

HOUSE No. 1597

The Commonwealth of Massachusetts

PRESENTED BY:

Mary S. Keefe and Tricia Farley-Bouvier

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 to strengthen justice and support for sex trade survivors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/19/2023</i>
<i>Tricia Farley-Bouvier</i>	<i>2nd Berkshire</i>	<i>1/20/2023</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>1/25/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/25/2023</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/25/2023</i>
<i>Sally P. Kerans</i>	<i>13th Essex</i>	<i>1/25/2023</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>1/25/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/27/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/30/2023</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>1/31/2023</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>1/31/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/31/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/1/2023</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>2/1/2023</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>2/1/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/2/2023</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>2/2/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/6/2023</i>

<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/9/2023</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/13/2023</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/13/2023</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>2/15/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>2/16/2023</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>2/22/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>3/10/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/14/2023</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>3/30/2023</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>4/12/2023</i>
<i>Samantha Montaña</i>	<i>15th Suffolk</i>	<i>5/4/2023</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>	<i>5/16/2023</i>
<i>Rita A. Mendes</i>	<i>11th Plymouth</i>	<i>5/17/2023</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>5/17/2023</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>6/6/2023</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>6/7/2023</i>
<i>Adrienne Pusateri Ramos</i>	<i>14th Essex</i>	<i>6/27/2023</i>
<i>Judith A. Garcia</i>	<i>11th Suffolk</i>	<i>7/5/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>7/5/2023</i>
<i>Kate Donaghue</i>	<i>19th Worcester</i>	<i>10/25/2023</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>11/9/2023</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>11/14/2023</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>1/11/2024</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>1/11/2024</i>
<i>Ryan M. Hamilton</i>	<i>15th Essex</i>	<i>1/19/2024</i>
<i>Estela A. Reyes</i>	<i>4th Essex</i>	<i>1/23/2024</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/23/2024</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>1/23/2024</i>
<i>Priscila S. Sousa</i>	<i>6th Middlesex</i>	<i>1/26/2024</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/2/2024</i>
<i>Dawne Shand</i>	<i>1st Essex</i>	<i>2/6/2024</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>2/6/2024</i>
<i>Christopher Richard Flanagan</i>	<i>1st Barnstable</i>	<i>2/14/2024</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>2/15/2024</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/21/2024</i>
<i>Jennifer Balinsky Armini</i>	<i>8th Essex</i>	<i>3/4/2024</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>3/12/2024</i>

HOUSE No. 1597

By Representatives Keefe of Worcester and Farley-Bouvier of Pittsfield, a petition (accompanied by bill, House, No. 1597) of Mary S. Keefe, Tricia Farley-Bouvier and others for legislation to strengthen justice and support for sex trade survivors. The Judiciary.

The Commonwealth of Massachusetts

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

An Act to strengthen justice and support for sex trade survivors.

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. Section 7 of chapter 4 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting after the sixty-first definition the following
3 definition:-

4 Sixty-second, “prostituted person” shall mean any person who has been subjected to
5 prostitution because such person: (i) is the victim of the crime of sexual servitude pursuant to
6 section 50 of chapter 265 or is the victim of the crime of sex trafficking as defined in 22 U.S.C.
7 7105; (ii) engages, agrees to engage or offers to engage in sexual conduct with another person in
8 return for a fee, in violation of subsection (a) of section 53A of chapter 272 as appearing in the
9 2020 Official Edition, or in exchange for food, shelter, clothing, education or care; (iii) is a
10 victim of the crime, whether or not prosecuted, of inducing a minor into prostitution under by
11 section 4A of chapter 272; or (iv) engages in common night walking or common streetwalking
12 under section 53 of chapter 272 as appearing in the 2020 Official Edition.

13 SECTION 2. Section 55 of chapter 265 of the General Laws, as appearing in the 2020
14 Official Edition, is hereby amended by striking out, in line 4, the words “section 50 or 51” and
15 inserting in place thereof the following words:- “section 50 or 51 of this chapter or section 8 or
16 53A of chapter 272”.

17 SECTION 3. Said section 55 of said chapter 265 is hereby further amended by adding the
18 following paragraph:-

19 All monies used or intended to be used to facilitate any violation of section 8 or 53A of
20 chapter 272 that are not provided as restitution to victims shall be transmitted monthly by the
21 courts to the state treasurer who shall then allocate the funds to the Massachusetts Office for
22 Victim Assistance who shall, in turn, allocate the funds to the Victims of Human Trafficking
23 Trust Fund.

24 SECTION 4. Section 56 of said chapter 265, as so appearing, is hereby amended by
25 striking out, in lines 6, 8 to 9, 15, 19, 33 to 34, 43, 50 to 51, and 66, the words “section 50 or 51”
26 and inserting in place thereof, in each instance, the following words:- “section 50 or 51 of this
27 chapter or section 8 or 53A of chapter 272”.

28 SECTION 5. Section 4A of chapter 272 of the General Laws, as appearing in the 2020
29 Official Edition, is hereby amended by striking out, in line 1, the word “prostitute” and inserting
30 in place thereof the following words:- “prostituted person”.

31 SECTION 6. Section 7 of said chapter 272, as so appearing, is hereby amended by
32 striking out, in line 1, the word “prostitute” and inserting in place thereof the following words:-
33 “prostituted person”.

34 SECTION 7. Said chapter 272, as so appearing, is hereby further amended by striking out
35 section 8 and inserting in place thereof the following section:-

36 Section 8. Whoever solicits or receives compensation for soliciting for a prostituted
37 person, except a prostituted person who is solicited, shall be punished by imprisonment in a
38 house of correction for not more than 2 and one-half years, or by a fine of not less than \$1,000
39 and not more than \$5,000 or by both such imprisonment and fine.

40 SECTION 8. Section 53 of said chapter 272, as so appearing, is hereby amended by
41 striking out subsection (a) and inserting in place thereof the following subsection:-

42 (a) Persons who with offensive and disorderly acts or language accost or annoy another
43 person, lewd, wanton and lascivious persons in speech or behavior, keepers of noisy and
44 disorderly houses, and persons guilty of indecent exposure, shall be punished by imprisonment in
45 a jail or house of correction for not more than 6 months, or by a fine of not more than \$200, or by
46 both such fine and imprisonment.

47 SECTION 9. Section 53A of said chapter 272, as so appearing is hereby amended by
48 striking out subsection (a).

49 SECTION 10. Section 107 of said chapter 272, as so appearing, is hereby amended by
50 striking out, in line 2, the words “subsection (b) and subsection (c) of”.

51 SECTION 11. Section 100K of chapter 276 of the General Laws, as appearing in the
52 2020 Official Edition, is hereby amended by striking out subsection (c) and inserting in place
53 thereof the following subsections:-

54 (c) The court shall order an expungement pursuant to this section of a record created as a
55 result of a criminal court appearance, juvenile court appearance or dispositions for charges of
56 common street walking, under subsection (a) of section 53 of chapter 272 as appearing in the
57 2020 Official Edition, and for charges of sexual conduct with another person in return for a fee
58 under subsection (a) of section 53A of chapter 272 as appearing in the 2020 Official Edition.

59 (d) The court shall forward an order for expungement pursuant to this section forthwith to
60 the clerk of the court where the record was created, to the commissioner and to the commissioner
61 of criminal justice information services appointed pursuant to section 167A of chapter 6.

62 SECTION 12.

63 Notwithstanding any general or special law to the contrary, there shall be a special
64 commission to review and develop a set of recommendations to prevent, identify and respond to
65 all forms of prostitution in the commonwealth. The special commission shall consist of 17
66 members: (i) the secretary of the executive office of health and human services or designee, who
67 shall serve as a co-chair; (ii) the director of the Massachusetts office for victim assistance or
68 designee, who shall serve as a co-chair; (iii) a representative of the office of the attorney general;
69 (iv) a representative of the department of public health; (v) a representative of the department of
70 housing and community development; (vi) a representative of the department of children and
71 families; (vii) a representative of the department of mental health; (viii) a representative of the
72 executive office of labor and workforce development; (ix) a representative of My Life My
73 Choice; (x) a representative of Living in Freedom Together; (xi) a representative of the EVA
74 Center; (xii) a representative from an organization focused on the needs of the LBGTQ+
75 community; (xiii) a representative from an organization dedicated to providing treatment to those

76 with substance use disorder; (xiv) a representative of Boston Medical Center; (xv) a
77 representative of the Massachusetts office of refugees and immigrants; (xvi) a representative
78 from the committee for public counsel services; and (xvii) a victim witness advocate appointed
79 by the Massachusetts office for victim assistance.

80 The special commission shall publish a report, which shall include, but not be limited to:
81 (i) a review of existing government and non-government services related to the prevention,
82 identification and support of prostituted persons and the effectiveness of such services; (ii)
83 recommendations to increase and provide assistance to prostituted persons, including, but not
84 limited to, housing and re-location services, physical and behavioral health care, education and
85 job training, legal assistance, and victim compensation; (iii) strategies and best practices for
86 launching a statewide prevention and awareness campaign that uses evidence-based educational
87 programs and techniques to help deter youth from the commercial sex trade; and (iv)
88 recommendations to increase existing organizations' capacity to deliver survivor-of-prostitution-
89 led exit programming that provides continuity of support services for survivors.

90 The special commission shall convene not later than 90 days after the effective date of
91 this act and shall submit its findings and recommendations to the governor, the secretary of
92 health and human services, the clerks of the senate and the house of representatives, the chairs of
93 the joint committee on children, families and persons with disabilities and the chairs of the senate
94 and house committees on ways and means not later than 18 months after the effective date of this
95 act.