SENATE DOCKET, NO. 464 FILED ON: 1/13/2025

SENATE . . . . . No. 1186

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 ensure fair access to compensation for victims of human trafficking and forced labor.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Mark C. Montigny	*Second Bristol and Plymouth*	
Tram T. Nguyen	*18th Essex*	
James B. Eldridge	*Middlesex and Worcester*	*12/1/2025*

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SENATE . . . . . No. 1186

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 1186) of Mark C. Montigny and Tram T. Nguyen for legislation to provide compensation for loss of income for victims of forced labor and sexual servitude. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1054* OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to ensure fair access to compensation for victims of human trafficking and forced labor.

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. Section 1 of chapter 149 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the definition of "Safe" or "safety" the following definition:

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

SECTION 2. Said chapter 149 is hereby amended by adding the following section:

Section 204: Fair Access to Compensation for Victims of Human Trafficking

9 Section 204. (a) A victim of human trafficking shall be eligible to receive compensation
10 from the division, as defined in section 1 of chapter 258C, for lost income due to deprivation of
11 liberty, with a maximum award of $25,000. Lost income compensation paid by the division
12 pursuant to this paragraph shall not exceed twelve thousand five hundred dollars ($12,500) per
13 year for a maximum of two years.

14 (b) Compensation awarded under this section for lost income, up to $25,000, shall not
15 count toward the compensation available to crime victims under section 3(a) of chapter 258C.
16 However, this amount shall count toward the $50,000 maximum award available for victims with
17 catastrophic injuries under Section 3(a) of Chapter 258C.

18 (c) Notwithstanding any general or special law to the contrary, compensation paid
19 pursuant to this section shall not be counted as income or an asset for purposes of determining
20 eligibility for any program that receives federal, state or local funds to the extent permitted by
21 federal law. Such programs include, but are not limited to, those administered by the following:
22 the executive office of health and human services, executive office of housing and livable
23 communities, executive office of labor and workforce development, executive office of veterans
24 services, executive office of education, executive office of aging and independence, executive
25 office of public safety and security, executive office of energy and environmental affairs,
26 executive office for administration and finance, and executive office of technology services and
27 security.

28 (d) Given the unique circumstances of human trafficking, the following criteria shall not
29 bar a victim of human trafficking from obtaining lost income compensation under this section:

30 (i) Lack of official employment documentation: A victim of human trafficking is not
31 required to provide formal employment documentation from an employer. Instead, the victim
32 may submit alternative evidence of employment as defined in section 3, subsection (b)(2)(D) of
33 chapter 258C.

34 (ii) Criminal history or alleged contributory conduct resulting from victimization:
35 Criminal charges or alleged contributory conduct arising from, related to, or associated with the
36 claimant's experience as a human trafficking victim, including, but not limited to, charges under
37 chapter 94C or charges under section 53(a) and 53A(a) of chapter 272, shall not disqualify the
38 claimant from receiving lost income compensation under this section or under section 3(a) of
39 chapter 258C. The application must include a statement, made under penalty of perjury, from the
40 claimant, or a law enforcement officer, licensed attorney, social worker, or witness to the alleged
41 crime, explaining the connection between the charges and the claimant's victimization. The
42 statement shall not require the claimant to admit to any criminal conduct.

43 SECTION 3. Section 3 of chapter 258C of the General Laws is hereby further amended
44 by adding the following sentence to subclause (b)(2)(D):

45 When compensating a victim of human trafficking for lost income pursuant to section
46 204 of chapter 149, the division shall:

47 (i) Within 190 days of the passage of this bill, adopt guidelines that allow it to rely on
48 evidence other than official employment documentation in considering and approving an
49 application for lost income compensation. The evidence may include any reliable corroborating
50 information, including, but not limited to, a statement under penalty of perjury from the claimant,

51 a licensed attorney, a mandated reporter, or a witness to the circumstances of the crime, to
52 demonstrate that the claimant was a victim of human trafficking during the relevant period; and

53 (ii) Compensate the victim for lost income resulting from the deprivation of liberty
54 during the crime. Compensation shall be calculated based on the Massachusetts minimum wage
55 in effect at the time of the trafficking conduct, for up to 40 hours per week.

56 SECTION 4. Section 3 of chapter 258C of the General Laws is hereby further amended
57 by adding the following subclauses in paragraph (b)(2):

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

60 (K) When compensating a victim of human trafficking for lost income pursuant to section
61 204 of chapter 149, the division may:

62 (i) Compensate the victim for lost income directly resulting from the injury, with the
63 limitation that compensation for lost income shall not extend beyond seven years following the
64 date of the crime, unless the injury has rendered the victim disabled, as defined in section 416(i)
65 of Title 42 of the United States Code;

66 (ii) Compensate a victim who was a minor at the time of the crime, provided the victim is
67 eligible to receive compensation upon reaching eighteen years of age; or

68 (iii) Compensate the parent or legal guardian of a victim that was a minor at the time of
69 the crime and: (a) is hospitalized as a direct result of the crime, provided that the minor victim's
70 treating physician certifies in writing that the presence of the victim's parent or legal guardian at
71 the hospital is necessary for the treatment of the victim; or (b) died as a result of the crime.