

## CRIMINAL PROVISIONS

**POLICY GOAL:** State law mandates that financial penalties are levied on sex trafficking and CSEC offenders and are directed to a victim services fund.

**Financial penalties may function as both a deterrent for offenders and a funding stream for victim services, the latter providing a valuable resource for ensuring much needed services are adequately funded and available statewide.**

Accordingly, state asset forfeiture laws should direct a percentage of a sex trafficking or commercial sexual exploitation of children (CSEC) offender's forfeited assets toward a victim services fund.

Additionally, states should assess a mandatory fee against sex trafficking and CSEC offenders that is also directed toward a victim services fund. The fee should apply to the original charge of sex trafficking or CSEC, not the final judgement or conviction.

In 2015, the Justice for Victims of Trafficking Act (JVTA)<sup>1</sup> created a mandatory special assessment to be imposed on those convicted of human trafficking. A \$5,000 fee is assessed in addition to other court-ordered fines, orders of restitution, and any other victim-compensation obligations but is collected after all these other financial penalties are addressed. The JVTA also created the Domestic Trafficking Victims' Fund into which the fees collected from the special assessment are transferred and utilized to fund and enhance victim services for trafficking

survivors. The number of defendants ordered by federal courts to pay this \$5,000 special assessment has increased each year since its enactment in 2015 with 34 defendants convicted in sex trafficking cases ordered to pay this fee in 2019.<sup>2</sup> By also establishing the Domestic Victims' Trafficking Fund through the JVTA, the federal government guaranteed this money would be utilized for services and programming for trafficking survivors.

Child sex trafficking victims often have complex needs, and it is important that they not only receive a broad array of treatment but also that the treatment is specialized to the trauma associated with commercial sexual exploitation.<sup>3</sup> Statutorily mandating a percentage of sex trafficking and CSEC offenders' forfeited assets and a mandatory fee against these offenders can create a key source of support for specialized, sex trafficking victim services. Following the example of the JVTA, states should also consider statutorily mandating the creation and operation of a specific victim services fund for child sex trafficking and CSEC to ensure that these funds are specifically utilized to support services to address the unique needs of this population.

## **DRAFTING CONSIDERATIONS:** *To accomplish this policy goal, state law should...*

- ▶ Require a mandatory fee be assessed to sex trafficking and CSEC offenders and direct the fee toward a designated victim services fund.
- ▶ Mandate that a percentage of forfeited assets is directed toward a victim services fund.

## **RELATED ISSUES:**

- 3.5** State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement.

## **SUPPORTING RESOURCES:**

- ▶ [A Legislative Framework for Combatting Domestic Minor Sex Trafficking](#)
- ▶ [Demanding Justice](#) report
- ▶ [Demanding Justice Arizona](#)

<sup>1</sup> Justice for Victims of Trafficking Act of 2015, Pub. L. No: 114-22, 129 Stat 227 (2015).

<sup>2</sup> KYLEIGH FEEHS & ALYSSA CURRIER, HUMAN TRAFFICKING INSTITUTE, FEDERAL HUMAN TRAFFICKING REPORT 60 (2019).

<sup>3</sup> See U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILIES, GUIDANCE TO STATES AND SERVICES ON ADDRESSING HUMAN TRAFFICKING OF CHILDREN AND YOUTH IN THE UNITED STATES.