S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

March 6, 2009

Introduced by M. of A. ORTIZ, PHEFFER, EDDINGTON, JAFFEE, GREENE, CARROZZA, FIELDS, JEFFRIES -- Multi-Sponsored by -- M. of A. CLARK, COLTON, GABRYSZAK, JOHN, MARKEY, MAYERSOHN, PEOPLES, SEMINERIO, SWEENEY, TOWNS -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to promoting the education of the trafficking victims protection act of 2000 and any legislation thereafter to assist police officers and any other law enforcement agency to identify and protect persons from severe acts or forms of sex trafficking

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as the "New York state anti-trafficking task force act".

S 2. Legislative findings. While the trafficking victim protection act of 2000 provides for prosecution at the federal level, most acts of trafficking are initially encountered by local law enforcement personnel in the course of their field operations and delivery of social services. Without the capacity of local law enforcement agencies to work jointly with community-based social services providers and federal law enforcement to identify the perpetrators and victims of such crimes, the crimes will go undetected.

Crimes of human trafficking are often overlooked or mistaken for other types of criminal activity. In 2004, research conducted by Florida State University found that agencies have uncovered trafficking situations when making routine service calls for aggravated assault, domestic disturbance, and other crimes.

The purpose of this act is to create a statewide task force to be named and referred to as the "New York state anti-trafficking task force" to empower local law enforcement and human services officials to better identify and interdict trafficking in its various forms, whether

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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forced prostitution, indentured servitude, peonage, or other forms of forced labor, and to assist local law enforcement agencies in applying to the United States Department of Justice's Bureau of Justice Assistance's law enforcement grant program to combat human trafficking.

S 3. Article 8 and sections 115, 116 and 117 of the public officers law, such article as renumbered by chapter 511 of the laws of 1976 and such sections as renumbered by chapter 933 of the laws of 1977, are renumbered article 9 and sections 215, 216 and 217 and a new article 8 is added to read as follows:

ARTICLE 8
NEW YORK STATE
ANTI-TRAFFICKING TASK FORCE

SECTION 120. NEW YORK STATE ANTI-TRAFFICKING TASK FORCE; ESTABLISHED.
121. TASK FORCE; COMPOSITION OF.

S 120. NEW YORK STATE ANTI-TRAFFICKING TASK FORCE; ESTABLISHED. THE LEGISLATURE HEREBY AUTHORIZES AND DIRECTS THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES TO CREATE A STATE TASK FORCE TO EDUCATE LOCAL LAW ENFORCEMENT AND HUMAN SERVICES OFFICIALS ON ISSUES OF THE CRIME OF HUMAN TRAFFICKING, AND SUCH TASK FORCE SHALL BE NAMED AND REFERRED TO AS THE "NEW YORK STATE ANTI-TRAFFICKING TASK FORCE". A. THE TASK FORCE'S RESPONSIBILITIES SHALL INCLUDE, BUT NOT BE LIMITED TO:

(I) IDENTIFYING COMMUNITIES THAT NEED FUNDING TO PREVENT HUMAN TRAFFICKING;

(II) ASSISTING LOCAL POLICE DEPARTMENTS OR OTHER LAW ENFORCEMENT AGENCIES WITH HUMAN TRAFFICKING GRANT APPLICATIONS TO THE UNITED STATES DEPARTMENT OF JUSTICE;

(III) CREATING A PUBLIC AWARENESS CAMPAIGN TO EDUCATE THE PUBLIC ON HUMAN TRAFFICKING;

(IV) CREATING A LAW ENFORCEMENT LIAISON UNIT TO COORDINATE WITH THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF CHILDREN AND FAMILY SERVICES, LOCAL LAW ENFORCEMENT AGENCIES AND OTHER TRAFFICKING VICTIM SERVICE PROVIDERS CONCERNED WITH THE IDENTIFICATION AND RESCUE OF HUMAN TRAFFICKING VICTIMS; AND

(V) CREATING A STATEWIDE TRAINING PROGRAM ON HUMAN TRAFFICKING ISSUES FOR LOCAL LAW ENFORCEMENT ACADEMIES AND SUCH PROGRAM SHALL INCLUDE TRAINING ON ISSUES RELATING TO THE ROLES, RESPONSIBILITIES, PROCESSES, AND PROTOCOLS TO IDENTIFY AND SERVE ADULT AND CHILD VICTIMS OF HUMAN TRAFFICKING AND LEGAL AND IMMIGRATION ISSUES INVOLVED IN ASSISTING VICTIMS OF HUMAN TRAFFICKING.

B. THE TASK FORCE SHALL PREPARE A REPORT EVERY THREE YEARS TO BE SUBMITTED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, AND BOTH MINORITY LEADERS OF THE SENATE AND ASSEMBLY. SUCH REPORT SHALL IDENTIFY SERVICES NEEDED TO IMPROVE HUMAN TRAFFICKING VICTIMS' RECOVERY AND METHODS TO REDUCE HUMAN TRAFFICKING, AND AN EVALUATION OF THE IMPLEMENTATION OF THE STATEWIDE POLICE TRAINING PROGRAM ON HUMAN TRAFFICKING.

S 121. TASK FORCE; COMPOSITION OF. 1. THE TASK FORCE SHALL CONSIST OF TWELVE MEMBERS: THE COMMISSIONER OF CRIMINAL JUSTICE SERVICES, THE COMMISSIONER OF HEALTH, THE COMMISSIONER OF TRANSPORTATION, AND THE COMMISSIONER OF LABOR, OR THEIR DESIGNATED REPRESENTATIVES, THREE APPOINTMENTS SHALL BE MADE BY THE TEMPORARY PRESIDENT OF THE SENATE AND THREE BY THE SPEAKER OF THE ASSEMBLY, AND ONE APPOINTMENT SHALL BE MADE BY THE MINORITY LEADER OF THE SENATE AND ONE BY THE MINORITY LEADER OF THE ASSEMBLY. AT LEAST ONE APPOINTED MEMBER OF THE FORCE SHALL POSSESS

EXPERTISE IN THE FIELD OF CRIMINOLOGY; ONE SHALL POSSESS EXPERTISE IN THE FIELD OF FORENSICS; ONE SHALL POSSESS EXPERTISE IN THE FIELD OF MEDICINE SPECIALIZING IN SEXUALLY TRANSMITTED DISEASES; AND ONE SHALL POSSESS EXPERTISE IN THE FIELD OF PSYCHOLOGY.

2. THE COMMISSIONER OF CRIMINAL JUSTICE SERVICES, OR HIS OR HER DESIGNEE, SHALL SERVE AS CHAIR OF THE TASK FORCE.

3. THE MEMBERS OF THE TASK FORCE SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES HEREUNDER.

S 4. This act shall take effect immediately.