

HOUSE No. 3596

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel B. Winslow

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act to reduce sexual exploitation of victims of human trafficking.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Daniel B. Winslow</i>	<i>9th Norfolk</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>Katherine M. Clark</i>	<i>Fifth Middlesex</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>

Timothy J. Toomey, Jr.

26th Middlesex

Donald H. Wong

9th Essex

HOUSE No. 3596

By Mr. Winslow of Norfolk, a petition (subject to Joint Rule 12) of Daniel B. Winslow and others for legislation to reduce sexual exploitation of victims of human trafficking. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to reduce sexual exploitation of victims of human trafficking.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 50 of chapter 265 of the General Laws, as added by section 23 of
2 chapter 178 of the acts of 2011, is hereby further amended by inserting at the end thereof the
3 following:-

4 (e) A victim of this section who has been convicted of a violation under section 8,
5 section 53, or section 53A of chapter 272 may move to have such conviction vacated.

6 SECTION 2. Section 51 of chapter 265 of the General Laws, as added by section 23 of
7 chapter 178 of the acts of 2011, is hereby further amended by inserting at the end thereof the
8 following:-

9 (e) A victim of this section who has been convicted of a violation under section 8,
10 section 53, or section 53A of chapter 272 may move to have such conviction vacated.

11 SECTION 3. Section 8 of chapter 272 of the General Laws, as most recently amended by
12 chapter 178 of the acts of 2011, is hereby further amended by inserting at the end thereof the
13 following:-

14 A person convicted under this section, or a person who has submitted to facts sufficient
15 for a conviction under this section, who is a human trafficking victim, as defined by section 20M
16 of chapter 233 may move to have the judgment vacated. Upon motion of the defendant, and upon
17 a finding by the court that the defendant is a human trafficking victim, the court shall vacate the
18 judgment and permit the defendant to withdraw any plea of guilty, plea of nolo contendere, or
19 admission of sufficient facts, and enter a plea of not guilty.

20 SECTION 4. Section 53 of chapter 272 of the General Laws, as appearing in the 2010
21 Official Edition, is hereby amended by inserting at the end thereof the following:-

22 A person convicted under this section, or a person who has submitted to facts sufficient
23 for a conviction under this section, who is a human trafficking victim, as defined by section 20M
24 of chapter 233 may move to have the judgment vacated. Upon motion of the defendant, and upon
25 a finding by the court that the defendant is a human trafficking victim, the court shall vacate the
26 judgment and permit the defendant to withdraw any plea of guilty, plea of nolo contendere, or
27 admission of sufficient facts, and enter a plea of not guilty.

28 SECTION 5. Subsection (a) of section 53A of chapter 272 of the General Laws, as most
29 recently amended by chapter 178 of the acts of 2011, is hereby further amended by inserting at
30 the end thereof the following:-

31 A person convicted under this subsection, or a person who has submitted to facts
32 sufficient for a conviction under this subsection, who is a human trafficking victim, as defined by
33 section 20M of chapter 233 may move to have the judgment vacated. Upon motion of the
34 defendant, and upon a finding by the court that the defendant is a human trafficking victim, the
35 court shall vacate the judgment and permit the defendant to withdraw any plea of guilty, plea of
36 nolo contendere, or admission of sufficient facts, and enter a plea of not guilty.