

SENATE No. 1054

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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 provide compensation for loss of income for victims of forced labor and sexual servitude.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/15/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/23/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>4/25/2023</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Hampden</i>	<i>5/17/2023</i>

SENATE No. 1054

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 1054) of Mark C. Montigny, Michael O. Moore and Rebecca L. Rausch for legislation to provide compensation for loss of income for victims of forced labor and sexual servitude. The Judiciary.

The Commonwealth of Massachusetts

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

An Act to provide compensation for loss of income for victims of forced labor and sexual servitude.

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 25 of chapter 118E of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting after clause (5) the following clause:-

3 (6) compensation received pursuant to section 204 of chapter 149.

4 SECTION 2. Section 1 of chapter 149 of the General Laws, as so appearing, is hereby
5 amended by inserting after the definition of “Safe” or “safety” the following definition:

6 “Victim of human trafficking”, a person who is subjected to the conduct prohibited under
7 section 50 or 51 of chapter 265 or a victim of “severe forms of trafficking in persons” under 22
8 U.S.C. 7102.

9 SECTION 3. Chapter 149 of the General Laws, as so appearing, is hereby amended by
10 adding the following section:

Section 204: Lost income to be paid to victims of human trafficking

Section 204. (a) A victim of human trafficking shall be eligible for compensation from the division of victim compensation and assistance within the department of the attorney general, established in section 11K of chapter 12, for loss of income resulting from the deprivation of liberty in the amount of \$25,000. A victim of human trafficking shall not be required to provide evidence or documentation of employment at the time of the crime.

(b) Compensation paid pursuant to this section shall not be counted toward the maximum award for compensation available to a victim of a crime under section 3(a) of chapter 258C.

(c) Compensation paid pursuant to this section shall constitute noncountable income and/or noncountable assets for the purpose of determining financial eligibility for programs administered by the department of transitional assistance in accordance with chapters 18 and 118 in addition to programs administered by the department of housing and community development in accordance with section 30 of chapter 23B.

SECTION 4. Section 3 of chapter 258C of the General Laws, as so appearing, is hereby amended by inserting at the end of subclause (b)(2)(D) the following sentence:-

“The division may rely on evidence other than official employment documentation in considering and approving an application for compensation for loss of earnings, which evidence may include any reliable corroborating information, including, but not limited to, a statement under penalty of perjury from the claimant, a licensed attorney, a mandated reporter, or a witness to the circumstances of the crime.”.

SECTION 5. Section 3 of chapter 258C of the General Laws is hereby further amended by adding the following subclauses in paragraph (b)(2):

(J) The division may authorize a cash payment to or on behalf of the victim for job retraining or similar employment-oriented services.

(K) When compensating a victim for loss of income pursuant to this section, the division may:

(i) Compensate the victim for loss of income directly resulting from the injury, except that loss of income may not be paid by the board for more than five years following the crime, unless the victim is disabled as defined in Section 416(i) of Title 42 of the United States Code, as a direct result of the injury;

(ii) Compensate the parent or legal guardian of a victim that was a minor at the time of the crime and is hospitalized as a direct result of the crime, provided that the minor victim's treating physician certifies in writing that the presence of the victim's parent or legal guardian at the hospital is necessary for the treatment of the victim; or

(iii) Compensate the parent or legal guardian of a victim that was a minor at the time of the crime and died as a result of the crime.