

New Massachusetts Law to Assist Survivors of Human Trafficking in Massachusetts

The Massachusetts Legislature recently passed a new law making it easier for survivors of human trafficking to petition a court to vacate certain criminal convictions if the survivor can show that the conviction was a result of being a human trafficking victim.

M.G.L. c. 265, § 59.

According to a 2016 National Survivor Network survey, 91% of respondents reported having been arrested, and over 50% of respondents reported that every arrest on their record was trafficking related.

Why are post-conviction laws important?

- Remedy past injustice
- Empower survivors to access opportunities
- Provide survivors a means to reclaim their experience
- Create a positive impact on criminal justice system stakeholders (judges, prosecutors, court personnel)

Conviction/arrest histories can prevent survivors from:

- Obtaining employment
- Pursuing education
- Obtaining public benefits
- Receiving housing assistance
 - Applying for a loan
- Achieving family stability
- Accessing immigration relief or adjusting status

How the New Law Works

The following offenses may be vacated under the new law: Common night walking (M.G.L. c. 272, § 53(a)); Resorting to restaurants or taverns for immoral purposes (M.G.L. c. 272, § 26); Sex for fee (M.G.L. c. 272, § 53A); and Simple possession of a controlled substance (M.G.L. c. 94C, § 34).

A survivor must show that she or he was being trafficked at the time of the offense. Trafficking is broadly defined under Massachusetts law.

Under the new law, official documentation showing that the survivor was a victim of trafficking at the time of the offense establishes a presumption that they meet the standard (but this documentation is not required). M.G.L. c. 265, § 59(a)(3)-(4). This presumption also arises automatically if the survivor was being trafficked and was under eighteen at the time of the offense.

How to Get Help

The BU Law Immigrants' Rights and Human Trafficking Program is open for intake for indigent clients seeking legal representation to vacate criminal convictions related to trafficking in Massachusetts.

Call **617-353-0993** to find out more.

For convictions outside of Massachusetts, the ABA Survivor Reentry Project conducts intake on an ongoing basis and is a great resource. Visit them online at

https://www.americanbar.org/groups/domestic_violence/survivor-reentry-project.html