

# SENATE . . . . . No. 2956

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Text of amendment (Senator Montigny) to the Senate Bill making appropriations for the fiscal year 2021 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 (Senate, No. 4).

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-First General Court  
(2019-2020)  
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1 by inserting after section XX the following section:-

2 “SECTION XX. Chapter 6 of the General Laws is hereby amended by adding the  
3 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) The corporations and other private entities that participate in the partnership shall: (i)  
11 adopt a zero tolerance policy toward human trafficking; (ii) ensure that the employees of the  
12 corporation or entity comply with the policy adopted pursuant to clause (i); (iii) participate in  
13 public awareness and education campaigns; (iv) enhance awareness of and encourage  
14 participation in the partnership; and (v) exchange information about effective practices for

15 abolishing human trafficking including, but not limited to, identifying private and nonprofit  
16 resources that may be available to support the work of the partnership and promote efforts to  
17 abolish human trafficking.

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

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

25 (f) Nothing in this section shall limit any existing partnerships to prevent or combat  
26 human trafficking, including, but not limited to, existing programs through the office of the  
27 attorney general.

28 (g) Nothing in this section shall limit any laws related to human trafficking.”; and

29 by inserting after section XX the following section:-

30 “SECTION XX. Chapter 6A of the General Laws is hereby amended by adding the  
31 following 3 sections:-

32 Section 105. (a) Law enforcement agencies, prosecutors, public defenders, juvenile  
33 detention center employees providing direct services and others providing direct services in the  
34 juvenile justice system and criminal justice system shall be trained in identifying and responding  
35 to human trafficking. The executive office public safety and security shall offer training that

36 shall include information on: (i) human trafficking offenses; (ii) methods used in identifying  
37 victims of human trafficking who may be United States citizens or foreign national citizens,  
38 including preliminary interview techniques and appropriate questioning methods; (iii)  
39 prosecuting human traffickers; (iv) increasing effective collaboration between the courts,  
40 nongovernmental organizations and other relevant social service organizations to assist in the  
41 investigation and prosecution of human trafficking cases; (v) protecting the rights of victims of  
42 human trafficking, including, but not limited to, specific consideration of human rights and  
43 female and minor victims; (vi) interacting with victims of human trafficking as victims of crime  
44 rather than criminals; and (vi) promoting the safety of victims of human trafficking. The training  
45 shall include information on the screening of individuals who may be victims of human  
46 trafficking and data collection protocols under section 35A of chapter 22C. The executive office  
47 of public safety and security shall collaborate with nongovernmental organizations and other  
48 relevant organizations in the preparation and presentation of the training required pursuant to this  
49 section. Nothing in this section shall preclude alternative training programs approved by the  
50 attorney general.

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

53 (c) The executive office of education shall implement mandatory educational training for  
54 educators in kindergarten to grade 12, inclusive. The training shall include information to assist  
55 educators in identifying victims of human trafficking and providing appropriate support to  
56 victims of human trafficking. The training may be incorporated into professional development  
57 modules. The executive office of education may collaborate with public or nongovernmental  
58 organizations to provide training and may use previously developed courses. The executive

59 office of education shall also develop a parent guide and teacher training material on internet  
60 safety and methods of preventing the exploitation of minors over the internet.

61 (d) The department of public health shall implement mandatory training at hospitals  
62 licensed pursuant to chapter 111 for mandated reporters, as defined by section 21 of chapter 119,  
63 working in such a facility to assist in identifying human trafficking victims and the appropriate  
64 actions to be undertaken when such victims have been identified. The department may  
65 collaborate with public or nongovernmental organizations to provide training and may use  
66 previously developed courses.

67 Section 106. (a) The executive office of health and human services, in cooperation with  
68 the executive office of public safety and security, other appropriate agencies and  
69 nongovernmental organizations, shall, subject to appropriation, prepare public awareness  
70 programs to educate potential victims of human trafficking and their families on the risks of  
71 victimization. The public awareness programs shall include, but not be limited to: (i) information  
72 about the risks of becoming a victim of human trafficking that uses best practices to prevent  
73 stigmatization of victims and includes information about common recruitment techniques, use of  
74 debt bondage and other coercive tactics, risk of maltreatment, rape, exposure to HIV/AIDS and  
75 other sexually-transmitted diseases and psychological harm related to victimization in human  
76 trafficking cases; (ii) information about victims' rights under federal and state laws; (iii) methods  
77 for reporting suspected recruitment activities; and (iv) information on the types of services  
78 available to victims of human trafficking and how to access such services, including information  
79 on relevant hotlines including the National Human Trafficking Resource Center Hotline.

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

85 General public awareness materials may include: (i) information on the impact of human  
86 trafficking on individual victims, whether United States citizens or foreign nationals; (ii)  
87 aggregate information on human trafficking worldwide and domestically; and (iii) warnings of  
88 the criminal consequences of engaging in human trafficking. The materials may include  
89 pamphlets, brochures, posters and advertisements in mass media and any other appropriate  
90 media.

91 (c) Programs and materials described in this section shall preserve the privacy of victims  
92 and their family members.

93 (d) All public awareness programs shall be evaluated periodically to ensure their  
94 effectiveness.

95 (e) The executive office of health and human services, in collaboration with the executive  
96 office of public safety and security and the office of the attorney general, shall establish and  
97 maintain an independent website to disseminate information regarding human trafficking, human  
98 trafficking crime statistics and resources for victims of human trafficking. Information available  
99 through the website shall not include the names, locations or other identifying information of  
100 victims of human trafficking.

101           Section 107. The secretary of health and human services shall file an annual report not  
102 later than January 1 with the joint committee on children, families and persons with disabilities,  
103 the senate and house committees on ways and means and the senate and house committees on  
104 rules outlining the adequacy and limitations of current services to meet the safety, support,  
105 housing, health, education and quality of life needs of human trafficking victims. The report shall  
106 identify specialized needs of victims under the age of 18 including, but not limited to, the needs  
107 or current efforts to provide specialized foster care, other suitable housing arrangements and  
108 services to safe guard children. The report shall also identify current resources available at safe  
109 house facilities including the number of beds, resources located on site and number of victims  
110 served.”; and

111           by inserting after section XX the following section:-

112           “SECTION XX. Chapter 6C of the General Laws is hereby amended by adding the  
113 following section:-

114           Section 77. (a) The department shall display public awareness signs that contain the  
115 National Human Trafficking Resource Center Hotline, or a successor hotline, in every  
116 transportation station, rest area and welcome center that is open to the public.

117           (b) Public awareness campaign advertisements shall be displayed in a conspicuous  
118 location visible to the public and employees in: (i) adult entertainment facilities and other  
119 businesses primarily dedicated to adult entertainment or sex-related products; (ii) facilities  
120 determined to be a nuisance for prostitution under section 4 of chapter 139; (iii) facilities  
121 licensed as massage establishments and facilities providing bodyworks and related therapies; (iv)

122 nail salons; (v) job recruitment centers; (vi) facilities operating as foreign transmittal agencies  
123 under chapter 169; (vii) hospitals; and (viii) emergency care providers.

124 (c) An employer who violates subsection (b) shall be punished by a fine of not more than  
125 \$500 for a first offense and a fine of not more than \$1,000 for a second or subsequent offense.

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

128 by inserting after section XX the following section:-

129 “SECTION XX. Section 66A of chapter 10 of the General Laws, as appearing in the  
130 2016 Official Edition, is hereby amended by striking out, in line 3, the word “proceeds” and  
131 inserting in place thereof the following words:- all revenues received under section 6O of chapter  
132 62, proceeds.”; and

133 by inserting after section XX the following section:-

134 “SECTION XX. Chapter 22C of the General Laws is hereby amended by inserting after  
135 section 35 the following section:-

136 SECTION 35A. (a) The colonel shall promulgate regulations relative to the collection of  
137 human trafficking crime data. The regulations shall include, but not be limited to: (i) the  
138 responsibilities of the crime reporting unit, as defined in section 32 of chapter 22C, for the  
139 collection, analysis, classification, reporting and retention of human trafficking crime data in a  
140 central repository; (ii) the procedures necessary to ensure effective data-gathering, preservation  
141 and protection of confidential information, including, but not limited to, victims’ private and  
142 identifying information, and the disclosure of information as required by this section; (iii) the

143 procedures for reporting data on a standardized form to the crime reporting unit by law  
144 enforcement agencies; and (iv) the procedures for assessing the credibility and accuracy of  
145 reports of human trafficking from law enforcement agencies.

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

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

159 (d) The district attorney for each county shall report on human trafficking data to the  
160 crime reporting unit. Data provided to the crime reporting unit shall include, but not be limited  
161 to: (i) the number of prosecutions and convictions of human trafficking crimes, including  
162 prosecutions and convictions under sections 50 and 51 of chapter 265; (ii) the characteristics of  
163 individuals prosecuted for and convicted of violations under said sections 50 and 51 of said  
164 chapter 265, including nationality, age, gender and place of origin; (iii) the characteristics of

165 victims of human trafficking, including nationality, age, gender and place of origin; and (iv) the  
166 number of human trafficking prosecutions and convictions originating in each municipality  
167 under the district attorney's jurisdiction.

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

177 (f) All state, county, municipal and campus police departments and other law  
178 enforcement agencies that report crime statistics to the executive office of public safety and  
179 security shall include statistics on the crimes of trafficking of persons for sexual servitude under  
180 section 50 of chapter 265 and trafficking of persons for forced service under section 51 of said  
181 chapter 265 to ensure compliance with reporting standards established by the Federal Bureau of  
182 Investigation's Uniform Crime Reporting Program. Said data shall be reported to the crime  
183 reporting unit.

184 (g) The executive office of public safety and security shall prescribe a standardized form  
185 for data collection under subsections (d), (e), and (f)."; and

186 by inserting after section XX the following section:-

187           “SECTION XX. Chapter 62 of the General Laws is hereby amended by inserting after  
188 section 6N the following section:-

189           Section 6O. A person filing an individual or a joint return may voluntarily contribute all  
190 or part of a refund to which the person is entitled, or may voluntarily add an amount on to an  
191 amount due, to be credited to the Victims of Human Trafficking Trust Fund established in  
192 section 66A of chapter 10.

193           A contribution under this section may be made with respect to any taxable year at the  
194 time of filing a return of the tax established by this chapter for such taxable year. The  
195 commissioner shall prescribe the manner in which the contribution shall be made on the face of  
196 the return required by section 5 of chapter 62C; provided, however, that the commissioner shall  
197 assure that taxpayers filing such a form are made clearly aware of their ability to make the  
198 contributions provided for by this section.

199           The commissioner shall annually report the total amount designated under this section to  
200 the state treasurer, who shall credit such amount to the Victims of Human Trafficking Trust  
201 Fund.”; and

202           by inserting after section XX the following section:-

203           “SECTION XX. Chapter 90F of the General Laws is hereby amended by adding the  
204 following section:-

205           Section 17. Upon application or renewal for a license to operate a commercial motor  
206 vehicle, the registrar shall provide the applicant with materials regarding the recognition and  
207 prevention of human trafficking. The registrar shall also post the materials online in a

208 conspicuous manner alongside driver manuals and resources on the registry website. The  
209 registrar may collaborate with organizations that specialize in the recognition and prevention of  
210 human trafficking including, but not limited to, Truckers Against Trafficking or its successor  
211 organization.”; and

212 by inserting after section XX the following section:-

213 “SECTION XX. Section 90A of chapter 127 of the General Laws, as appearing in the  
214 2016 Official Edition, is hereby amended by striking out, in line 13, the words “or section  
215 twenty-six” and inserting in place thereof the following words:- , section 26 or section 50.”; and

216 by inserting after section XX the following section:-

217 “SECTION XX. Chapter 140 of the General Laws is hereby amended by inserting after  
218 section 6B the following section:-

219 Section 6C. A person, corporation, partnership or other legal entity licensed as an  
220 innholder shall provide human trafficking awareness training to each person in its employ at the  
221 time of hire. The training shall include, but not be limited to: (i) the definition of human  
222 trafficking and commercial exploitation of children; (ii) recognition of potential victims of  
223 human trafficking; (iii) activities commonly associated with human trafficking; and (iv) how to  
224 appropriately respond to a known or suspected case of human trafficking. The training program  
225 shall be approved by the licensing authority and may be developed by a non-profit or lodging  
226 association organization familiar with human trafficking-related issues in the hospitality  
227 industry. An innholder shall annually certify to the licensing authority that each employee of the  
228 innholder’s establishment has received training required by this section. An innholder that fails

229 to provide training required by this section shall be punished by a fine of not less than \$1,000 per  
230 day that the violation occurs.”; and

231 by inserting after section XX the following section:-

232 “SECTION XX. The General Laws are hereby amended by inserting after Chapter 258E  
233 the following chapter:-

234 CHAPTER 258F.

235 Section 1. (a) As used in this chapter, terms shall have the meanings assigned to them by  
236 the federal acts. In addition, the following terms shall have the following meanings:

237 “certifying entity,” a law enforcement agency, prosecutor, or other public authority that  
238 has responsibility for the detection, investigation, or prosecution of a qualifying crime or  
239 criminal activity, or an agency that has criminal investigative jurisdiction in its respective areas  
240 of expertise, including but not limited to the attorney general, the district attorneys, the state  
241 police, the municipal police departments, the department of children and families, the  
242 commission against discrimination, the department of labor relations, the department of labor  
243 standards, the division of industrial accidents and the municipal boards of health.

244 “federal acts,” the Trafficking and Victim Protection Act of 2000, 22 U.S.C. section 7101  
245 to 7110 and the Immigration and Nationality Act of 1952, 8 U.S.C. sections 1101 to 1107,  
246 inclusive.

247 (b) A certifying entity shall adopt a policy for completing and signing certification forms  
248 for victims of criminal activity who intend to petition for nonimmigrant visas under 8 U.S.C.  
249 section 1101(a)(15)(U) and victims of severe forms of trafficking as defined by 22 U.S.C.

250 section 7102 who intend to petition for nonimmigrant visas under 8 U.S.C. section  
251 1101(a)(15)(T).

252 (c) A certifying entity shall respond to certification requests from victims of criminal  
253 activity who intend to petition for nonimmigrant visas under 8 U.S.C. section 1101(a)(15)(U)  
254 and from victims of severe forms of trafficking as defined by 22 U.S.C. section 7102 who intend  
255 to petition for nonimmigrant visas under 8 U.S.C. section 1101(a)(15)(T) no later than 90 days  
256 after receiving the request for certification. The certifying entity's response shall consist of  
257 either:

258 (1) completing and signing the certification; or

259 (2) a written denial of the request, informing the requestor of the reason that the request  
260 does not meet the requirements of the certifying entity's policy under this chapter. All denials  
261 shall be without prejudice.

262 Section 2. (a) A certifying entity shall report to the executive office of public safety and  
263 security, on or before February 1, 2021, and annually thereafter, the number of victims that  
264 requested nonimmigrant status certification forms, the number of those certification forms that  
265 were signed, and the number of those certifications that were denied.

266 (b) There shall be an interagency crime victim certification steering committee to be  
267 convened by the executive office of public safety and security within 90 days from the date of  
268 the enactment of this provision. The steering committee shall consist of: the director of the  
269 Massachusetts office for victim assistance or the director's designee, and the secretary of the  
270 executive office for public safety and security or the secretary's designee, who shall serve as co-  
271 chairs, the attorney general or the attorney general's designee, a representative of the

272 Massachusetts Chiefs of Police Association, a representative of the Massachusetts District  
273 Attorneys Association; a representative of Jane Doe, Inc.; a representative of an entity dedicated  
274 to working with child victims of crime appointed by the Massachusetts Children’s Alliance; a  
275 representative of an entity dedicated to working with LGBTQI+ individuals appointed by the  
276 department of public health; an immigrant victim of crime appointed by the Massachusetts office  
277 for victim assistance; a civil legal aid attorney working with immigrant victims appointed by the  
278 Massachusetts Law Reform Institute; a victim witness advocate appointed by the Massachusetts  
279 office for victim assistance; a mental health professional appointed by the department of public  
280 health; a representative of a group dedicated to immigrant and refugee issues appointed by the  
281 governor. The members of the committee shall serve without compensation.

282 The steering committee shall:

283 (1) develop sample training materials and plan for implementation of training for law  
284 enforcement, prosecutors, victim advocates, state agency personnel, court personnel, and others  
285 about this chapter;

286 (2) create sample policies for certifying entities to utilize;

287 (3) author a report, with the technical assistance of the executive office of public safety  
288 and security, that shall be filed by March 1, 2021 and annually thereafter with the clerks of the  
289 house of representatives and senate. The clerks shall make the report available for public  
290 inspection. The report shall include the following items: (i) the activities of the steering  
291 committee from the previous year; (ii) an overview of implementation issues that arose in the  
292 previous year, including but not limited to certifying entity non-compliance with this section or  
293 section 1 of chapter 258F; (iii) any recommendations to the legislature; (iv) the number of

294 victims that requested certification forms from each certifying entity; (v) the number of those  
295 certification forms that each certifying entity completed and signed; (vi) the number of  
296 certifications that each certifying entity denied; and (vii) total statewide statistics on  
297 certifications and denials; (viii) other information the steering committee identifies as relevant.

298 (4) undertake other responsibilities relating to this chapter that the committee identifies.”;

299 and

300 by inserting after section XX the following section:-

301 “SECTION XX. Section 4D of chapter 260 of the General Laws, as appearing in the  
302 2016 Official Edition, is hereby amended by striking out, in lines 11 and 14, the figure “3” and  
303 inserting in place thereof the following figure:- 10.”; and

304 by inserting after section XX the following section:-

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

308 by inserting after section XX the following section:-

309 “SECTION XX. Section 59 of chapter 265 of the General Laws, as so appearing in the  
310 2018 Official Edition, as most recently amended by section 132 of the Acts of 2018, is hereby  
311 amended by inserting after the word “under” in the first instance the following words:-  
312 subsection (1) of section 30 or section 30A of chapter 266, or under”; and

313 by inserting after section XX the following section:-

314           “SECTION XX. Chapter 276 of the General Laws is hereby amended by inserting after  
315 section 87A the following section:-

316           Section 87B. (a) First offender commercial sexual exploitation prevention programs may  
317 be established and certified, subject to appropriation. A court and the district attorney may, after  
318 arraignment, prior to the disposition of a defendant and with the approval of the district attorney,  
319 divert the defendant charged with a first offense of subsection (b) of section 53A of chapter 272  
320 to a first offender commercial sexual exploitation prevention program. The court shall continue  
321 the matter while the defendant fulfills the requirements of the program and shall retain  
322 jurisdiction pending the defendant’s successful completion of the program. The district attorney  
323 may at any time petition to remove the defendant from the program if the defendant fails to  
324 fulfill the requirement of the program. If the court finds that the defendant has failed to  
325 substantially comply with the requirements of the program, the court may restore the criminal  
326 complaint to the docket for trial or further proceedings in accordance with the regular course of  
327 such proceedings.

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

337 admitted to sufficient facts of a violation of section 50 or 51 of chapter 265; or (v) the defendant  
338 is a registered sex offender under chapter 6 or the laws of another jurisdiction.

339 (c) A first offender commercial sexual exploitation prevention program shall, at a  
340 minimum: (i) provide each participant with information, counseling and services relating to: (A)  
341 the negative impact of commercial sex and sex trafficking on victims; (B) the negative impact of  
342 commercial sex and sex trafficking on communities; (C) the health risks involved in commercial  
343 sexual exploitation, including the risk of sexually transmitted diseases and issues relating to  
344 mental health, substance abuse and sexual addiction; (D) the legal consequence to the defendant;  
345 and (E) classroom instruction related to the prevention of commercial sexual exploitation and  
346 organized crime and the sex industry; (ii) employ persons or solicit volunteers that may include,  
347 but shall not be limited to, health care professionals, psychologists, licensed social workers or  
348 counselors, survivors of commercial sexual exploitation, members of a neighborhood association  
349 or community that is adversely affected by the commercial sex trade or trafficking of persons or  
350 employees of a nongovernmental organization specializing in advocacy on laws related to sex  
351 trafficking or human trafficking or in providing services to victims of those offenses; (iii) allow  
352 a participant to withdraw from the program at any time before a trial on the merits has been  
353 initiated; and (iv) certify to the court that the defendant has successfully completed the  
354 requirements of the program, has failed to complete the program or has withdrawn from the  
355 program.

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

358 (e) The court shall determine and assess an appropriate fee for participation in the first  
359 offender commercial sexual exploitation prevention program. The court shall not waive the fee  
360 but may reduce the fee based on a determination by the court that the defendant cannot pay the  
361 entire fee. The fee shall be distributed as follows: (i)  $\frac{1}{3}$  shall be transferred to the nonprofit  
362 organization certified by the commissioner of probation to conduct the program; (ii)  $\frac{1}{3}$  shall be  
363 transferred to the Victims of Human Trafficking Trust Fund established in section 66A of  
364 chapter 10; and (iii)  $\frac{1}{3}$  shall be transferred to the state or municipal law enforcement agency  
365 responsible for the arrest of the defendant to be used for human trafficking investigations and  
366 prevention and to fund mandatory training for law enforcement agencies, prosecutors, public  
367 defenders, juvenile detention center employees providing direct services to victims of human  
368 trafficking and others providing direct services in the juvenile justice system and criminal justice  
369 system.

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

377 by inserting after section XX the following section:-

378 “SECTION XX. Said chapter 276 is hereby further amended by inserting after section  
379 100U the following section:-

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

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

400 by inserting after section XX the following section:-

401           “SECTION 15. The secretary of health and human services shall file the initial report  
402 required under section 107 of chapter 6A of the General Laws not later than 180 days after the  
403 effective date of this act.”