

## MEMORANDUM OF SUPPORT

### Victims of Human Trafficking are not Criminals

A.459 Gottfried/S.674 Ramos

The New York State Coalition Against Domestic Violence (NYSCADV) urges the New York State Legislature to pass this legislation, which would vacate the criminal records of victims of human trafficking who have been prosecuted and convicted for offenses related to their trafficking. This legislation is critical to ensuring that victims of human trafficking are not be haunted by the commission of crimes they were coerced to perform or participate in by their traffickers.

The International Labor Organization estimates that more than 40 million people are being trafficked globally, with hundreds of thousands of trafficked victims in the U.S. Victims are often runaway and homeless youth, and many are domestic violence and/or sexual assault victims.<sup>1</sup> Traffickers often exploit victims' vulnerabilities and prior experiences of abuse to force them to commit crimes. The prosecution of these forced crimes becomes a criminal record that can haunt victims for the remainder of their lives. According to the Polaris Project, the criminal record of a human trafficking victim can cause a lifetime of limited access to opportunities such as jobs, loans, education, housing, or visas.<sup>2</sup>

Currently, New York State law only allows prostitution-related criminal convictions of trafficked victims to be vacated. This fails to recognize that victims of trafficking are often forced by their traffickers to commit crimes unrelated to prostitution. This legislation would amend the Criminal Procedure Law to:

- Allow vacating convictions where the offense was the result of sex or labor trafficking, compelling prostitution or trafficking in persons;
- Provide confidentiality for motions to vacate such convictions; and,
- Remove language that limits motions to vacate convictions to victims who have already sought services or are no longer victims.

**NYSCADV urges the New York State Legislature to pass this legislation to uphold New York State's commitment to assist and support victims.**

#### **ABOUT NYSCADV:**

Established in 1978, NYSCADV is designated by the U.S. Department of Health and Human Services as the information clearinghouse, primary point of contact, and resource center on domestic violence for the State of New York. NYSCADV is responsible for supporting the development of policies, protocol, and procedures to enhance domestic violence intervention and prevention and also provides education and technical assistance to the network of primary-purpose domestic violence service providers statewide.

**For more information, contact: Joan Gerhardt, Director of Public Policy and Advocacy, 518.482.5465**

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<sup>1</sup> International Labor Organization (ILO). 2017. Global Estimates of Modern Slavery: Forced Labour and Forced Marriage. [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_575479.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575479.pdf)

<sup>2</sup> Polaris Project. 2016. Victims of Human Trafficking Aren't Criminals. <https://polarisproject.org/blog/2016/09/victims-of-human-trafficking-arent-criminals/>