



RESOURCE GUIDE FOR STATE LEGISLATORS
MODEL PROVISIONS FOR STATE
ANTI-TRAFFICKING LAWS

by
The National Institute on State Policy
on Trafficking of Women and Girls

of the
Center for Women Policy Studies

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A NOTE TO STATE LEGISLATORS

Since 1998, the Center for Women Policy Studies has brought the issue of **international trafficking of women and girls into the United States** to the attention of state legislators nationwide. And since 2001, we have worked in partnership with legislators – as their “national staff” on women’s human rights policy issues – **to craft state level responses to this global crisis.**

Indeed, the history of our **National Institute on State Policy on Trafficking of Women and Girls** is a history of success, thanks to the stellar leadership and commitment of the women state legislators whose names are listed below. Our success is dependent on the leadership of **our national network of state legislators** in all 50 states, the District of Columbia, and territories who participate in our **Contract with Women of the USA[®] State Legislators Initiative.**

Through this unique partnership, state legislators work with the Center to implement the principles of the 1995 UN Conference on Women (Beijing) Platform for Action, signed by the United States. Our **Contract with Women of the USA[®]** is, in fact, the Beijing Platform “translated” into US-relevant terms – and it guides our women’s human rights policy agenda.

We are especially proud of the 58 women state legislators who have graduated from our **Foreign Policy Institute for State Legislators** during its first five years (2001-2005) – many of whom have led the way in passing state anti-trafficking laws since 2001.

These leaders understand that the United States is a major “destination” country for traffickers and they know that we must respond to this most appalling violation of women’s and girls’ basic human rights. They also understand that **fighting**

trafficking of women and girls into our Nation is a joint federal/state policy obligation. They understand that states can – and must – play a major role, in partnership with the federal government, in addressing the crisis we face as a trafficking destination country. Therefore, we are especially pleased that, in recent years, the US Department of Justice has stepped up its support for state and local policy leadership as well.

The Center’s prior work on trafficking of women and girls as a state policy issue has been extensive. We:

- ◆ convened a first-ever **workshop** on trafficking at the National Conference of State Legislatures (NCSL) annual meeting in 1999 – at which more than 50 legislators learned about the issue for the first time; convened a **special panel discussion** at the 2005 NCSL annual meeting featuring several women state legislators whose anti-trafficking bills passed their legislatures;
- ◆ spoke on a first-ever NCSL **panel**, *The Price of People: Trafficking and the Role of the State*, at the 2003 NCSL annual meeting and at the 2005 NCSL annual meeting session on *The Price of People: Combating Human and Sex Trafficking*;
- ◆ spoke at a **Capitol Hill briefing** for Members of Congress and their staffs, sponsored by Women’s Policy Inc., on federal and state policy on trafficking of women and girls into the United States;
- ◆ co-sponsored the first two **statewide conferences** on trafficking of women and girls as a state policy issue – in **Washington** in November 2001 and in **Minnesota** in October 2003;
- ◆ prepared the first set of **criteria for state legislation** and **fact sheets on state anti-trafficking laws** and **federal cases** – which we

update every year, share with legislators, and post on our website at www.centerwomenpolicy.org;

- ◆ presented a **comprehensive analysis** of the nature and extent of trafficking of women and girls and the role of both federal and state leadership, entitled *Fighting the War Against Trafficking of Women and Girls: The Role of State Legislators*, at **state legislative briefings** in state Capitols in **Alaska, Arizona, California, Colorado, Connecticut, Maine, Nebraska, New York, and North Carolina**;
- ◆ spoke at **community forums and state conferences** in **Alaska, Colorado, District of Columbia, Maryland, Minnesota, Missouri, New Jersey, Pennsylvania, and Virginia**;
- ◆ provided **individualized technical assistance to state legislators** and their legislative counsels

and staff in these and other states to help them develop legislative initiatives.

Today, the Center continues to help states create the policy and legislative framework that will enable them to prosecute and punish traffickers while protecting and supporting the women and girls who have been trafficked into our states for forced labor and forced sexual exploitation.

We hope that the **Guide** will be useful in your efforts and that you will **contact the Center** for assistance or to bring the Center's expertise to your state. Please feel free to be in touch with Leslie R. Wolfe, the Center's president (LWolfe@centerwomenpolicy.org or 202-872-1770 extension 208).

ABOUT THE GUIDE

This **Guide** presents a series of **model legislative provisions** that state legislators can use to create either a comprehensive state anti-trafficking law or to begin with one or more of the recommended legislative initiatives.

Our analysis and recommendations derive from both the federal *Trafficking Victims Protection Act of 2000*, as reauthorized in 2003, and from successful state laws. We thus provide a user-friendly document that offers the most **effective state legislative language and strategies** that have been proven to work in state legislatures.

The **Guide** also includes two special inserts:

- ◆ **Fact Sheet on State Anti-Trafficking Laws**
- ◆ **Fact Sheet on Federal Prosecutions of Trafficking Cases in the United States**

We will update both of these **Fact Sheets** each year to provide the most current information about all state anti-trafficking laws and to add summaries of new federal cases. We will post them on our website at www.centerwomenpolicy.org.

ACKNOWLEDGEMENTS

Under the supervision of Center president Leslie R. Wolfe, Center staff members Brenda Romney Martin, director of public policy, and Sarah Doire, policy associate, prepared the **Guide** – in partnership with Kelly Heinrich, president of Humanatis, LLC and an expert on immigration law and trafficking who works with the Center as a consultant. We are especially grateful to Kelly for her commitment to the Center’s mission, for her comprehensive analysis of state anti-trafficking laws, and for her expertise on both federal and state law and policy.

The Center expresses its gratitude to the **Libra Foundation** – whose commitment to addressing women’s human rights issues inspires us and whose financial support enabled the Center to develop and produce the **Guide**.

RECOMMENDED PROVISIONS FOR STATE ANTI-TRAFFICKING LAWS

1

The Center for Women Policy Studies encourages state legislators to develop legislative initiatives:

- ◆ to make trafficking a **state felony offense** with appropriately harsh punishments for traffickers and protections for the women and girls who have been trafficked into our communities; we urge states to pass **criminalization statutes** and also to provide for **victim assistance** programs.
- ◆ to create **expert task forces or study commissions** with a mandate to determine the nature and extent of trafficking in the state and make recommendations for legislative, policy, and programmatic initiatives;
- ◆ to regulate “international marriage brokers” (also known as “international matchmaking organizations” and “mail order bride” companies) that operate in the state to eliminate “**bride trafficking**” through commercial enterprises; and,
- ◆ to regulate travel services providers that operate in the state and facilitate **sex tourism**.



“Our state already has laws against prostitution and other crimes, so why do we need an anti-trafficking law?”

*Until states enact comprehensive anti-trafficking laws, prosecutors use existing criminal statutes to prosecute traffickers for such crimes as: false imprisonment, promotion of prostitution, kidnapping, rape, and aggravated assault, for example. **But these laws are insufficient** — as they do not criminalize all manifestations of exploitative trafficking into the United States and do not offer protections from prosecution for all trafficked women and girls. Finally, criminalizing human trafficking brings state law into accord with the federal Trafficking Victims Protection Act of 2000, as reauthorized in 2003, and enables local and state law enforcement to investigate and prosecute these crimes and work in partnership with federal law enforcement.*

THE CRIME OF HUMAN TRAFFICKING — PROPOSED LANGUAGE

“A person commits the crime of human trafficking for forced labor or forced sexual exploitation if the person recruits, harbors, transports or obtains a person through the use of force, fraud or coercion by (a) threats of serious harm to, or physical restraint against, that person or another person; (b) destroying, concealing, removing, confiscating or possessing any passport, immigration document or other government identification document; (c) abuse or threatened abuse of the law or legal process; or (d) means of any scheme, plan or pattern intended to cause the person to believe that the person or another person would suffer serious harm or physical restraint or if the person benefits, financially or by receiving anything of value, from participation in a venture that has engaged in an act of human trafficking.”¹

“Human trafficking for forced labor (labor trafficking) includes, but is not limited to, forced labor in sweatshops, households, agricultural fields and any other workplace.

“Human trafficking for forced sexual exploitation (sexual trafficking) includes, but is not limited to, all forms of forced commercial sexual activity such as forced sexually-explicit performance, forced prostitution, forced participation in the production of pornography, forced performance in strip clubs, and forced so-called “exotic” dancing or display.”

DISCUSSION

States have chosen to criminalize human trafficking in several ways. Some states (**Arizona**,² **Florida**,³ **Minnesota**,⁴ and **Missouri**)⁵ created separate trafficking offenses – distinguishing between trafficking for forced labor and trafficking for sexual exploitation. Other states

(**Arkansas**,⁶ **Florida**,⁷ **Illinois**,⁸ **Kansas**,⁹ **Louisiana**,¹⁰ **New Jersey**,¹¹ **Texas**,¹² and **Washington**)¹³)

criminalized the broader offense of “human trafficking.” **Florida**¹⁴ and **Missouri**¹⁵ created a separate offense for trafficking of minors, and **Minnesota**¹⁶ and **Missouri**¹⁷ also criminalized forced servitude and unlawful conduct with documents.

States should take a comprehensive approach to defining trafficking and ensure that the statute criminalizes all forms of labor trafficking and sexual trafficking. This would include **sexual exploitation** – forced prostitution, forced participation in the production of pornography, and all other forms of commercial sexual activity (such as forced performance in strip clubs and forced so-called “exotic” dancing or display, for instance). This comprehensive definition of trafficking also would include all forms of **labor exploitation** – including forced labor in sweatshops, households, agricultural fields and any other workplace. While such jobs might otherwise be legal, the key element is force, fraud and coercion that subjects victims to involuntary servitude – often accompanied by failure of the traffickers, recruiters, or harborers to actually pay wages for the work.

The proposed language also clarifies **the elements of force, threat, deceit, and fraud that characterize the traffickers’ ability to “recruit” and control victims.** First, while traffickers may kidnap and harbor their victims – many traffickers “recruit” victims through a variety of legitimate strategies – including, for example, newspaper, radio or television advertisements, flyers distributed in their communities, and word of mouth. However, the advertisements are characterized by deception because their promises of jobs in another country as child care and elder care workers, waitresses, ethnic folk

dancers, and landscapers, for example, are false. When a woman accepts such a false offer in good faith, her victimization begins – because the promised jobs do not exist; instead, she is forced into sexual and/or labor exploitation as described above.

The proposed language encompasses all of these possibilities and also extends the criminal action to **all individuals who participate in the offense** of human trafficking – the recruiters, the harborers, the transporters, and all others who have contributed to, or benefited from, the trafficking of another person – thus enabling law enforcement to arrest and prosecute all who participate in the chain of trafficking – from recruitment in the home country through involuntary servitude in the United States.

The proposed language also defines **the forms of force, fraud and coercion** that traffickers use to control the victims and prevent them from escaping. These forms of coercion typically include: physical and sexual violence against victims as well as threats of such violence against the victim herself and against her family members (force); misrepresentation of the employment conditions and terms (fraud); control of identification documents to instill fear of law enforcement and immigration authorities (coercion); and threats of imprisonment and deportation (abuse of legal process).

Therefore, states also should prohibit traffickers' assertion of the victims' alleged "consent" to be used as a defense (see the **Minnesota** statute).¹⁸ Indeed, legally binding consent does not exist in the context of the deception, fraud and deceit that are the hallmark of traffickers' promises to their victims and, thus, of the woman's alleged "consent" to be trafficked.

CREATING ENHANCED PENALTIES FOR TRAFFICKERS

– PROPOSED LANGUAGE

“If an offense under this section results in the death of the trafficked person or if the trafficked person is (a) younger than 18 years of age at the time of the offense, (b) suffering from a serious or permanent bodily injury, (c) kidnapped or (d) held for a period greater than 180 days or if the offense involves more than ten victims, penalties are increased to the statutory maximum.”¹⁹

DISCUSSION

States that have passed trafficking criminalization statutes also have included enhanced penalties when the crime involves a minor, involves kidnapping, or results in the death of a victim.

Washington created trafficking in the first degree and second degree as class A felonies.²⁰ **Texas** criminalized trafficking as a felony of the second degree unless the victim is under the age of 14 or if death occurs, in which case the offense is a felony of the first degree.²¹ **Kansas** created the crimes of human trafficking and of aggravated human trafficking – to create enhanced penalties if the victim is under the age of 18.²² **Illinois** provided for enhanced sentencing for serious bodily injury or permanent bodily injury, the length of time in servitude, and the number of victims.²³ The US Department of Justice also recommends sentencing enhancements to the statutory maximum when the violation involves kidnapping or attempted kidnapping, rape, “extreme violence,” and death.²⁴

**AFFIRMATIVE DEFENSE/PROTECTION OF VICTIMS FROM PROSECUTION
— PROPOSED LANGUAGE**

“It is an affirmative defense to prosecution for a criminal violation that, during the time of the alleged commission of the offense, the defendant was a victim of human trafficking.”²⁵

DISCUSSION

States should ensure that victims of trafficking who are forced to commit crimes are protected from prosecution. While most people understand that women who are forced into prostitution should not be prosecuted, states also have recognized that victims may be trafficked into criminal enterprises where they are forced to commit other crimes and may even be forced to assist in trafficking others. If this is the case, the person is a victim of trafficking who has been subject to force and coercion rather than a trafficker. In acknowledgement of this reality, **Minnesota**²⁶ and **New Jersey**²⁷ have created an affirmative defense so that a victim can be protected from prosecution as a trafficker.

**MANDATORY RESTITUTION TO VICTIMS
— PROPOSED LANGUAGE**

“The court shall order restitution for any violation [of this section], including the greater of (1) the gross income or value to the defendant of the victim’s labor or services or (2) the value of the victim’s labor as guaranteed under the minimum wage and overtime provisions of the Fair Labor Standards Act of 1938 (52 Stat. 1060; 29 U.S.C. §§ 201-219) and [corresponding state statutes, if any].”²⁸

DISCUSSION

Mandatory restitution to victims of trafficking can, at minimum, help victims to recover financially from the economic devastation they endured. The court can order restitution that provides a trafficked person with the equivalent of the “wages” they should have received and also can order restitution at a higher amount as further compensation for their victimization.

The proposed language above is derived from the **Arizona**²⁹ and **New Jersey**³⁰ mandatory restitution statutes, which are modeled on the US Department of Justice model state law.³¹ **Illinois**³² and **Missouri**³³ also have made restitution mandatory. **Arizona**, **New Jersey** and **Illinois** also provide guidance on how to assess the amount of restitution.

ASSET FORFEITURE

In addition to mandatory restitution, states also should **amend their state codes for asset forfeiture** to include **human trafficking as a predicate offense**. This will ensure that states can apply asset forfeiture provisions, which allow for the seizure and confiscation of assets that result from specific crimes, to the crime of human trafficking. Asset forfeiture can reduce trafficking profits and ultimately help to dismantle a trafficking ring. **Illinois**,³⁴ **New Jersey**,³⁵ and **Washington**³⁶ include asset forfeiture in their criminalization statutes.

**CORPORATE LIABILITY
— PROPOSED LANGUAGE**

“If a corporation or other business enterprise is convicted of a human trafficking offense, in addition to the criminal penalties described in those sections and other remedies provided

elsewhere in law, the court may, when appropriate: (1) order its dissolution or reorganization; (2) order the suspension or revocation of any license, permit, or prior approval granted to it by a state agency; or (3) order the surrender of its charter if it is organized under state law or the revocation of its certificate to conduct business in the state if it is not organized under state law.²³⁷

DISCUSSION

This proposed language is derived from the **Minnesota** statute that **creates additional liability if a business has engaged in human trafficking.**

Like asset forfeiture, such corporate liability can help to dismantle the trafficking operation. It can be hoped that enforcement of this provision will not only provide for additional punishment but also will prevent future trafficking activities by that business and serve as a disincentive for others.

IMPLEMENTATION AND ENFORCEMENT: MANDATORY TRAINING FOR LAW ENFORCEMENT PERSONNEL — PROPOSED LANGUAGE

“Within 90 days after enactment of this law, the Attorney General shall establish training standards and hold compulsory training of law enforcement officers on the subject of human trafficking. The course of instruction, learning and performance objectives, and training standards shall be developed by the Attorney General in consultation with appropriate national and state experts in the field of human trafficking.

“Such compulsory training courses shall include, at a minimum: (1) the state human trafficking law; (2) identification of human trafficking;

(3) communicating with traumatized persons; (4) therapeutically appropriate investigative techniques; (5) collaboration with federal law enforcement officials; (6) rights and protections afforded to victims; (7) providing documentation that satisfies the **I-914 Supplement B Declaration of Law Enforcement Officer for Victim of Trafficking in Persons** required by federal law; and (8) the availability of community resources to assist trafficking victims. Where appropriate, the training presenters shall include human trafficking experts with experience in the delivery of direct services to victims of human trafficking.

“Law enforcement officer” means any officer or employee of a local police department or sheriff’s office, and any peace officer of the state Highway Patrol.²³⁸

DISCUSSION

The proposed language, derived from proposed **California** legislation, reflects the importance of ensuring that state and local law enforcement personnel are fully prepared to enforce the new law. Indeed, if victims are to be identified, traffickers to be prosecuted, and the newly created human trafficking law is to be effectively enforced, those responsible for these duties under the new law must be provided with the training and expertise they will need to fulfill their duties.

Law enforcement personnel must understand the nature of international trafficking of persons into the United States and the provisions of the new state law as well as the federal *Trafficking Victims Protection Act of 2000*, as amended in 2003.

They must learn what to look for in order to charge under the state law and how to work with

relevant federal law enforcement and immigration officials.

The training also should emphasize the great benefits and leads that come from collaboration with diverse ethnic communities and providers of services to victims – including rape crisis centers, domestic violence programs, refugee and immigrant women’s programs, for example. The training also must teach law enforcement personnel how to work with a trafficking victim – the central figure in any human trafficking case without whom there would be no case. This would include training on a trafficking victim’s rights under both federal and state law, how to work with severely traumatized persons, and how to work with appropriate service providers from the moment a victim is identified.

TRAFFICKING VICTIMS PROTECTION AND ASSISTANCE

Prior to release from their traffickers, women and girls have been living in horrific conditions – subject to rape and battering, forced prostitution, forced labor in sweatshops, private homes, and agricultural fields, and unsafe living conditions – in brothels, basements, and trailers. They may not be fluent in English. They may fear law enforcement personnel, based on the realities they faced in their home countries. Their experiences have left them economically devastated, separated from friends and family, physically and psychologically damaged, and without employment, shelter, and food.

Yet law enforcement relies upon trafficking victims to assist in the prosecutions of traffickers and even to provide evidence against their traffickers. Prosecutors often feel that the best evidence against a trafficker is the testimony of a

victim. But victims still are traumatized and fearful; it is emotionally challenging, if not impossible, therefore, for a victim to cooperate with law enforcement to help investigate and prosecute a trafficker.

Before we can expect victims to assist law enforcement, it is essential that states provide for their most basic needs for safety and services.

These must include safe and secure housing, all forms of physical and mental health care services delivered by providers who have been trained to work with traumatized women and girls, and education and training for economic recovery and future self-sufficiency. Women and girls who are on the way to recovery are more likely to be willing and able to assist law enforcement.

PROTECTIONS FOR TRAFFICKING VICTIMS – PROPOSED LANGUAGE

“Human trafficking victims shall (a) be housed in appropriate shelter as quickly as possible;³⁹ (b) not be detained in facilities inappropriate to their status as crime victims; (c) not be jailed, fined or otherwise penalized due to having been trafficked;⁴⁰ (d) receive prompt medical care, mental health care, food and other assistance;⁴¹ (e) have access to legal assistance, information about their rights and translation services;⁴² (f) be provided protection if a victim’s safety is at risk or if there is danger of additional harm by recapture of the victim by a trafficker, including: (i) taking measures to protect trafficked persons and their family members from intimidation and threats of reprisals and reprisals from traffickers and their associates; and (ii) ensuring that the names and identifying information of trafficked persons and their family members are not disclosed to the public.”²⁴³

DISCUSSION

Before passage of the federal *Trafficking Victims Protection Act of 2000*, trafficking victims were routinely deported to their home countries because of their undocumented status. The consequences for these victimized women and girls often were dire – as they frequently were re-trafficked into another situation of involuntary servitude and/or severely punished by their traffickers for having escaped.

The consequence for law enforcement in the United States was the loss of essential evidence in the case – leaving them unable to proceed with investigations and prosecutions. In response, federal and state anti-trafficking laws aim to **treat trafficked persons as crime victims** and provide them with services that will help them restore their lives and cooperate with law enforcement. State laws must explicitly protect the rights of trafficking victims and ensure their safety.

PROVIDING SERVICES FOR TRAFFICKING VICTIMS — PROPOSED LANGUAGE

“The Departments of Social Services, Health and Human Services, Public Safety, Labor, Education, and other State agencies shall expand benefits and services to human trafficking victims without regard to the immigration status of such victims.⁴⁴ The Secretary of the Department of Social Services shall convene and chair a work group to develop written protocols for delivery of services to human trafficking victims. In addition to the Secretary of the Department of Social Services, members of the work group shall include: the Secretaries of the Departments of Health and Human Services, Public Safety, Labor, and Education; the Attorney General; representatives of appropriate federal agencies, including the

Departments of Health and Human Services, Labor, Education, Homeland Security, and Justice, to ensure that the state protocols are, to the extent possible, in concert with federal statutes, regulations, and policies; and, five representatives from state or community-based organizations that provide assistance to trafficking victims. Members of the work group shall serve without compensation.

“The protocols shall apply to all agencies represented on the work group and other state agencies that the work group defines as appropriate. The protocols shall provide policies and procedures for interagency coordinated operations and cooperation with nongovernmental organizations, law enforcement agencies and prosecuting attorneys. The protocols must include the establishment of a database electronically available to all affected agencies which contains the name, address and telephone numbers of all state governmental and nongovernmental agencies and organizations that provide services to victims of human trafficking. The protocols shall provide guidelines for providing for the social service needs of human trafficking victims, including housing, food, health and mental health care, English language learning, job training and employment.

“Within one year of its creation, the work group shall finalize the written protocols and submit them with a report to the legislature and the governor. The work group shall review the protocols every two years to determine whether revisions are appropriate and shall make a report to the Legislature and the Governor.”⁴⁵

DISCUSSION

The proposed language first requires that state agencies must expand benefits and services to

trafficked persons, regardless of their immigration status. Once victims are made eligible for state benefits and services, coordination among the multitude of agencies involved is essential. The proposed language is derived from the 2005 **Washington** state statute. It provides the most comprehensive language to date for the development of protocols related to victim services.

Several **key provisions** of the proposed language deserve mention. The requirement for submission of the protocols to both the legislature and the governor, and for their biennial review, establishes **accountability**. The requirement that federal agencies be involved in the work group should ensure both that state and federal protocols are compatible and also promote federal/state partnership in addressing the needs of trafficking victims.

Finally, the requirement that **community and state-based nongovernmental organizations that serve victims of trafficking** be represented in the work group reflects the understanding that these organizations – which serve women and girls who have been brutalized by rape and domestic violence as well as trafficking – have much to contribute to development of protocols that will respond to the needs of trafficked women and girls.

ASSISTING TRAFFICKED PERSONS TO APPLY FOR T-VISAS
— PROPOSED LANGUAGE

“Within 15 business days of the first encounter with a trafficking victim, law enforcement agencies shall provide the victim with a completed Form I-914 Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (LEA Declaration) in accordance

with 8 C.F.R. § 214.11(f)(1). Where state law enforcement agencies find the grant of an LEA Declaration to be inappropriate for a trafficking victim, the agency shall within 15 days provide the victim with a letter explaining the grounds of the denial of the LEA Declaration. The victim may submit additional evidence to the law enforcement agency, which must reconsider the denial of the LEA Declaration within one week of the receipt of additional evidence.”⁴⁶

DISCUSSION

Women and girls who have been trafficked into the United States and who “are willing to assist” local, state or federal law enforcement “in every reasonable way” are eligible to apply for a **T Nonimmigrant Visa (T Visa)** that allows them to remain legally in the United States and be joined by their family members.⁴⁷ After three years as a T Visa holder, the victim and family members may apply for green cards. However, to receive a T Visa, trafficking victims must provide proof of their **willingness to assist law enforcement** (in addition to meeting several other requirements). Trafficking victims who are willing to assist law enforcement then are eligible for federal benefits, including medical assistance.

The best proof of willingness to assist law enforcement is a two page form that is part of the T Visa application that any law enforcement official may complete.⁴⁸ Some law enforcement agents have been reluctant to complete this endorsement, however, since they do not know much about the process. A legislative provision could give them the assurance they need to complete the form and, ultimately, help the victim obtain federal benefits and family reunification. The proposed language is derived from legislation proposed in **California**.⁴⁹ The language

requires law enforcement to complete the form in a timely manner to ensure that victims can gain access to much-needed services more quickly.

PROVIDING ELIGIBILITY FOR BENEFITS UNDER THE STATE CRIME VICTIMS FUND — PROPOSED LANGUAGE

“Human trafficking victims shall be eligible, without regard to their immigration status, for any benefits available under the [insert name of state crime victims fund], established under the [insert state legislation citation], including victims’ services, compensation and assistance.”⁵⁰

DISCUSSION

If trafficked persons are to be afforded the rights of crime victims and treated accordingly, **eligibility for benefits** under the state’s Crime Victims Fund is appropriate. As in the case of provision of social services and other benefits, a separate legislative provision is required to remove the barrier that some states have in place which denies eligibility based on immigration status.

PROVIDING ELIGIBILITY FOR THE STATE WITNESS PROTECTION PROGRAM

States should amend the state code to include human trafficking as an offense that qualifies victims for the witness protection program.

DISCUSSION

Victims of trafficking who have escaped or been discovered by law enforcement remain in **grave**

danger from their traffickers – who likely will attempt to retaliate against their victims and the victims’ families. To ensure the safety of these trafficked women and girls and their families – and in gratitude for the great personal risk they endure by cooperating with law enforcement – states should ensure that trafficking victims are eligible for state witness protection programs.

PROVIDING FOR PRIVATE RIGHT OF ACTION — PROPOSED LANGUAGE

“An individual who is a victim of human trafficking [as defined in the state criminalization statute] may bring a civil action against the perpetrator(s) in state court. The court may award actual damages, punitive damages, reasonable attorneys’ fees, and other litigation costs reasonably incurred.⁵¹ Any civil action filed under this section shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim. A ‘criminal action’ includes investigation and prosecution and is pending until final adjudication in the trial court.”⁵²

DISCUSSION

A **civil action** brought by a trafficking victim can help to financially and emotionally restore her. Whereas criminal proceedings are brought by the state, a civil action is brought by the victim, which is tremendously empowering. Additionally, a civil case provides the opportunity for a victim to seek **compensatory, punitive and/or pecuniary damages** and the success of the action will strike at the traffickers’ profits and can potentially financially ruin a trafficking enterprise.



STATEWIDE INTERAGENCY TASK FORCE ON HUMAN TRAFFICKING

“Is international trafficking really a problem in MY state?”

Creating a statewide task force is the first step to answering this often-asked question. In the absence of a federal case that has been prosecuted and publicized, the reality that women and girls are trafficked into our states remains hidden and invisible to the public — and to elected officials. We urge state legislatures to establish these task forces to ascertain the nature and extent of trafficking in the state, assess the adequacy of available services, and make informed recommendations for legislative and policy responses.

ESTABLISHING THE STATEWIDE INTERAGENCY TASK FORCE ON HUMAN TRAFFICKING — MODEL LAW

Washington created the first state task force, the *Washington State Task Force Against Trafficking of Persons* (2002).⁵³ The statute creating the *Connecticut Interagency Task Force on Trafficking in Persons* (2004) expands upon the **Washington** statute.⁵⁴

We have prepared the following seven part **model law**, based on the **Washington**, **Connecticut**, and **Colorado**⁵⁵ models, for legislators to use to create statewide task forces. For example, each state will be able to craft the provisions describing the membership of its **Task Force** to include key agencies and nongovernmental organizations that also are relevant but may not be listed below.

ESTABLISHMENT OF THE TASK FORCE

“There is hereby created the *Statewide Interagency Task Force on Human Trafficking* that will assess the nature and extent of international trafficking of persons into the state, assess state responses to date, and make recommendations to the Legislature and the Governor for improving state laws, provision of services to victims, and prosecution of traffickers.”

MEMBERS OF THE TASK FORCE

“The task force shall consist of the following members or their designees: the Attorney General; the Chief State’s Attorney; the Chief Public Defender; the Commissioner of Public Safety; the Secretary of Labor; the Secretary of Health; the Secretary of Human/Social Services; the Secretary of Education; the chairpersons and ranking members of the Senate and House Committees on the Judiciary, Health and Human Services,

*Education and Labor; the chairpersons of: the Commission on Children, the Commission on the Status of Women, the Latino Affairs Commission, the African American Affairs Commission, the Asian American Affairs Commission; a municipal police chief appointed by the state Police Chiefs Association; and at least eight public members, including representatives of: the state Coalition Against Domestic Violence, the state Coalition Against Sexual Assault, the state Immigrant and Refugee Coalition, a statewide or local organization that provides civil legal services to low income persons, a statewide or local organization that provides mental health services to women and children, a statewide or local human rights and social justice advocacy organization, a statewide or local organization that provides services to victims of torture, trauma, and/or trafficking, and statewide or local organizations that serve the needs of immigrant and refugee women and children from diverse ethnic communities.*²⁵⁶

CHAIRPERSON OF THE TASK FORCE

“The Chairperson shall be appointed by the Senate president and House speaker from among the members of the Task Force.”

MEETINGS OF THE TASK FORCE

“The Chairperson [or the Chairperson’s designee] shall schedule the first meeting of the Task Force, which shall be held not later than sixty days after the effective date of this section. The Task Force shall schedule regular meetings and establish an appropriate structure to carry out the mission of the Task Force.”

MANDATED ACTIVITIES OF THE TASK FORCE

“The task force shall:⁵⁷

- 1) Collect and organize data on the nature and extent of trafficking in persons in the state;*
- 2) Investigate collaborative models for protecting victims of trafficking;*
- 3) Measure and evaluate the progress of the state in: preventing trafficking; protecting victims of trafficking; providing assistance to victims of trafficking; and, prosecuting traffickers and persons engaged in trafficking-related offenses;*
- 4) Identify, analyze for their adequacy, and make recommendations regarding existing available federal, state and local programs that provide services to victims of trafficking that include, but are not limited to: health care, mental health care, human and social services, housing, education, legal assistance, job training or preparation, interpreting services, English as a second language classes, voluntary repatriation, victim compensation, witness protection, economic assistance, and recommend the creation of any new services required or eligibility for services;*
- 5) Evaluate approaches to increase public awareness of trafficking;*
- 6) Analyze existing state criminal statutes for their adequacy in addressing trafficking and, if such analysis determines that those statutes are inadequate, recommend revisions to those statutes or the enactment of new statutes that specifically define trafficking as a state felony offense and provide for protection of victims and provision of services to victims;*
- 7) Consult with governmental and nongovernmental organizations in developing*

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recommendations to strengthen state and local efforts to prevent trafficking, protect and assist victims of trafficking, and prosecute traffickers;

8) *Make recommendations on methods to provide a coordinated system of support and assistance to human trafficking victims;²⁵⁸ and*

9) *Make a report of its findings and recommendations to the Governor and the Legislature no later than one year from the creation of the Task Force.²⁵⁹*

STATE AGENCY COOPERATION WITH THE TASK FORCE

“*All state and local agencies shall cooperate with the task force and provide such data and other information as the task force may require in carrying out its duties under this section.²⁶⁰*

COMPENSATION

“*The members of the task force shall serve without compensation, but shall be reimbursed for travel expenses as provided [in relevant code sections], within available resources.²⁶¹*

AN ALTERNATIVE STRATEGY

- **MANDATING A STATEWIDE ASSESSMENT**
- **PROPOSED LANGUAGE**

“*The Attorney General, in cooperation with local authorities, shall collect trafficking data to*

assess the nature and extent of trafficking in the state and shall publish the data annually. The Attorney General shall elicit the cooperation and assistance of other state government agencies and nongovernmental organizations to assist in the collection of trafficking data, including but not limited to: the numbers of arrests, prosecutions, and successful convictions of traffickers and those committing trafficking related crimes; victim statistics such as numbers of victims, demographic data on victims, method of recruitment and method of discovery; trafficking routes and patterns, countries of origin and transit; method of transportation into the state; and, economic and social factors that contribute to and foster trafficking.²⁶²

DISCUSSION

Some states have enacted criminalization statutes but have not created **State Task Forces**. However, some of the **State Task Force**’s functions can be carried out by mandating a statewide assessment as part of the criminalization or victim services bills. For example, **Minnesota**’s 2005 criminalization statute includes a provision for a statewide assessment of trafficking to provide feedback on progress as well as statistical data on human trafficking; the legislature provided \$50,000 to carry out the data collection.

REGULATING INTERNATIONAL MARRIAGE BROKERS (IMBs)/INTERNATIONAL MATCHMAKING ORGANIZATIONS (IMOs) TO ELIMINATE “BRIDE TRAFFICKING” THROUGH COMMERCIAL ENTERPRISES

“My grandmother was a mail order bride and came to meet her husband-to-be here in the United States. Their parents made the match back home — and it worked out wonderfully! This is part of our history and tradition — so why must we get the law involved?”

Most international matchmaking today is done through commercial enterprises — international marriage brokers (IMBs)/international matchmaking organizations (IMOs). Many of these operate on the Internet and can be run by a single individual or a large corporation in any country in the world. These IMB/IMO businesses recruit women from many countries and “advertise” their availability for marriage to US men — who pay significant sums of money to the IMB/IMO for the opportunity to choose from among the many women listed on the website or in other advertisements. Several states have led the way in regulating IMB/IMO enterprises in response to incidents of domestic violence, trafficking, and even murder of the so-called “mail order brides.”

DEFINING INTERNATIONAL MARRIAGE BROKERS/INTERNATIONAL MATCHMAKING ORGANIZATIONS — PROPOSED LANGUAGE

“International marriage broker”/“international matchmaking organization” means a corporation, partnership, sole proprietorship or other legal entity, whether or not organized under the laws of the United States or any state, that does business in the United States and for profit offers to residents of this State, dating, matrimonial, matchmaking or social referral services involving citizens of a foreign country or countries who are not residing in the United States, by: (1) An exchange of names, telephone numbers, addresses,

or statistics; (2) Selection of photographs; or (3) A social environment provided by the organization in a country other than the United States. The term does not include a traditional matchmaking organization of a religious nature that otherwise operates in compliance with the laws of the countries of the foreign recruits of such organization and the laws of the United States and any organization, or that does not charge a fee to any party for the service provided.⁶³

“Client” means a [insert state] resident, including a lawful permanent resident, who contracts with an international marriage broker/international matchmaking organization for its services.⁶⁴

“Recruit” means a noncitizen, nonresident person, recruited by an international marriage broker/international matchmaking organization for the purposes of providing dating, matrimonial, or social referral services.²⁶⁵

DISCUSSION

This language makes clear that the regulation **applies solely to commercial enterprises** and not to religious organizations, to organizations that do not charge a fee and therefore are not profit-making enterprises, or to private, family “matchmaking.” The legislation should clearly state that the business may be any form of legal entity and may or may not be created under US law. The legislation also should list the services offered by the business, to clearly define who is subject to the law.

**MANDATORY DISSEMINATION OF CRIMINAL HISTORY AND MARITAL HISTORY
— PROPOSED LANGUAGE**

“Each international marriage broker/international matchmaking organization shall require each client to provide criminal history and marital history information, in writing and signed by the client under penalty of perjury, to the international marriage broker/international matchmaking organization. The international marriage broker/international matchmaking organization shall pay the costs incurred to translate the information into the foreign recruit’s native language and provide the information in full to the foreign recruit.²⁶⁶ The translated criminal and marital history information shall be provided to the foreign recruit prior to referring any personal contact information of any foreign recruit to the client.

“Criminal history information shall include (a) any arrest, charge or conviction record for homicide, rape, assault, sexual assault, kidnap, or child abuse or neglect in any state or foreign country; (b) any court ordered restriction on physical contact with another person, including any temporary or permanent restraining order or civil protection order; (c) a complete transcript of a state background check conducted by [relevant state agency] based on a submission of fingerprint impressions; and (d) a complete transcript of a background check conducted by the Federal Bureau of Investigation based upon a submission of fingerprint impressions.²⁶⁷

“Marital history information shall include (a) if the person is currently married; (b) if the person has previously been married and how many times; (c) how previous marriages were terminated and the date(s) of termination; and (d) if the person has previously sponsored a foreign national to whom the person has been engaged or married.²⁶⁸

DISCUSSION

States that have enacted legislation to regulate IMB/IMO enterprises operating in the state require that the IMB/IMO **provide criminal and marital history information** to foreign “recruits” – usually young women seeking a better life, who also may be called “foreign national clients” – **only upon their request.** While the legislation also requires the IMB/IMO to notify foreign recruits that the information is available upon request, this still puts the burden entirely on the woman rather than on the men living in the state who are paying the IMB/IMO for its services. The foreign recruit should not be required to actively seek this information.

If the commercial “matchmaking” industry is to be regulated in a meaningful way, to help reduce the incidence of domestic violence and trafficking, then states must require the dissemination of the criminal and marital history information to women in foreign countries.

Therefore, the proposed language makes the collection and dissemination of such information **mandatory** and also requires the IMB/IMO to provide this information to the foreign recruits in their own languages.

Further, since the IMB/IMO receives the information from its American client and not necessarily from every potential verifiable official source, the proposed language requires that the information must be provided under penalty of perjury. The proposed language also suggests that this attestation be made for crimes and marriages made in other states and countries, not simply the state in which the legislation is enacted.

The **criminal information** should go beyond a local or state background check to include any arrests and charges for relevant crimes and restraining orders issued. **Marital history information** should go beyond the number of previous marriages to include additional details such as dates and states where marriages and divorces could be verified and, most crucially, whether and how many times an individual has sponsored a foreign national to come to the United States.

MANDATORY DISSEMINATION OF BASIC RIGHTS INFORMATION

— PROPOSED LANGUAGE

“Each international marriage broker/international matchmaking organization shall provide the foreign recruit with information

in his or her native language that explains (a) the requirement that international marriage brokers/international matchmaking organizations provide foreign recruits with responses of clients to questions regarding the client’s criminal history and marital history, but that such information may not be accurate; (b) the fiancée visa application process and marriage-based immigration status; (c) the illegality of domestic violence in the United States; (d) the assistance available to domestic violence victims (including foreign nationals), including protective orders, free legal advice, shelters, the nationwide emergency telephone number “911” to summon the police, the National Domestic Violence Hotline, the National Sexual Assault Hotline, and [state hotlines]; and (e) the rights of victims of domestic violence, sexual assault, human trafficking and other crimes in the United States, including the right to petition for residence independent of, and without the knowledge, consent or cooperation of, the spouse.”⁶⁹

DISCUSSION

Criminal and marital history information can help a foreign national make a more informed decision about the prospective spouse or “match” she is considering. However, once she makes the decision and arrives in the United States, the **potential for abuse** still exists if she is not armed with information about her rights and how to get help.

The **Texas** state legislation defines basic rights information as “information about human rights, immigration, and emergency assistance and resources.”⁷⁰ While this is an accurate summary of the information that should be provided, the proposed language suggests an even more complete and specific requirement, to ensure

that a foreign national is adequately informed.⁷¹ For example, should a foreign national suffer **domestic violence** at the hands of her US citizen or lawful permanent resident spouse, she is eligible to apply for a **VAWA Self-Petition** (under the federal *Violence Against Women Act*) which allows her to finalize her legal immigration status without the involvement of the abuser who is withholding it. This type of information, critical to a foreign national contracting with an IMB/IMO, must be conveyed.

**ESTABLISHING STATE JURISDICTION
— PROPOSED LANGUAGE**

“An international marriage broker/international matchmaking organization shall be deemed to be doing business in the state if it contracts for services with a state resident or is considered to be doing business under any other law of the state.”⁷²

DISCUSSION

International marriage brokers/international matchmaking organizations may be headquartered in another state or country. Including a jurisdiction clause sets forth when a broker/organization is deemed to be doing business in the state and is therefore subject to state regulation.

**CREATING A CIVIL PENALTY
— PROPOSED LANGUAGE**

“An international marriage broker/international matchmaking organization that violates this Act is subject to a civil penalty

not to exceed \$20,000 for each violation. In determining the amount of the civil penalty, the court shall consider: (1) any previous violations of this Act by the international marriage broker/international matchmaking organization; (2) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation; (3) the demonstrated good faith of the international marriage broker/international matchmaking organization; and (4) the amount necessary to deter future violations. The attorney general or the appropriate district or county attorney may bring an action under this section in the name of the state in a district court of a county in which any part of the violation occurs. A penalty collected under this section by the attorney general or a district or county attorney shall be deposited in the state treasury to the credit of the compensation to victims of crime fund under [cite relevant Code provision].”⁷³

DISCUSSION

Each state should impose a civil penalty for violations of this statute by the international marriage broker/international matchmaking organization. The proposed language is largely derived from the **Texas** statute, which went beyond stating the maximum amount for a civil penalty to include how to determine the amount of such a penalty. Additionally, it designates that any fines collected shall be deposited to the state crime victims compensation fund.

REGULATING TRAVEL SERVICES PROVIDERS THAT FACILITATE SEX TOURISM

THE CRIME OF FACILITATING SEX TOURISM — PROPOSED LANGUAGE

“A person commits the crime of facilitating sex tourism if the person, for the purpose of commercial advantage or private financial gain, arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in prostitution. Facilitating sex tourism is a [insert classification language] felony. An offense under this section is a [insert enhanced classification language] felony if the commission of the offense was for the purpose of engaging in prostitution with a person younger than 18 years of age.”

DISCUSSION

The proposed language is derived from the Hawaii statute,⁷⁴ which defines the crime as a class C felony, and from the federal PROTECT Act of 2003,⁷⁵ which provides for up to 30 years in prison and a fine.

CREATING A CIVIL PENALTY — PROPOSED LANGUAGE

“A person who violates this Act is subject to a civil penalty not to exceed \$20,000 for each violation. In determining the amount of the civil penalty, the court shall consider: (1) any previous violations of this Act by the person; (2) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation; (3) the demonstrated good faith of the person; and (4) the amount necessary to deter future violations. The attorney general or the appropriate district or county attorney may bring an action under this section in the name of the state in a district court of a county in which any part of the violation occurs. A penalty collected under this section by the

attorney general or a district or county attorney shall be deposited in the state treasury to the credit of the compensation to victims of crime fund under [cite relevant Code provision].”⁷⁶

DISCUSSION

This civil penalty clause is modeled after the international marriage broker/international matchmaking organization civil penalty proposed language described above.

LICENSE OR REGISTRATION REVOCATION FOR TRAVEL PROVIDERS — PROPOSED LANGUAGE

“No travel agency or charter tour operator shall engage in selling, advertising or otherwise offering to sell travel services, tourism packages or activities that solicit, encourage, or facilitate travel for the purpose of engaging in prostitution.”⁷⁷

Upon violation by a travel agency or charter tour operator of this section, the director [of the relevant state regulatory agency] shall suspend or revoke the registration of the travel agency or charter tour operator as provided under section [insert section number]. The director, as part of a proceeding brought under this section, may order a freeze of the bank or deposit accounts of the travel agency or charter tour operator.”⁷⁸

DISCUSSION

To put “teeth” into the statute, states should amend the relevant state code that regulates travel agencies to provide for the suspension and/or revocation of the agency’s license or registration if an agency facilitates sex tourism. The statute also should allow the state to freeze the assets of the agency.

- ¹ This proposed language was developed based on language from numerous state laws and from the Department of Justice Model State Anti-Trafficking Criminal Statute.
- ² S.B. 1372, 47th Leg., 1st Reg. Sess. § 2 (Ariz. 2005).
- ³ S.B. 1962, 2004 Leg. Sess. §§ 2, 4 (Fla. 2004).
- ⁴ H.F. 1, 84th Leg. Sess. 2005-2006 Article 17 § 16 (Minn. 2005).
- ⁵ H.B. 1487, 92d Gen. Assem., 2d Reg. Sess. § A (Mo. 2004).
- ⁶ H.B. 2979, 85th Gen. Assem., Reg. Sess. § 1 (Ark. 2005).
- ⁷ S.B. 1962, 2004 Leg. Sess. § 2 (Fla. 2004).
- ⁸ H.B. 1469, 94th Gen. Assem. § 10A-10(e) (Ill. 2005).
- ⁹ S.B. 72, 2005 Leg. Sess. §§ 2-3 (Kan. 2005).
- ¹⁰ H.B. 56 31st Reg. Sess. § 1 (La. 2005).
- ¹¹ A. 2730, Assem., 2004-2005 Sess. § 4 (N.J. 2005).
- ¹² H.B. 2096, 78th Leg., Reg. Sess. § 2 (Tex. 2003).
- ¹³ S.H.B. 1175, 58th Leg., 2003 Reg. Sess. § 1 (Wash. 2003).
- ¹⁴ S.B. 1962, 2004 Leg. Sess. § 3 (Fla. 2004).
- ¹⁵ H.B. 1487, 92d Gen. Assem., 2d Reg. Sess. § A (Mo. 2004).
- ¹⁶ H.F. 1, 84th Leg. Sess. 2005-2006 Article 17 § 17 (Minn. 2005).
- ¹⁷ H.B. 1487, 92d Gen. Assem., 2d Reg. Sess. § A (Mo. 2004).
- ¹⁸ H.F. 1, 84th Leg. Sess. 2005-2006 Article 17 § 18(1) (Minn. 2005).
- ¹⁹ H.B. 1469, 94th Gen. Assem. § 10A-10(d) (Ill. 2005) (adapted); U.S. Department of Justice, Model State Anti-Trafficking Criminal Statute 3-4.
- ²⁰ S.H.B. 1175, 58th Leg., 2003 Reg. Sess. § 1(b) (Wash. 2003).
- ²¹ H.B. 2096, 78th Leg., Reg. Sess. (Tex. 2003).
- ²² S.B. 72, 2005 Leg. Sess. §§ 2-3 (Kan. 2005).
- ²³ H.B. 1469, 94th Gen. Assem. § 10A-10(d) (Ill. 2005).
- ²⁴ U.S. Department of Justice, Model State Anti-Trafficking Criminal Statute 3.
- ²⁵ A. 2730, Assem., 2004-2005 Sess. §§ 1-2 (N.J. 2005).
- ²⁶ H.F. 1, 84th Leg. Sess. 2005-2006 (Minn. 2005).
- ²⁷ A. 2730, Assem., 2004-2005 Sess. §§ 1-2 (N.J. 2005).
- ²⁸ S.B. 1372, 47th Leg., 1st Reg. Sess. § 2 (Ariz. 2005); A. 2730, Assem., 2004-2005 Sess. § 1(a)(2)(c) (N.J. 2005); H.B. 1469, 94th Gen. Assem. § 10A-10(d) (Ill. 2005).
- ²⁹ S.B. 1372, 47th Leg., 1st Reg. Sess. § 2 (Ariz. 2005).
- ³⁰ A. 2730, Assem., 2004-2005 Sess. § 1(a)(2)(e) (N.J. 2005).
- ³¹ U.S. Department of Justice, Model State Anti-Trafficking Criminal Statute 4.
- ³² H.B. 1469, 94th Gen. Assem. § 10A-10(e) (Ill. 2005).
- ³³ H.B. 1487, 92d Gen. Assem., 2d Reg. Sess. § A (Mo. 2004).
- ³⁴ H.B. 1469, 94th Gen. Assem. § 10A-15 (Ill. 2005).
- ³⁵ A. 2730, Assem., 2004-2005 Sess. § 7 (N.J. 2005).
- ³⁶ S.H.B. 1175, 58th Leg., 2003 Reg. Sess. § 6 (Wash. 2003).
- ³⁷ H.F. 1, 84th Leg. Sess. 2005-2006 (Minn. 2005) (adapted).
- ³⁸ S.B. 180, 2005-2006 Reg. Sess. § 3 (Cal.) (adapted).
- ³⁹ *Trafficking Victims Protection Act of 2000*, H.R. 3244 (House), 106th Cong. Preamble § 7(c)(1) (2000).
- ⁴⁰ *Trafficking Victims Protection Act of 2000*, H.R. 3244 (House), 106th Cong. Preamble § 7(c)(2) (2000).
- ⁴¹ *Trafficking Victims Protection Act of 2000*, H.R. 3244 (House), 106th Cong. Preamble § 7(c)(1) (2000).
- ⁴² *Trafficking Victims Protection Act of 2000*, H.R. 3244 (House), 106th Cong. Preamble § 7(c)(3) (2000) (adapted).
- ⁴³ *Trafficking Victims Protection Act of 2000*, Pub. L. No. 106-386, 114 Stat. 1466, § 107(c)(1)(C) (2000).
- ⁴⁴ *Trafficking Victims Protection Act of 2000*, Pub. L. No. 106-386, 114 Stat. 1466, § 107(b)(1)(B) (2000) (adapted).
- ⁴⁵ S.B. 5127, 59th Leg., 2005 Reg. Sess. (Wash. 2005) (adapted).
- ⁴⁶ A.B. 22, 2005-2006 Reg. Sess. §7(b-d) (Cal.) (adapted).
- ⁴⁷ *Trafficking Victims Protection Act of 2000*, Pub. L. No. 106-386, 114 Stat. 1466, § 107(b)(1)(E) (2000); *Trafficking Victims Protection Reauthorization Act of 2003*, P.L. 108-193, 117 Stat. 2877 (2003).
- ⁴⁸ Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, available at <http://uscis.gov/graphics/formsfee/forms/files/i-914.pdf>; *Trafficking Victims Protection Reauthorization Act of 2003*, P.L. 108-193, 117 Stat. 2875, 2877 (2003).
- ⁴⁹ A.B. 22, 2005-2006 Reg. Sess. §7(b-d) (Cal.) (adapted).
- ⁵⁰ *Trafficking Victims Protection Act of 2000*, H.R. 3244 (House), 106th Cong. Preamble § 7(b)(2) (2000).
- ⁵¹ *Trafficking Victims Protection Act of 2000*, H.R. 3244 (House), 106th Cong. Preamble, § 7(b)(4) (2000).
- ⁵² *Trafficking Victims Protection Reauthorization Act of 2003*, P.L. 108-193, 117 Stat. 2875, 2878 (2003).
- ⁵³ S.H.B. 2381, 57th Leg., 2002 Reg. Sess. (Wash. 2002).
- ⁵⁴ H.B. 5358, Gen. Assem., 2004 Reg. Sess. (Conn. 2004).
- ⁵⁵ H.B. 05-1143, 65th Gen. Assem., 1st Reg. Sess. (Colo. 2005).
- ⁵⁶ H.B. 5358, Gen. Assem., 2004 Reg. Sess. § 1(b) (Conn. 2004) (adapted).
- ⁵⁷ H.B. 5358, Gen. Assem., 2004 Reg. Sess. § 1(d) (Conn. 2004); H.B. 05-1143, 65th Gen. Assem., 1st Reg. Sess. § 1 (Colo. 2005) (adapted).

⁵⁸ S.H.B. 2381, 57th Leg., 2002 Reg. Sess. § 2(4)(c) (Wash. 2002).

⁵⁹ H.B. 05-1143, 65th Gen. Assem., 1st Reg. Sess. § 1 (Colo. 2005); H.B. 5358, Gen. Assem., 2004 Reg. Sess. § 1(f) (Conn. 2004); H.C.R. 18, 58th Leg., 1st Reg. Sess. (Idaho 2005); S.H.B. 2381, 57th Leg., 2002 Reg. Sess. § 2(5) (Wash. 2002).

⁶⁰ H.B. 5358, Gen. Assem., 2004 Reg. Sess. § 1(e) (Conn. 2004).

⁶¹ S.H.B. 2381, 57th Leg., 2002 Reg. Sess. § 2(7) (Wash. 2002).

⁶² H.F. 1, 84th Leg. Sess. § 7 (Minn. 2005) (adapted).

⁶³ H.B. 135, 2003 Leg. Sess. § 1 (Haw. 2003) (providing the most comprehensive definition); H.B. 177, 78th Leg., Reg. Sess. § 1(4) (Tex. 2003) (including sole proprietorships); S.B. 6412, 57th Leg., 2002 Reg. Sess. § 2(4)(a) (Wash. 2002).

⁶⁴ H.B. 135, 2003 Leg. Sess. § 1 (Haw. 2003) (adapted); H.B. 353, 93rd Gen. Assem., 1st Reg. Sess. (Mo. 2005) (adapted); H.B. 177, 78th Leg., Reg. Sess. § 1(5) (Tex. 2003) (adapted).

⁶⁵ S.B. 6412, 57th Leg., 2002 Reg. Sess. (Wash. 2002) (adapted).

⁶⁶ H.B. 177, 78th Leg., Reg. Sess. § 3(b) (Tex. 2003).

⁶⁷ *International Marriage Broker Regulation Act of 2003*, S. 1455, 108th Cong., 1st Sess. (July 25, 2003). *See also* H.B. 353, 93rd Gen. Assem., 1st Reg. Sess. (Mo. 2005) (requiring FBI background checks) (adapted).

⁶⁸ H.B. 135, 2003 Leg. Sess. § 1 (Haw. 2003); H.B. 177, 78th Leg., Reg. Sess. § 1(5) (Tex. 2003); S.B. 6412, 57th Leg., 2002 Reg. Sess. § 2(4)(b) (Wash. 2002) (using identical language to define marital history but lacking information regarding termination of marriages).

⁶⁹ *International Marriage Broker Regulation Act of 2003*, S. 1455, 108th Cong., 1st Sess. (July 25, 2003); A.B. 634, 2005-2006 Reg. Sess. § 1 (Cal.) (adapted).

⁷⁰ H.B. 177, 78th Leg., Reg. Sess. § 1(1) (Tex. 2003).

⁷¹ A.B. 634, 2005-2006 Reg. Sess. § 1 (Cal.).

⁷² H.B. 135, 2003 Leg. Sess. § 3 (Haw. 2003).



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