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HOUSE JOINT RESOLUTION NO. 104

Offered January 13, 2016

Prefiled January 11, 2016

Establishing a work group to study safe harbor policy for minor victims of human trafficking. Report.

Patron—Leftwich

Referred to Committee on Rules

WHEREAS, across the United States, governments at the state and local levels are finding new, less punitive ways to respond to survivors of human trafficking; and

WHEREAS, more than half of all states have enacted safe harbor laws to ensure that children are not prosecuted for actions in which they were forced to participate by their traffickers; and

WHEREAS, the challenge in establishing effective safe harbor legislation is finding methods that strike a balance between the legitimate concerns of law enforcement and the safety of the children still heavily influenced by their traffickers; and

WHEREAS, the scope of previous studies has been limited and not geared to address the myriad issues associated with an estimated 100,000 to 300,000 children being trafficked or at risk of being trafficked in the United States; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a work group be established to study safe harbor policy for minor victims of human trafficking. The work group shall have a total membership of 30 members that shall consist of four legislative members, 11 ex officio members, and 15 nonlegislative citizen members. Members shall be appointed as follows: three members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates, and one member of the Senate, to be appointed by the Senate Committee on Rules. The Secretary of Public Safety and Homeland Security or his designee, the Director of the Department of Juvenile Justice or his designee, the Secretary of Health and Human Resources or his designee, the Secretary of Education or his designee, the Superintendent of State Police or his designee, the Secretary of the Commonwealth or his designee, the Executive Director of the Virginia Indigent Defense Commission or his designee, the Commissioner of Behavioral Health and Developmental Services or his designee, the Attorney General or his designee, the Executive Director of the Office of Children's Services or his designee, and the Executive Secretary of the Supreme Court of Virginia or his designee shall serve ex officio with voting privileges. The Governor shall appoint the following members of the work group: one representative of the Northern Virginia Coalition Against Trafficking, one representative of the Hampton Roads Coalition Against Trafficking, one representative of the Virginia Association of Commonwealth's Attorneys, one representative of a local law-enforcement agency, one representative of the National Center for Missing and Exploited Children, one representative of Shared Hope International, one teacher employed by a local school division, one representative from each of the four law-enforcement regional anti-human trafficking task forces or work groups, one representative from each of two national or local organizations that support victims of human trafficking with an emphasis on those working with minors, and two survivors of human trafficking. Nonlegislative citizen members of the work group shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the work group and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The work group shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the work group shall compile existing information on and identify the needs of minor victims of human trafficking and identify the public- and private-sector programs and resources currently available to meet those needs; identify gaps in public- and private-sector programs and resources currently available to meet the needs of minor victims of human trafficking; collect and compile data on the number of minor victims of human trafficking in the Commonwealth, including the number of minor victims in each jurisdiction of the Commonwealth and the methods used to identify minor victims along with the agencies employing those methods; evaluate current safe harbor policies and legal protections for minor victims of human trafficking; and make recommendations regarding (i) legislation and policy initiatives to address the provision of services and legal protections for minor victims of human trafficking in the Commonwealth, (ii) the collection of data and methods of collecting data to identify minor victims of human trafficking in the Commonwealth, (iii) funding requirements and

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59 budgetary priorities to address the needs of minor victims of human trafficking in the Commonwealth,
60 and (iv) any other relevant issues or considerations identified by the work group.

61 Administrative staff support, legal, research, policy analysis, and other services as requested by the
62 work group shall be provided by the Department of Criminal Justice Services. All agencies of the
63 Commonwealth shall provide assistance to the work group for this study, upon request.

64 The work group shall be limited to four meetings for the 2016 interim, and the direct costs of this
65 study shall not exceed \$17,120 without approval as set out in this resolution. Approval for unbudgeted
66 nonmember-related expenses shall require the written authorization of the chairman of the work group
67 and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written
68 authorization of both Clerks shall be required.

69 No recommendation of the work group shall be adopted if a majority of the House members or a
70 majority of the Senate members appointed to the work group (i) vote against the recommendation and
71 (ii) vote for the recommendation to fail notwithstanding the majority vote of the work group.

72 The work group shall complete its meetings by November 30, 2016, and the chairman shall submit
73 to the Division of Legislative Automated Systems an executive summary of its findings and
74 recommendations no later than the first day of the 2017 Regular Session of the General Assembly. The
75 executive summary shall state whether the work group intends to submit to the General Assembly and
76 the Governor a report of its findings and recommendations for publication as a House or Senate
77 document. The executive summary and the report shall be submitted as provided in the procedures of
78 the Division of Legislative Automated Systems for the processing of legislative documents and reports
79 and shall be posted on the General Assembly's website.

80 Implementation of this resolution is subject to subsequent approval and certification by the Joint
81 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
82 delay the period for the conduct of the study, or authorize additional meetings during the 2016 interim.