later than July 1, 2018.

SECTION 21. Section 5 shall take effect on March 1, 2019.

538 SECTION 22. Unless otherwise provided, this act shall take effect on September 1,
539 2017.