HOUSE DOCKET, NO. 1803 FILED ON: 1/18/2023

HOUSE . . . . . No. 1603

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to sexually exploited individuals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Kay Khan	*11th Middlesex*	*1/18/2023*
Samantha Montaño	*15th Suffolk*	*2/13/2023*
Dylan A. Fernandes	*Barnstable, Dukes and Nantucket*	*6/7/2023*
Rebecca L. Rausch	*Norfolk, Worcester and Middlesex*	*7/7/2023*

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HOUSE . . . . . No. 1603

By Representative Khan of Newton, a petition (accompanied by bill, House, No. 1603) of Kay Khan and Samantha Montaño relative to sexual exploitation prevention and victim assistance. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1713* OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to sexually exploited individuals.

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. Chapter 17 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by adding the following section:-

Section 22. (a) As only used in this section the following words shall have the following meaning:

"person who has been sexually exploited", a person who is subjected to actual or attempted abuse for sexual purposes, including, commercial sexual activities as defined in section 49 of chapter 265.

(b) There shall be established and placed within the department of public health a fund to be known as the Sexual Exploitation Prevention and Victim Assistance Fund, in this section

referred to as the fund, to support innovative practices to prevent sexual exploitation and provide assistance to victims of sexual exploitation in the commonwealth. The fund shall be credited any appropriations, bond proceeds or other monies authorized by the general court, which may properly be applied in furtherance of the objectives of the fund, sexual exploitation prevention and victim assistance assessments, and any other monies which may be available for the purposes of the fund from any other source or sources. Any revenues, deposits, receipts or funds received shall be deposited in the fund and shall be available for the purposes described in this section. Money remaining in the fund at the end of the year shall not revert to the General Fund.

The fund shall be under the control of the department of public health. The fund shall be used for innovative practices, which shall include, but not be limited to: (i) community-based sexual exploitation prevention and assistance programs and service providers; (ii) multi-disciplinary teams; (iii) survivor lead programs; and (iv) other programs and service providers that support persons who have been sexually exploited.

(c) Annually, not later than October 31, the department of public health shall issue a report that provides an overview of the services established in this section, by using aggregate data, during the previous fiscal year. The report shall include, but not be limited to, narratives, information, data and analysis on: (i) counts of persons who have been sexually exploited served in the commonwealth; (ii) current services for persons who have been sexually exploited; (iii) barriers for accessing services; (iv) service costs; (v) gaps in services and recommendations to fill those gaps; and (vi) outcomes for persons who have been sexually exploited who have received services. The commissioner of the department of public health or a designee shall file the report with the governor, the clerks of the senate and house of representatives, the chairs of the house and senate committees on ways and means and the joint committee on public health

and the joint committee on the judiciary. The report shall be made publicly available on the department's website in accordance with section 19 of chapter 66.

(d) The department of public health shall promulgate rules and regulations.

SECTION 2. Section 39L of chapter 119 is hereby repealed.

SECTION 3. Section 57 of chapter 265 is hereby repealed.

SECTION 4. Section 53 of said chapter 272, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Whoever commits offensive and disorderly acts or uses language to accost or annoy another person, is lewd, wanton and lascivious in speech or behavior, keeps a noisy and disorderly house, or is guilty of indecent exposure, shall be punished by imprisonment in a jail or house of correction for not more than 6 months, or by a fine of not more than $200, or by both such fine and imprisonment.

SECTION 5. Section 53A of chapter 272, as so appearing, is hereby amended by striking out subsection (a).

SECTION 6. (a) There shall be a task force on training and support for law enforcement officers relative to sexual exploitation and human trafficking. The task force shall, but is not limited to: (i) review and plan for the implementation of this act and chapter 178 of the acts of 2011 as it relates to law enforcement, (ii) make recommendations for law enforcement to share information for the purposes of detecting individuals and groups engaged in human trafficking and individuals subject to section 53A of chapter 272, (iii) make recommendations on the resources needed for law enforcement to be able to enforce section 53A of chapter 272, and (iv)

research educational materials and trainings for law enforcement on this subject matter and how much they will cost and recommend how to implement the distribution of those materials and training.

(b) The task force shall be comprised of the following persons or their designees: the secretary of executive office of public safety and security, the attorney general, who shall serve as co-chairs; the colonel of state police, a representative of the Massachusetts police chiefs association, a representative of the Massachusetts district attorneys' association, the commissioner of the Boston police department, a representative of the Massachusetts office for victim assistance, the commissioner of the department of children and families, the commissioner of the department of public health, the chairs of the joint committee on public health, a representative of a group dedicated to providing services to sexually exploited children persons who have been sexually exploited and human trafficking victims appointed by the governor, a representative of a group dedicated to the prevention of violence against women appointed by the governor, a representative of a group dedicated to survivor lead programs and services appointed by the governor, a person who has experienced sexual exploitation appointed by the governor, a survivor of human trafficking appointed by the governor, a human trafficking attorney appointed by the governor, a mental health professional appointed by the governor and a university researcher with a background in sexual exploitation and human trafficking appointed by the governor.

The task force shall consult with other individuals with relevant expertise, including academics, researchers and service providers, as needed. The task force shall consult with the secretaries of agencies that address issues that directly affect persons who have been sexually exploited and victims of human trafficking including, but not limited to, substance use disorders,

domestic violence, mental health and homelessness to determine how best to review and report on the recommendations of the task force.

(c) The task force shall meet at least quarterly. The task force shall submit no later than 1 year from the first meeting of the task force, its recommendations, together with drafts of any legislation necessary to carry its recommendations into effect, by filing the same with the clerks of the senate and house of representatives, the house and senate committees on ways and means, the joint committee on the judiciary, the joint committee on public safety and homeland security.

SECTION 7. The department of public health shall ensure that not less than the amount credited to the Sexual Exploitation Prevention and Victim Assistance Fund, under section 21 of chapter 17 of the General Laws, shall be expended to support innovative services to prevent sexual exploitation and assist victims of sexual exploitation in the commonwealth provided through item XXXX-XXXX of the Massachusetts management and accounting reporting system.

SECTION 8. Section 3, 4, and 5 shall go into effect on January 1, 2028.