

Department of Planning and Budget 2007 Fiscal Impact Statement

1. Bill Number HB 2551

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron Ebbin

3. Committee House Courts of Justice

4. Title Human Anit-Trafficking Act

5. Summary/Purpose:

The bill would define several offenses related to use of persons for commercial sex acts, as follows:

<u>Offense</u>	<u>Proposed Penalty</u>
Trafficking in persons: Recruiting and providing another person for the purposes of commercial acts, sexually explicit performances, labor or services.	Class 4 felony
Trafficking in minors: Recruiting and providing a minor for the purposes of commercial acts, sexually explicit performances, labor or services.	Class 2 felony
Trafficking in persons through specified means: Subjecting another person to commercial sex acts, sexually explicit performances, labor or services through actual or threatened serious harm, physical restraint, abuse of the law or legal process, destroying or concealing immigration documents, extortion, deception, fraud, debt bondage, financial harm, access to addictive controlled substances.	Class 2 felony
Benefit from trafficking: Benefiting from participation in human trafficking.	Class 4 felony
Violation of the proposed provisions through the use of abduction or aggravated sexual assault	Up to life imprisonment

Sentences for the offenses listed above could be enhanced as follows:

- 3 years if victim suffered bodily injury;
- 7 years if victim suffered serious bodily injury; and
- 10 years if victim suffered permanent or life-threatening injury.

The bill provides that courts should increase sentences in the following circumstances:

- the victim was held between 180 days and one year;
- the victim was held for more than one year; and
- more than two victims were involved.

The bill would establish an interagency task force that would develop a State Plan for the Prevention of Trafficking in Persons.

The bill would define the rights of victims of human trafficking and require the state to develop plans to provide services for victims.

Under the provisions of the bill, the Department of Criminal Justice Services would have the following responsibilities:

- Collect and publish statistical data on trafficking in persons;
- Provide training for law enforcement and prosecutors in addressing trafficking in persons;
- Prepare public awareness programs designed to educate potential victims of trafficking in persons;
- Prepare and disseminate to the public materials on the extent of trafficking in persons;
- Inform victims of trafficking in persons of their legal rights and the progress of relevant court proceedings; information on convicted persons' prison release dates; procedures for victim's repatriation to own country; and procedures for seeking legal immigration status;
- Provide an opportunity for victim of trafficking to present views and concerns in criminal proceedings against traffickers; and
- Provide interpreters who speak the language of victims during the course of legal proceedings.

6. Fiscal Impact: Preliminary. See Item 8.

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2007-08	\$125,000	1	General
2008-09	\$200,000	2	General
2009-10	\$200,000	2	General
2010-11	\$200,000	2	General
2011-12	\$200,000	2	General

7. Budget amendment necessary: Yes. Item 391.

8. Fiscal implications:

The Virginia Criminal Sentencing Commission was unable to determine the impact of this proposal on state-responsible (prison) bed space pursuant to §30-19.1:4 of the Code of Virginia because the proposal would criminalize behavior that is not currently defined as a criminal act, and data on such activity does not exist. Consequently, the number of individuals who could be affected by the proposal is unknown.

The Department of Criminal Justice Services (DCJS) will need additional funds to carry out the responsibilities that the bill would give it. Under the provisions of the bill, DCJS would be responsible for directly providing services to victims, including interpreters. This would be a new role for DCJS; it normally provides training and grants to local public safety staff and organizations that provide the services. The bill also would require DCJS to develop a public awareness program for victims and disseminate materials to the general public on the extent of trafficking in persons. The agency will need an additional person in FY 2008 to begin planning and establishing how the agency will implement these requirements. It will also need additional funds to contract for the development and production of the public awareness materials. The fiscal impact projections above assume that, in later years, the agency will need funding for a second position to provide services to victims of trafficking and to contract for interpreters. Depending on how many victims of trafficking are identified, additional funds may be needed.

9. Specific agency or political subdivisions affected:

Department of Criminal Justice Services
Department of Corrections

10. Technical amendment necessary: None.

11. Other comments: None.

Date: 01/26/2007 / rwh

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