

SENATE No. 2493

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act promoting safety for victims of violent crime and 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. The General Laws are hereby amended by inserting after Chapter 258E the
2 following chapter:-

3 CHAPTER 258F.

4 Section 1. (a) As used in this chapter, terms shall have the meanings assigned to them by
5 the federal acts. In addition, the following terms shall have the following meanings:

6 “certifying entity,” a law enforcement agency, prosecutor, or other public authority that
7 has responsibility for the detection, investigation, or prosecution of a qualifying crime or
8 criminal activity, or an agency that has criminal investigative jurisdiction in its respective areas
9 of expertise, including but not limited to the attorney general, the district attorneys, the state
10 police, the municipal police departments, the department of children and families, the
11 commission against discrimination, the department of labor relations, the department of labor
12 standards, the division of industrial accidents and the municipal boards of health.

13 “federal acts,” the Trafficking and Victim Protection Act of 2000, 22 U.S.C. section 7101
14 to 7110 and the Immigration and Nationality Act of 1952, 8 U.S.C. sections 1101 to 1107,
15 inclusive.

16 (b) A certifying entity shall adopt a policy for completing and signing certification forms
17 for victims of criminal activity who intend to petition for nonimmigrant visas under 8 U.S.C.
18 section 1101(a)(15)(U) and victims of severe forms of trafficking as defined by 22 U.S.C.
19 section 7102 who intend to petition for nonimmigrant visas under 8 U.S.C. section
20 1101(a)(15)(T).

21 (c) A certifying entity shall respond to certification requests from victims of criminal
22 activity who intend to petition for nonimmigrant visas under 8 U.S.C. section 1101(a)(15)(U)
23 and from victims of severe forms of trafficking as defined by 22 U.S.C. section 7102 who intend
24 to petition for nonimmigrant visas under 8 U.S.C. section 1101(a)(15)(T) no later than 90 days
25 after receiving the request for certification. The certifying entity’s response shall consist of
26 either:

27 (1) completing and signing the certification; or

28 (2) a written denial of the request, informing the requestor of the reason that the request
29 does not meet the requirements of the certifying entity’s policy under this chapter. All denials
30 shall be without prejudice.

31 SECTION 2. Said chapter 258F of the General Laws is hereby further amended by
32 inserting after section 1 the following section:

33 Section 2. (a) A certifying entity shall report to the executive office of public safety and
34 security, on or before February 1, 2021, and annually thereafter, the number of victims that
35 requested nonimmigrant status certification forms, the number of those certification forms that
36 were signed, and the number of those certifications that were denied.

37 (b) There shall be an interagency crime victim certification steering committee to be
38 convened by the executive office of public safety and security within 90 days from the date of
39 the enactment of this provision. The steering committee shall consist of: the director of the
40 Massachusetts office for victim assistance or the director's designee, and the secretary of the
41 executive office for public safety and security or the secretary's designee, who shall serve as co-
42 chairs, the attorney general or the attorney general's designee, a representative of the
43 Massachusetts Chiefs of Police Association, a representative of the Massachusetts District
44 Attorneys Association; a representative of Jane Doe, Inc.; a representative of an entity dedicated
45 to working with child victims of crime appointed by the Massachusetts Children's Alliance; a
46 representative of an entity dedicated to working with LGBTQI+ individuals appointed by the
47 department of public health; an immigrant victim of crime appointed by the Massachusetts office
48 for victim assistance; a civil legal aid attorney working with immigrant victims appointed by the
49 Massachusetts Law Reform Institute; a victim witness advocate appointed by the Massachusetts
50 office for victim assistance; a mental health professional appointed by the department of public
51 health; a representative of a group dedicated to immigrant and refugee issues appointed by the
52 governor. The members of the committee shall serve without compensation.

53 The steering committee shall:

54 (1) develop sample training materials and plan for implementation of training for law
55 enforcement, prosecutors, victim advocates, state agency personnel, court personnel, and others
56 about this chapter;

57 (2) create sample policies for certifying entities to utilize;

58 (3) author a report, with the technical assistance of the executive office of public safety
59 and security, that shall be filed by March 1, 2021 and annually thereafter with the clerks of the
60 house of representatives and senate. The clerks shall make the report available for public
61 inspection. The report shall include the following items: (i) the activities of the steering
62 committee from the previous year; (ii) an overview of implementation issues that arose in the
63 previous year, including but not limited to certifying entity non-compliance with this section or
64 section 1 of chapter 258F; (iii) any recommendations to the legislature; (iv) the number of
65 victims that requested certification forms from each certifying entity; (v) the number of those
66 certification forms that each certifying entity completed and signed; (vi) the number of
67 certifications that each certifying entity denied; and (vii) total statewide statistics on
68 certifications and denials; (viii) other information the steering committee identifies as relevant.

69 (4) undertake other responsibilities relating to this chapter that the committee identifies.