

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: HB2131H1

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Delaney

3. Committee: House Appropriations

4. Title: Safe Harbor for Youth

5. Summary: The proposed bill provides that the Department of Criminal Justice Services (DCJS), in consultation with the Virginia State Crime Commission, must administer a two-year Demand Reduction and Safe Harbor for Domestic Minor Sex Trafficked Youth pilot program that must focus on (i) implementing proactive reverse sting operations that target buyers of sex services, with priority given to cases involving sex trafficked youth; (ii) utilizing a multidisciplinary response team to coordinate assessment, treatment, and residential care for victims of sex trafficking; (iii) establishing or building capacity of residential care and programs for trafficking victims; (iv) and designing an alternative to an arrest protocol that includes a 48–72 hour holding mechanism for youth either in partnership with a local department of social services, a local department of child protective services, or a local hospital or through court services.

The bill provides that the goal of the program is to reduce arrest of sex trafficking victims regardless of age, reduce demand for commercial sex exploitation by focusing on buyers, and establish high-quality restorative residential care, education, alternative employment opportunities, and life skills for victims. The location of the pilot program is to remain confidential until the conclusion of the program. Any reference to location must be anonymized in published documents.

6. Budget Amendment Necessary: Yes, Item 408

7. Fiscal Impact Estimates: Preliminary (see Item 8 below)

8. Fiscal Implications: The bill requires the implementation of proactive reverse sting operations that target buyers of sex services, with priority given to cases involving sex trafficked youth. The Department of State Police (VSP) received a total of \$1,246,785 in the second year in the Governor's introduced budget (HB1400/SB800) to respond to human trafficking in the Commonwealth. This includes eight sworn human trafficking investigative positions (\$956,131), a human trafficking victim coordinator (\$76,436), and two human trafficking analysts (\$214,218). Additionally, there are two Internet Crimes Against Children Task Forces (ICAC), with state, local, and federal law enforcement partnership that focus on,

among other things, child trafficking through the use of the internet. These task forces are supported by general fund and nongeneral fund resources. It is unknown if additional resources would be required to support these task forces as a result of this provision.

The bill also requires utilization of a multidisciplinary response team to coordinate assessment, treatment, and restorative residential care for victims of sex trafficking. Currently, DCJS has a State Trafficking Response Coordinator position that works to establish a consistent, collaborative, multi-disciplinary response system to working with human trafficking survivors; accordingly, this effort would not require additional resources.

The bill further requires DCJS to design an alternative to arrest protocol that includes a 48–72 hour holding mechanism for youth either in partnership with a local department of social services, a local department of child protective services, or a local hospital or through court services. This legislation does not have a fiscal impact on the Department of Social Services (DSS) or local departments of social services (LDSS) because local departments already have the legal authority to place a 72 hour hold on a minor victim of trafficking. Developing such an alternative to arrest protocol by DCJS is not expected to have a fiscal impact on the agency.

The bill also requires DCJS to establish or build capacity of residential care and programs for trafficking victims. The agency indicates that if the intent of the legislation is for the agency to provide residential care for victims of sex trafficking, the estimated cost would depend on the type of residential accommodations provided. According to the agency, the estimated average daily per diem rate is \$350.00 per day, per bed. This includes room and board, supervision, case management, health screenings, and transportation costs. There will likely be a need for additional resources for educational services, treatment, diversion and other programmatic costs; however, those costs cannot be determined until the pilot program is established. These estimated costs assume clients will remain in the shelter receiving services for between 12 and 18 months. According to DCJS, some cases may be referred to private partners, depending on the needs of the victims, however, at this time, it is not clear how many victims would be served per year.

Additionally, the agency estimates \$483,414 in FY 2024, and \$380,914 in FY 2025 for reverse sting operation, outpatient services for victims, and one program specialist position and associated personnel costs.

The Virginia State Crime Commission and the Department of Juvenile Justice report the proposed bill is not expected to have a material fiscal impact on agency resources. The impact on local law enforcement agencies cannot be determined at this time.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Criminal Justice Services, Virginia Crime Commission, Department of Juvenile Justice, Department of Social Services, Department of State Police

- 10. Technical Amendment Necessary:** No

11. Other Comments: None