

SENATE No. 2973

The Commonwealth of Massachusetts

—
In the One Hundred and Ninety-First General Court
(2019-2020)
—

SENATE, December 10, 2020.

The committee on Senate Ways and Means to whom was referred the Senate Bill promoting safety for victims of violent crime and human trafficking (Senate, No. 2493), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2973).

For the committee,
Michael J. Rodrigues

SENATE No. 2973

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act promoting safety for victims of violent crime and human trafficking.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The General Laws are hereby amended by inserting after chapter 258E the
2 following chapter:-

3 CHAPTER 258F.

4 CERTIFICATION FOR VICTIMS OF VIOLENT CRIME AND HUMAN
5 TRAFFICKING.

6 Section 1. As used in this chapter, the following words shall have the following meanings
7 unless the context clearly requires otherwise:

8 “Certifying entity”, a law enforcement agency, prosecutor or other state or local entity
9 that has the authority to detect, investigate or prosecute severe forms of trafficking in persons or
10 criminal activity.

11 “Criminal activity”, as described in 8 U.S.C. 1101(a)(15)(U)(iii).

12 “Severe forms of trafficking in persons”, as defined in 22 U.S.C. 7102.

13 Section 2. A certifying entity shall adopt a policy for completing and signing
14 nonimmigrant status certification forms for: (i) victims of criminal activity who intend to petition
15 for nonimmigrant visas under 8 U.S.C. 1101(a)(15)(U); and (ii) victims of severe forms of
16 trafficking in persons who intend to petition for nonimmigrant visas under 8 U.S.C.
17 1101(a)(15)(T).

18 Section 3. A certifying entity shall respond to a nonimmigrant status certification request
19 from a victim of criminal activity who intends to petition for a nonimmigrant visa under 8 U.S.C.
20 1101(a)(15)(U) or from a victim of severe forms of trafficking in persons who intends to petition
21 for a nonimmigrant visa under 8 U.S.C. 1101(a)(15)(T) not later than 90 days after receiving the
22 request for certification. The certifying entity shall respond to the request by: (i) completing and
23 signing the certification forms; (ii) issuing a written denial of the request, without prejudice,
24 informing the victim of the reason that the request does not meet the requirements of the
25 certifying entity's policy under section 2; or (iii) in extenuating circumstances outside the control
26 of the certifying entity that prevent the certifying entity from responding to the certification
27 request in the required time period, issuing a written explanation of the delay, the process the
28 certifying entity will undertake to respond and a projected time frame for such response.

29 Section 4. (a) Annually, not later than February 1, each certifying entity shall report to the
30 executive office of public safety and security: (i) the number of individuals that requested
31 nonimmigrant status certification; (ii) the number of certification forms that were completed and
32 signed; and (iii) the number of such requests that were denied. The information reported under
33 this subsection shall not include any personal identifying information of an individual requesting
34 nonimmigrant status certification.

35 (b) Annually, not later than April 1, the executive office of public safety and security
36 shall file a report with the clerks of the senate and house of representatives, the joint committee
37 on the judiciary and the joint committee on public safety and homeland security on the
38 information received under subsection (a). The report shall include, but not be limited to: (i) the
39 number of individuals that requested nonimmigrant status certification, delineated by certifying
40 entity; (ii) the number of certification forms that were completed and signed, delineated by
41 certifying entity; (iii) the number of such requests that were denied, delineated by certifying
42 entity; and (iv) total statewide statistics on nonimmigrant status certifications and denials. The
43 report shall not include information that would allow the public to ascertain the identity of an
44 individual requesting nonimmigrant status certification. The executive office shall also make the
45 report publicly available on its website.

46 SECTION 2. (a) As used in this section, the following words shall have the following
47 meanings unless the context clearly requires otherwise:

48 “Certifying entity”, a law enforcement agency, prosecutor or other state or local entity
49 that has the authority to detect, investigate or prosecute severe forms of trafficking in persons or
50 criminal activity.

51 “Criminal activity”, as described in 8 U.S.C. 1101(a)(15)(U)(iii).

52 “Severe forms of trafficking in persons”, as defined in 22 U.S.C. 7102.

53 (b) Not later than April 1, 2021, the executive office of public safety and security shall
54 convene an interagency crime victim certification steering committee consisting of: the executive
55 director of the Massachusetts office for victim assistance or a designee, who shall serve as co-
56 chair; the secretary of public safety and security or a designee, who shall serve as co-chair; the

57 attorney general or a designee; a chief of police to be appointed by the Massachusetts Chiefs of
58 Police Association Incorporated; a district attorney to be appointed by the Massachusetts District
59 Attorneys Association; 2 individuals to be appointed by the Massachusetts office for victim
60 assistance, 1 of whom shall be an immigrant victim of criminal activity or an immigrant victim
61 of severe forms of trafficking in persons and 1 of whom shall be a victim witness advocate; 2
62 individuals to be appointed by the department of public health, 1 of whom shall be a mental
63 health professional and 1 of whom shall be a representative of an entity dedicated to working
64 with lesbian, gay, bisexual, transgender, queer or intersex individuals; and 4 people appointed by
65 the governor, 1 of whom shall be nominated by Jane Doe Inc.: The Massachusetts Coalition
66 Against Sexual Assault And Domestic Violence, 1 of whom shall be nominated by the
67 Massachusetts Children’s Alliance, Inc., 1 of whom shall be a civil legal aid attorney working
68 with immigrant victims of criminal activity or immigrant victims of severe forms of trafficking
69 in persons nominated by the Massachusetts Law Reform Institute, Inc. and 1 of whom shall be a
70 representative of a group dedicated to immigrant and refugee issues. The members of the
71 steering committee shall serve without compensation.

72 (c) The steering committee shall assist in the implementation of chapter 258F of the
73 General Laws. The steering committee’s activities shall include, but not be limited to: (i)
74 developing training materials for employees of certifying entities and other individuals who may
75 interact with victims of criminal activity or victims of severe forms of trafficking in persons,
76 including, but not limited to, victim advocates, court personnel or state agency personnel; (ii)
77 creating sample policies to be utilized by certifying entities; (iii) providing technical assistance to
78 certifying entities; and (iv) monitoring the implementation of the policies required under said
79 chapter 258F.

80 (d) Not later than December 31, 2022, the steering committee shall file a report with the
81 clerks of the senate and house of representatives, the joint committee on the judiciary and the
82 joint committee on public safety and homeland security that includes, but is not limited to: (i) a
83 description of the activities of the steering committee; (ii) an overview of issues implementing
84 the requirements of said chapter 258F; (iii) any recommendations to improve compliance with
85 said chapter 258F; and (iv) any other information the steering committee deems relevant. The
86 executive office of public safety and security shall make the report publicly available on its
87 website.