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

FILED ON: 12/10/2020

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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:

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

CHAPTER 258F.

CERTIFICATION FOR VICTIMS OF VIOLENT CRIME AND HUMAN TRAFFICKING.

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

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

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

"Severe forms of trafficking in persons", as defined in 22 U.S.C. 7102.

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

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

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

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

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

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

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

"Severe forms of trafficking in persons", as defined in 22 U.S.C. 7102.

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

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

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

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