

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Cindy F. Friedman

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:

Cindy F. Friedman

DISTRICT/ADDRESS:

Fourth Middlesex

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 983 OF 2023-2024.]

The Commonwealth of Massachusetts

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

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 2022
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: (i) is the victim of the
5 crime of sexual servitude pursuant to section 50 of chapter 265 or is the victim of the crime of
6 sex trafficking as defined in 22 U.S.C. section 7105; (ii) engages, agrees to engage or offers to
7 engage in sexual conduct with another person in return for a fee, in violation of subsection (a) of
8 section 53A of chapter 272, or in exchange for food, shelter, clothing, education or care; (iii) is a
9 victim of the crime, whether or not prosecuted, of inducing a minor into prostitution under by
10 section 4A of chapter 272; or (iv) engages in common night walking or common streetwalking
11 under section 53 of chapter 272 of the General Laws, as appearing in the 2022 Official Edition.

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

15 SECTION 3. Said section 55 of said chapter 265, as so appearing, is hereby further
16 amended by adding the following paragraph:-

17 All monies used or intended to be used to facilitate any violation of section 8 or 53A of
18 chapter 272 that are not provided as restitution to victims shall be transmitted monthly by the
19 courts to the state treasurer who shall then allocate the funds to the Massachusetts Office for
20 Victim Assistance who shall, in turn, allocate the funds to the Victims of Human Trafficking
21 Trust Fund established by section 66A of chapter 10.

22 SECTION 4. Section 56 of said chapter 265, as so appearing, is hereby amended by
23 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”
24 and inserting in place thereof, in each instance, the following words:- section 50 or 51 of this
25 chapter or section 8 or 53A of chapter 272.

26 SECTION 5. Subsection (a) of section 59 of said chapter 265, as so appearing, is hereby
27 amended by striking out paragraphs (5) and (6) and inserting in place thereof the following 3
28 paragraphs:-

29 (5) where the conviction, adjudication of delinquency or continuance without a finding
30 was for an offense committed when the defendant was 18 years of age or older, the defendant
31 may prepare a sworn affidavit establishing a reasonable probability that the defendant’s
32 participation in the offense was the result of having been a victim of human trafficking or
33 trafficking in persons and serve such affidavit upon the state or local prosecutorial office that

34 obtained such conviction. In cases where such an affidavit is served, a rebuttable presumption
35 that the defendant's participation in the offense was a result of having been a victim of human
36 trafficking or trafficking in persons shall be created in cases where the state or local prosecutorial
37 office has agreed to assent to the motion for vacatur or has failed to respond within 45 days from
38 the date of service; provided, however, that such presumption shall not be required for granting a
39 motion under this subsection;

40 (6) the rules concerning the admissibility of evidence at criminal trials shall not apply to
41 the presentation and consideration of information at a hearing conducted pursuant to this section
42 and the court shall consider hearsay contained in official documentation from any local, state or
43 federal government agency of the defendant's status as a victim of human trafficking or
44 trafficking in persons offered in support of a motion pursuant to this section; and

45 (7) a motion pursuant to this section may be heard by any sitting justice of a court of
46 competent jurisdiction.

47 SECTION 6. Said section 59 of said chapter 265, as so appearing, is hereby amended by
48 striking out subsection (b) and inserting in place thereof the following subsection:-

49 (b) Upon vacatur of a conviction, adjudication of delinquency or continuance without a
50 finding, the court shall enter a disposition of nolle prosequi and order an expungement of the
51 record of such offense and shall forward an order for expungement forthwith to the clerk of the
52 court where the record was created, to the commissioner of probation and to the commissioner of
53 criminal justice information services appointed pursuant to section 167A of chapter 6.

54 SECTION 7. Section 4A of chapter 272 of the General Laws, as so appearing, is hereby
55 amended by striking out, in line 1, the word “prostitute” and inserting in place thereof the
56 following words:- prostituted person.

57 SECTION 8. Section 7 of said chapter 272, as so appearing, is hereby amended by
58 striking out, in line 1, the word “prostitute” and inserting in place thereof the following words:-
59 prostituted person.

60 SECTION 9. Section 53 of said chapter 272, as so appearing, is hereby amended by
61 striking out, in lines 1 to 2, the words “Common night walkers, common street walkers, both
62 male and female, persons” and inserting in place thereof the following word:- Persons.

63 SECTION 10. Section 100K of chapter 276 of the General Laws, as so appearing, is
64 hereby amended by striking out subsection (c) and inserting in place thereof the following
65 subsections:-

66 (c) The court shall order an expungement pursuant to this section of a record created as a
67 result of a criminal court appearance, juvenile court appearance or dispositions for charges of
68 common night walking and common street walking under subsection (a) of section 53 of chapter
69 272 of the General Laws, as appearing in the 2022 Official Edition.

70 (d) When expungement is ordered pursuant to this section, the court shall forward an
71 order for expungement forthwith to the clerk of the court where the record was created, to the
72 commissioner and to the commissioner of criminal justice information services appointed
73 pursuant to section 167A of chapter 6.

74 SECTION 11. Notwithstanding any general or special law to the contrary, there shall be
75 a special commission to review and develop a set of recommendations to prevent, identify and
76 respond to all forms of prostitution in the commonwealth. The special commission shall consist
77 of 21 members: (i) the secretary of the executive office of health and human services or
78 designee, who shall serve as a co-chair; (ii) the director of the Massachusetts office for victim
79 assistance or designee, who shall serve as a co-chair; (iii) a representative of the office of the
80 attorney general; (iv) a representative of the department of public health; (v) a representative of
81 the department of housing and community development; (vi) a representative of the department
82 of children and families; (vii) a representative of the department of mental health; (viii) a
83 representative of the executive office of labor and workforce development; (ix) a representative
84 of My Life My Choice; (x) a representative of Safe Exit Initiative; (xi) a representative of
85 Amirah, Inc; (xii) a representative of Ria, Inc.; (xiii) a representative from an organization
86 focused on the needs of the LBGTQ+ community; (xiv) a representative from an organization
87 dedicated to providing treatment to those with substance use disorder; (xv) a representative of
88 Boston Medical Center; (xvi) a representative of the Massachusetts office of refugees and
89 immigrants; (xvii) a representative from the committee for public counsel services; (xviii) a
90 victim witness advocate appointed by the Massachusetts office for victim assistance; (xix) a
91 representative of the Massachusetts State Police; (xx) a representative of the Massachusetts
92 Sheriffs' Association; and (xxi) a representative of the Massachusetts Chiefs of Police
93 Association.

94 The special commission shall publish a report, which shall include, but not be limited to:
95 (i) a review of existing government and non-government services related to the prevention,
96 identification and support of prostituted persons and the effectiveness of such services; (ii)

97 recommendations to increase and provide assistance to prostituted persons, including, but not
98 limited to, housing and re-location services, physical and behavioral health care, education and
99 job training, legal assistance, and victim compensation; (iii) strategies and best practices for
100 launching a statewide prevention and awareness campaign that uses evidence-based educational
101 programs and techniques to help deter youth from the commercial sex trade; and (iv)
102 recommendations to increase existing organizations' capacity to deliver survivor-of-prostitution-
103 led exit programming that provides continuity of support services for survivors.

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