



**MEMORANDUM IN SUPPORT OF LEGISLATION
BILL NUMBER: A.7474**

**Submitted by:
New York Anti-Trafficking Network**

**Supported by:
Worker Justice Center of New York
International Institute of Buffalo
YWCA of Niagara County
University of Buffalo Women, Children, and Social Justice Law Clinic
Volunteer Lawyers Project**

The New York Anti-Trafficking Network (NYATN) is a coalition of legal and social service organizations that provide services to, and advocate for the rights of, trafficking survivors. NYATN was the first network of service providers in New York to promote the rights of survivors of human trafficking. As a network of service providers and advocates, we believe in the effectiveness of a human rights-based approach with a focus on remedies for survivors. We seek to stabilize survivors of trafficking, provide necessary services, and assist them in accessing available options to cooperate with law enforcement. This approach yields a much higher rate of cooperation that ultimately results in more prosecutions.ⁱ

On May 21, 2013, New York State Assembly Members Joseph R. Lentol (D-50), Andrew Hevesi (D-28), and Daniel J. O'Donnell (D-69) introduced A.7474, a bill critical to facilitating the identification of trafficked persons, improving their access to much needed services, and enabling them to more safely aid in the investigation and prosecution of their traffickers. NYATN is pleased to support this legislation, which clearly addresses the circumstances faced by victims of human trafficking and prioritizes their needs. In particular, we laud the following provisions of A.7474:

1. Create an affirmative defense for persons charged with prostitution who have been victims of any form of trafficking or compelled prostitution, including those charged with promoting prostitution;
2. Provide direct access for trafficking survivors, and service providers acting on their behalf, to the Office of Temporary and Disability Assistance and the Division of Criminal Justice Services to request confirmation and benefits available through these agencies;

3. Streamline access for trafficking survivors to obtain vital social and legal services by mandating that law enforcement immediately refer survivors to established service providers;
4. Improve law enforcement training and policies that respect the rights of trafficking survivors;
5. Include service providers with demonstrated experience and expertise in assisting trafficked persons in the New York State Interagency Task Force on Human Trafficking;
6. Expand access to shelters for trafficking survivors, a pressing need, by strengthening short- and long-term shelter options;
7. Create a private right of action for all trafficking survivors to seek compensation and economic justice, consistent with several other states and the federal law; and
8. Expand the offenses for which a conviction can be vacated for trafficking victims to include other crimes associated with trafficking, and provide a right to counsel to assist in such motions.

NYATN also applauds AM Lentol's attempt to protect 16- and 17-year-olds from the negative consequences of criminal prosecution. However, we are concerned that the treatment of 16- and 17-year-olds under this bill does not fully meet this goal. The most vulnerable young people are those likely to not comply with mandated services, and the consequences of being treated as a juvenile delinquent or sent back to criminal court could be severe. Instead of ordering minors ages 16-17 be brought to criminal court and then removed to family court, NYATN believes that minors should not be arrested or criminalized at all when they engage in commercial sex. We recommend more study of this issue before legislative change.

For additional information regarding this memorandum, please visit NYATN at <http://nyatn.wordpress.com/>.

ⁱ*Hearing on Measures on Human Trafficking in the United States Before the Organization of American States' Inter-American Commission on Human Rights* (March 12, 2013) (statement of Florrie Burke).