

State and Federal Legislative Efforts to Address Human Trafficking

State Representative Mary Whiteford

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First Efforts: Nationally

- 20 years ago, our U.S. Congress passed a monumental piece of legislation:
- The Trafficking Victims Protection Act of 2000.
- It was a bipartisan effort to protect some of the most vulnerable people of our society, victims of human trafficking, and hold human traffickers accountable for their egregious abuses of individual rights.
- This landmark anti-trafficking legislation provided a comprehensive combination of victim protections, prevention and detection programs, and expanded criminal prohibitions. It worked to fulfill the 13th Amendment's promise of freedom from involuntary servitude.

Efforts by states

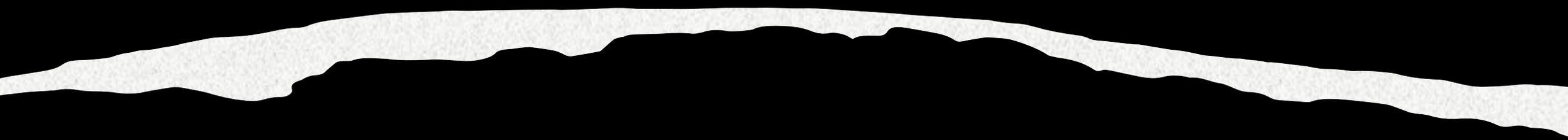
- The first states to criminalize human trafficking were Washington and Texas in 2003. Today, all 50 states have laws. Michigan joined in 2006.
- The Polaris Project has been instrumental in creating model laws for states. They have continued being a vital resource for current information about human trafficking.
- Shared Hope International is another source. They began issuing reports in 2011. In that first report, 26 states earned failing grades, including Michigan. Many did not make it a crime to buy sex with a child. Today every state in the country considers sex trafficking a punishable crime.

Michigan

- The Michigan law banning human trafficking took effect on August 24, 2006. The law was strengthened in 2010, with changes taking effect on April 1, 2011.
- These changes included enhanced restitution for human trafficking victims that recognizes the value of the years lost due to the crime.
- We were recognized as being the most improved state in 2015, and, as more bills have passed including safe harbor provisions, stronger tools to hold traffickers accountable, and creating a Human Trafficking Commission within the Department of Attorney General and a Human Trafficking Health Advisory Board within the Department of Community Health.
- Both utilize a victim-centered, trauma informed approach that emphasizes that the men, women and children who are trafficked are victims, not criminals, while making policy recommendations to promote the awareness of human trafficking as well as prevention.
- Additional laws passed in 2016 include the ability of victims to fully clear past prostitution convictions from their criminal record, greater penalties for traffickers, and mandated training for healthcare professionals. This was spurred by the fact that most victims of sex trafficking saw a health professional while being trafficked.



But this is not enough!

A white, torn paper effect is visible at the bottom of the image, appearing as a jagged, irregular horizontal strip that looks like a piece of paper being pulled away from a black background.

Presidential Executive Orders January, 2020

- I was fortunate to be invited to the White House to witness the signing of an executive order to address the federal response to human trafficking.
- Notably, it includes orders to overcome information-sharing challenges and improve law enforcement's capabilities to detect in real-time the sharing of child sexual abuse material on the internet, including child pornography.
- Overcoming these challenges allows law enforcement officials to more efficiently identify, protect and rescue victims of online child sexual exploitation, investigate and prosecute alleged offenders, and the hope is that it will ultimately eliminate child sexual abuse material online. It also provides the ability to prevent child sexual exploitation through education partnerships.



Our current bill package as recommended by the Human Trafficking Commission:

Strengthens the “tools” available for prosecutors and judges to support victims and survivors of human trafficking.

- A main part of this package allows survivors, both adults and juveniles, to have any crime on their record expunged if it occurred while he or she was trafficked.

Also included:

- Setting forth appropriate standards for expert testimony.
- Giving immunity for any person compelled to give testimony.
- Expands rebuttable presumptions. Previously if a minor charged in commercial sexual activity fails to comply with a court order their charges would be reinstated. This bill allows the judge to give him or her a second chance.
- Decreases the penalties for the act of commercial sexual activity and allows judges to place offenders in drug or mental health court.
- Increases penalties for obtainers of commercial sexual activity, or “Johns” to a felony.
- 16 bills modernize Michigan laws by removing the terms prostitute and prostitution and replaces it with commercial sexual activity, bringing clarity to this issue in state law.



“When I was trafficked, I was 15 years old. For the next 18 years, I lived a life that could only be described as a nightmare. I was repeatedly raped and beaten, I visited the emergency room regularly. But the worst part was that there was no one to help. There was no such thing as human trafficking. I was written off so many times as just a common prostitute. It wasn’t until someone listened. Until someone believed. Until someone took action. Only then was I able to be free from that nightmare.

On behalf of all the victims in Michigan right now living that nightmare, I thank you for listening. I thank you for believing. And I thank you for taking action.”

Ruth Rondon, trafficked in Grand Rapids 40 years ago, VICTOR and advocate.

Human Trafficking Awareness Day at the Capitol, Lansing, January 2020.

