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114TH CONGRESS
1ST SESSION

S. 140

To combat human trafficking.

IN THE SENATE OF THE UNITED STATES

JANUARY 8, 2015

Mrs. FEINSTEIN (for herself, Mr. PORTMAN, Mr. CORNYN, Mrs. GILLIBRAND, and Mr. KIRK) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To combat human trafficking.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Combat Human Traf-
5 ficking Act of 2015”.

6 **SEC. 2. REDUCING DEMAND FOR SEX TRAFFICKING; LOWER**

7 **MENS REA FOR SEX TRAFFICKING OF UNDER-**
8 **AGE VICTIMS.**

9 (a) CLARIFICATION OF RANGE OF CONDUCT PUN-
10 ISHED AS SEX TRAFFICKING.—Section 1591 of title 18,
11 United States Code, is amended—

1 (1) in subsection (a)(1), by striking “or main-
2 tains” and inserting “maintains, patronizes, or solici-
3 its”;

4 (2) in subsection (b)—

5 (A) in paragraph (1), by striking “or ob-
6 tained” and inserting “obtained, patronized, or
7 solicited”; and

8 (B) in paragraph (2), by striking “or ob-
9 tained” and inserting “obtained, patronized, or
10 solicited”; and

11 (3) by striking subsection (c) and inserting the
12 following:

13 “(c) In a prosecution under subsection (a)(1), the
14 Government need not prove that the defendant knew, or
15 recklessly disregarded the fact, that the person recruited,
16 enticed, harbored, transported, provided, obtained, main-
17 tained, patronized, or solicited had not attained the age
18 of 18 years.”.

19 (b) DEFINITION AMENDED.—Section 103(10) of the
20 Trafficking Victims Protection Act of 2000 (22 U.S.C.
21 7102(10)) is amended by striking “or obtaining” and in-
22 serting “obtaining, patronizing, or soliciting”.

23 (c) MINIMUM PERIOD OF SUPERVISED RELEASE FOR
24 CONSPIRACY TO COMMIT COMMERCIAL CHILD SEX TRAF-

1 FICKING.—Section 3583(k) of title 18, United States
2 Code, is amended by inserting “1594(c),” after “1591,”.

3 **SEC. 3. BUREAU OF JUSTICE STATISTICS REPORT ON**
4 **STATE ENFORCEMENT OF SEX TRAFFICKING**
5 **PROHIBITIONS.**

6 (a) DEFINITIONS.—In this section—

7 (1) the terms “commercial sex act”, “severe
8 forms of trafficking in persons”, “State”, and “Task
9 Force” have the meanings given those terms in sec-
10 tion 103 of the Trafficking Victims Protection Act
11 of 2000 (22 U.S.C. 7102);

12 (2) the term “covered offense” means the provi-
13 sion, obtaining, patronizing, or soliciting of a com-
14 mercial sex act involving a person subject to severe
15 forms of trafficking in persons; and

16 (3) the term “State law enforcement officer”
17 means any officer, agent, or employee of a State au-
18 thorized by law or by a State government agency to
19 engage in or supervise the prevention, detection, in-
20 vestigation, or prosecution of any violation of crimi-
21 nal law.

22 (b) REPORT.—The Director of the Bureau of Justice
23 Statistics shall—

24 (1) prepare an annual report on—

25 (A) the rates of—

1 (1) the terms “commercial sex act”, “severe
2 forms of trafficking in persons”, and “State” have
3 the meanings given those terms in section 103 of the
4 Trafficking Victims Protection Act of 2000 (22
5 U.S.C. 7102);

6 (2) the term “covered offender” means an indi-
7 vidual who obtains, patronizes, or solicits a commer-
8 cial sex act involving a person subject to severe
9 forms of trafficking in persons;

10 (3) the term “Federal law enforcement officer”
11 has the meaning given the term in section 115 of
12 title 18, United States Code;

13 (4) the term “local law enforcement officer”
14 means any officer, agent, or employee of a unit of
15 local government authorized by law or by a local
16 government agency to engage in or supervise the
17 prevention, detection, investigation, or prosecution of
18 any violation of criminal law; and

19 (5) the term “State law enforcement officer”
20 means any officer, agent, or employee of a State au-
21 thorized by law or by a State government agency to
22 engage in or supervise the prevention, detection, in-
23 vestigation, or prosecution of any violation of crimi-
24 nal law.

25 (b) TRAINING.—

1 (1) LAW ENFORCEMENT OFFICERS.—The At-
2 torney General shall ensure that each anti-human
3 trafficking program operated by the Department of
4 Justice, including each anti-human trafficking train-
5 ing program for Federal, State, or local law enforce-
6 ment officers, includes technical training on—

7 (A) effective methods for investigating and
8 prosecuting covered offenders; and

9 (B) facilitating the provision of physical
10 and mental health services by health care pro-
11 viders to persons subject to severe forms of
12 trafficking in persons.

13 (2) FEDERAL PROSECUTORS.—The Attorney
14 General shall ensure that each anti-human traf-
15 ficking program operated by the Department of Jus-
16 tice for United States attorneys or other Federal
17 prosecutors includes training on seeking restitution
18 for offenses under chapter 77 of title 18, United
19 States Code, to ensure that each United States at-
20 torney or other Federal prosecutor, upon obtaining
21 a conviction for such an offense, requests a specific
22 amount of restitution for each victim of the offense
23 without regard to whether the victim requests res-
24 titution.

1 (3) JUDGES.—The Federal Judicial Center
2 shall provide training to judges relating to the appli-
3 cation of section 1593 of title 18, United States
4 Code, with respect to ordering restitution for victims
5 of offenses under chapter 77 of such title.

6 (c) POLICY FOR FEDERAL LAW ENFORCEMENT OF-
7 FICERS.—The Attorney General shall ensure that Federal
8 law enforcement officers are engaged in activities, pro-
9 grams, or operations involving the detection, investigation,
10 and prosecution of covered offenders.

11 **SEC. 5. WIRETAP AUTHORITY FOR HUMAN TRAFFICKING**
12 **VIOLATIONS.**

13 Section 2516 of title 18, United States Code, is
14 amended—

15 (1) in paragraph (1)(c)—

16 (A) by inserting before “section 1591” the
17 following: “section 1581 (peonage), section
18 1584 (involuntary servitude), section 1589
19 (forced labor), section 1590 (trafficking with re-
20 spect to peonage, slavery, involuntary servitude,
21 or forced labor),”; and

22 (B) by inserting before “section 1751” the
23 following: “section 1592 (unlawful conduct with
24 respect to documents in furtherance of traf-

1 ficking, peonage, slavery, involuntary servitude,
2 or forced labor),”; and

3 (2) in paragraph (2), by inserting “human traf-
4 ficking, child sexual exploitation, child pornography
5 production,” after “kidnapping.”

6 **SEC. 6. STRENGTHENING CRIME VICTIMS’ RIGHTS.**

7 (a) NOTIFICATION OF PLEA AGREEMENT OR OTHER
8 AGREEMENT.—Section 3771(a) of title 18, United States
9 Code, is amended by adding at the end the following:

10 “(9) The right to be informed in a timely man-
11 ner of any plea agreement or deferred prosecution
12 agreement.”.

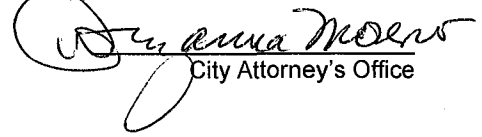
13 (b) APPELLATE REVIEW OF PETITIONS RELATING
14 TO CRIME VICTIMS’ RIGHTS.—

15 (1) IN GENERAL.—Section 3771(d)(3) of title
16 18, United States Code, is amended by inserting
17 after the fifth sentence the following: “In deciding
18 such application, the court of appeals shall apply or-
19 dinary standards of appellate review.”.

20 (2) APPLICATION.—The amendment made by
21 paragraph (1) shall apply with respect to any peti-
22 tion for a writ of mandamus filed under section
23 3771(d)(3) of title 18, United States Code, that is
24 pending on the date of enactment of this Act.

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City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

INTRODUCED BY COUNCIL PRESIDENT LYNETTE GIBSON MCELHANEY

RESOLUTION IN SUPPORT OF THE PROPOSED FEDERAL "COMBAT HUMAN TRAFFICKING ACT OF 2015", S.140, WHICH WOULD STRENGTHEN LAW ENFORCEMENT EFFORTS TO INVESTIGATE AND PROSECUTE INDIVIDUALS WHO COMMIT SEX TRAFFICKING CRIMES AND REQUIRE THE DEPARTMENT OF JUSTICE TO COLLECT AND MONITOR DATA ON THE SEXUAL EXPLOITATION OF CHILDREN

WHEREAS, human trafficking is a serious problem in the City of Oakland and a priority identified by the Oakland City Council for many years; and

WHEREAS, sexual exploitation of children is of particular concern as there are an estimated one hundred children trapped, coerced, and trafficked on the streets of Oakland every single day; and

WHEREAS, the Oakland City Council approved legislation in June 2013 to create a Commercial Sexual Exploitation of Children ("CSEC") Task Force to work towards abolishing sexual exploitation through training, prevention, awareness, and policy development; and

WHEREAS, Senator Dianne Feinstein has proposed federal legislation, the "Combat Human Trafficking Act of 2015", S.140 to strengthen law enforcement efforts to investigate and prosecute all who commit sex trafficking crimes, particularly buyers of sex acts from trafficking victims; and

WHEREAS, victims of sexual exploitation are often required to testify in court against their "pimps" or "sellers," often causing great re-traumatization of the physical and psychological pain that they have endured, and S. 140 will reduce or eliminate this requirement for victims who are minors; and

WHEREAS, S.140 will require the Bureau of Justice Statistics to prepare an annual report on sex trafficking offenses that are prosecuted in the State court system; and

WHEREAS, superior data collection is needed to track sexual exploitation in order to evaluate the number of offenses, demographics of the offenders, locations of offenses so that law enforcement, advocates, and lawmakers can determine how to prevent this crime from ever occurring; and

WHEREAS, S.140 will provide victims of human trafficking enhanced rights, such as advance notice of any plea bargain or deferred prosecution agreement; and

WHEREAS, wiretapping can be an appropriate tool for law enforcement to gather evidence on human trafficking and thus enable law enforcement to arrest exploiters, and S.140 will enhance local law enforcement wiretapping authority for human trafficking investigations ; and

WHEREAS, targeting the demand for sexual trafficking has been identified by experts and numerous studies as a means to reduce exploitation; and

WHEREAS, increased prosecution upon buyers of commercial sex will provide multiple benefits, including deterring potential buyers of sex because they are aware of the hefty penalties they could face, if charged; and

WHEREAS, the criminal justice system is responsible to impose appropriate punitive measures in order to protect criminal behavior from harming the citizens of this country, of which; and

WHEREAS, S.140 is endorsed by Fraternal Order of Police, Shared Hope International, ECPAT-USA, Coalition Against Trafficking in Women (CATW), Human Rights Project for Girls, Survivors for Solutions, Sanctuary For Families, World Hope International, Prostitution Research & Education, Breaking Free, Equality Now, National Organization for Victim Assistance, Seraphim Global, Los Angeles County Board of Supervisors, City of Oakland (CA), Chicago Alliance Against Sexual Exploitation, Bilateral Safety Corridor Coalition, and Casa Cornelia Law Center, as well as two Oakland based non-profit agencies serving sexually exploited youth: West Coast Children's Clinic and MISSEY (Motivating, Inspiring, Supporting and Serving Sexually Exploited Youth); now, therefore be it

FURTHER RESOLVED: That in alignment with Oakland's quest to abolish sexual exploitation of children and all human trafficking, the City Council of the City Oakland fully endorse the Combat Human Trafficking Act of 2015, S.140, and urges its passage by the Congress of the United States of America.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the City of
Oakland, California