

To: NJLRC Commissioners
From: Jennifer Weitz
Re: Update Regarding the Status of the Project Relating to Human Trafficking
Date: January 13, 2020

MEMORANDUM

Background

In June 2016, the New Jersey Law Revision Commission issued a Final Report that examined the applicability of the Uniform Law Commission's Uniform Act on Prevention of and Remedies for Human Trafficking¹, released in 2013, to New Jersey's Human Trafficking Prevention, Protection and Treatment Act², which was enacted in 2013. The Report contained recommendations based on input from Professor Penny Venetis of the Rutgers School of Law International Human Rights Clinic.

The Clinic recommended changes to the New Jersey law that would provide outright immunity to victims of human trafficking, rather than allowing for an affirmative defense, and more strongly establish business entity liability for human trafficking. Subsequent comments from Professor Venetis addressed the need to recognize coerced sexually explicit performances. The Commission also requested additional information regarding how other jurisdictions prohibit sexually explicit performances.

At the June 2016 meeting, the Commission voted to approve the Final Report, even as it acknowledged that proposed changes to the statutory language of N.J.S. 2C:13-8 were beyond the scope of the original project.

Historical Legislative Activity

Both before and since the Report's release, a number of bills pertaining to human trafficking have been introduced in the Legislature. The proposed Legislation did not target all of the issues highlighted by the Rutgers Clinic.

In the 2010-2011 legislative session, two identical bills were introduced in both the Assembly and Senate that sought to publicize a hotline and mandate law enforcement training in this area. During the 2012-2013 legislative session, eight bills on the subject were introduced, in addition to the legislation from the prior session. Five bills were introduced during the 2014-2015 session. In the 2016-2017 session, there were eight bills, including one, A4848, that provided for civil actions against individuals or entities profiting from the commission of human trafficking (it did not move beyond introduction).

¹ Uniform Act on Prevention of and Remedies for Human Trafficking. [https://www.uniformlaws.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=1ce62a67-
ea79-3180-dc1c-386411260499&forceDialog=0](https://www.uniformlaws.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=1ce62a67-
ea79-3180-dc1c-386411260499&forceDialog=0)

² Final Report Relating to Human Trafficking: N.J.S. 2C:13-8. [https://www.njlrc.org/projects/2019/8/16/uniform-act-
on-prevention-of-and-remedies-for-human-trafficking](https://www.njlrc.org/projects/2019/8/16/uniform-act-
on-prevention-of-and-remedies-for-human-trafficking)

Recent Legislative Developments

During the 2018-2019 legislative session, fifteen bills were introduced in the Assembly and Senate dealing with human trafficking. In 2019, the Legislature passed two bills regarding human trafficking. The first bill, P.L. 2019, c. 258, makes a supplemental appropriation of \$100,000 to the Commission on Human Trafficking. The second, P.L. 2019, c. 189, requires the Department of Education to develop guidelines for school districts concerning child trafficking awareness and prevention.

At the end of the current legislative session, the Legislature was considering the following bills:

- A5703: requires public transportation employees to complete a training course on handling and responding to suspected human trafficking. It passed the Assembly in December 2019, and on January 6, 2020, it was received in the Senate and referred to the Budget and Appropriations Committee.
- A6099: requires the Commission on Human Trafficking to create public awareness signs, to be posted by certain establishments. It was referred to the Assembly Judiciary Committee.

According to the National Human Trafficking Hotline, as of December 31, 2018, New Jersey had 224 reported cases of human trafficking, making it the state with the fourteenth highest number of such cases reported to the hotline.³ According to the New Jersey Coalition Against Human Trafficking, New Jersey has one of the toughest anti-trafficking laws in the country.⁴

Conclusion

Staff seeks direction from the Commission regarding whether to conduct additional research in the areas of victim immunity from prosecution, greater business entity liability, and coerced sexual performances, or continue to monitor the legislative activity in this area during the new legislative session.

³ National Human Trafficking Hotline. <https://humantraffickinghotline.org/states>

⁴ New Jersey Coalition Against Human Trafficking. <https://www.njhumantrafficking.org/advocate>