

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL 1079*
Judiciary I (Civil) Committee Substitute Adopted 7/23/07
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Short Title: Protections for Victims of Human Trafficking. (Public)

Sponsors:

Referred to:

March 22, 2007

A BILL TO BE ENTITLED

AN ACT PROVIDING PROTECTIONS FOR VICTIMS OF HUMAN
TRAFFICKING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-43.11 reads as rewritten:

"§ 14-43.11. **Human trafficking.**

(a) A person commits the offense of human trafficking when that person knowingly recruits, entices, harbors, transports, provides, or obtains by any means another person with the intent that the other person be held in involuntary servitude or sexual servitude.

(b) A person who violates this section is guilty of a Class F felony if the victim of the offense is an adult. A person who violates this section is guilty of a Class C felony if the victim of the offense is a minor.

(c) Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to authorize a conviction under this section.

(d) A person who is not a legal resident of North Carolina, and would consequently be ineligible for State public benefits or services, shall be eligible for the public benefits and services of any State agency if the person is otherwise eligible for the public benefit and is a victim of an offense charged under this section. Eligibility for public benefits and services shall terminate at such time as the victim's eligibility to remain in the United States is terminated under federal law."

SECTION 2. G.S. 15A-830(7) reads as rewritten:

"(7) Victim. – A person against whom there is probable cause to believe one of the following crimes was committed:

a. A Class A, B1, B2, C, D, or E felony.

b. A Class F felony if it is a violation of one of the following:
G.S. 14-16.6(b); 14-16.6(c); 14-18; 14-32.1(e); 14-32.2(b)(3);

1 14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41;—14-43.6;
 2 14-43.3; 14-43.11; 14-190.17; 14-190.19; 14-202.1; 14-277.3;
 3 14-288.9; or 20-138.5.

4"

5 **SECTION 3.** G.S. 15A-832 is amended by adding a new subsection to read:

6 "**§ 15A-832. Responsibilities of the district attorney's office.**

7 ...

8 (h) When a person is a victim of a human trafficking offense and is entitled to
 9 benefits and services pursuant to G.S. 14-43.11(d), the district attorney's office shall so
 10 notify the Office of the Attorney General and Legal Aid of North Carolina, Inc., in
 11 addition to providing services under this Article."

12 **SECTION 4.** G.S. 15C-1 reads as rewritten:

13 "**§ 15C-1. Purpose.**

14 The purpose of this Chapter is to enable the State and the agencies of North Carolina
 15 to respond to requests for public records without disclosing the location of a victim of
 16 domestic violence, sexual offense, ~~or stalking~~; stalking, or human trafficking; to enable
 17 interagency cooperation in providing address confidentiality for victims of domestic
 18 violence, sexual offense, ~~or stalking~~; stalking, or human trafficking; and to enable the
 19 State and its agencies to accept a program participant's use of an address designated by
 20 the Office of the Attorney General as a substitute address."

21 **SECTION 5.** G.S. 15C-2 reads as rewritten:

22 "**§ 15C-2. Definitions.**

23 The following definitions apply in this Chapter:

24 ...

25 (4) Application assistant. – An employee of an agency or nonprofit
 26 organization who provides counseling, referral, shelter, or other
 27 specialized services to victims of domestic violence, sexual offense, ~~or~~
 28 ~~stalking~~ stalking, or human trafficking and who has been designated by
 29 the Attorney General to assist individuals with applications to
 30 participate in the Address Confidentiality Program.

31 ...

32 (10) Victim of domestic violence. – An individual against whom domestic
 33 violence, as described in G.S. 50B-1, has been committed.

34 (11) Victim of a sexual offense. – An individual against whom a sexual
 35 offense, as described in Article 7A of Chapter 14 of the General
 36 Statutes, has been committed.

37 (12) Victim of stalking. – An individual against whom stalking, as
 38 described in G.S. 14-277.3, has been committed.

39 (13) Victim of human trafficking. – An individual against whom human
 40 trafficking, as described in G.S. 14-43.11, has been committed."

41 **SECTION 6.** G. S. 15C-3 reads as rewritten:

42 "**§ 15C-3. Address Confidentiality Program.**

43 The General Assembly establishes the Address Confidentiality Program in the
 44 Office of the Attorney General to protect the confidentiality of the address of a relocated

1 victim of domestic violence, sexual offense, ~~or stalking~~ stalking, or human trafficking to
2 prevent the victim's assailants or potential assailants from finding the victim through
3 public records. Under this Program, the Attorney General shall designate a substitute
4 address for a program participant and act as the agent of the program participant for
5 purposes of service of process and receiving and forwarding first-class mail or certified
6 or registered mail. The Attorney General shall not be required to forward any mail other
7 than first-class mail or certified or registered mail to the program participant. The
8 Attorney General shall not be required to track or otherwise maintain records of any
9 mail received on behalf of a program participant unless the mail is certified or registered
10 mail."

11 **SECTION 7.** G.S. 15C-4(c) reads as rewritten:

12 "(c) The application shall contain all of the following:

- 13 (1) A statement by the applicant that the applicant is a victim of domestic
14 violence, sexual offense, ~~or stalking~~ stalking, or human trafficking and
15 that the applicant fears for the applicant's safety or the safety of the
16 applicant's child.
- 17 (2) Evidence that the applicant is a victim of domestic violence, sexual
18 offense, ~~or stalking~~ stalking, or human trafficking. This evidence may
19 include any of the following:
- 20 a. Law enforcement, court, or other federal or state agency records
21 or files.
 - 22 b. Documentation from a domestic violence program if the
23 applicant is alleged to be a victim of domestic violence.
 - 24 c. Documentation from a religious, medical, or other professional
25 from whom the applicant has sought assistance in dealing with
26 the alleged domestic violence, sexual offense, or stalking.
 - 27 d. Documentation submitted to support a victim of human
28 trafficking's application for federal assistance or benefits under
29 federal human trafficking laws.

30"

31 **SECTION 8.** G.S. 15C-10 reads as rewritten:

32 "**§ 15C-10. Assistance for program applicants.**

33 (a) The Attorney General shall designate agencies of North Carolina and
34 nonprofit organizations that provide counseling and shelter services to victims of
35 domestic violence, sexual offense, ~~or stalking~~ stalking, or human trafficking to assist
36 individuals applying to be program participants. Any assistance and counseling
37 rendered by the Office of the Attorney General or its designee to applicants shall in no
38 way be construed as legal advice.

39 (b) The Attorney General, upon receiving notification pursuant to
40 G.S. 15A-832(h), shall, within 96 hours of receiving the notification, issue the victim a
41 letter of certification of eligibility or other relevant document entitling the person to
42 have access to State benefits and services.

43 **SECTION 9.** G.S. 7A-474.2(1) reads as rewritten:

1 "(1) "Eligible client" means a resident of North Carolina financially eligible
2 for representation under the Legal Services Corporation Act,
3 regulations, and interpretations adopted thereunder (45 C.F.R. § 1611,
4 and subsequent ~~revisions~~ revisions), or a person entitled to State
5 benefits or services pursuant to G.S. 14-43.11(d)."

6 **SECTION 10.** G.S. 7A-474.3(b) reads as rewritten:

7 "(b) Eligible Cases. Legal assistance shall be provided to eligible clients under this
8 Article only in the following types of cases:

- 9 (1) Family violence or spouse abuse;
10 (2) Assistance for the disabled in obtaining federal Social Security
11 benefits;
12 (2a) Assistance for eligible clients in obtaining benefits or assistance under
13 any federal law or program providing benefits or assistance for human
14 trafficking victims.

15 "

16 **SECTION 11.** The North Carolina Justice Academy shall establish protocols
17 suitable for the training of State and local law enforcement officers. The protocols shall
18 be made available to all State and local law enforcement agencies so that the agencies
19 may conduct training on:

- 20 (1) The phenomenon of human trafficking and State and federal laws on
21 human trafficking.
22 (2) How to recognize and identify victims of one or more of the practices
23 set forth in G.S. 14-43.11, G.S. 14-43.12, or G.S. 14-43.13.
24 (3) Methods for protecting trafficking victims and possible trafficking
25 victims, and advising them of their rights.
26 (4) Procedures and techniques for handling specialized needs of victims
27 who may face cultural, language, and other barriers that impede ability
28 to request and obtain available services.

29 Nothing in this section shall be construed to require the North Carolina Justice
30 Academy to conduct training of State or local law enforcement officers.

31 **SECTION 12.** This act becomes effective December 1, 2007, and applies to
32 offenses committed on or after that date.