

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE BILL 1079\*  
Judiciary I (Civil) Committee Substitute Adopted 7/23/07

Short Title: Protections for Victims of Human Trafficking.

(Public)

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Sponsors:

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Referred to:

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March 22, 2007

1 A BILL TO BE ENTITLED  
2 AN ACT PROVIDING PROTECTIONS FOR VICTIMS OF HUMAN  
3 TRAFFICKING.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 14-43.11 reads as rewritten:

6 "**§ 14-43.11. Human trafficking.**

7 (a) A person commits the offense of human trafficking when that person  
8 knowingly recruits, entices, harbors, transports, provides, or obtains by any means  
9 another person with the intent that the other person be held in involuntary servitude or  
10 sexual servitude.

11 (b) A person who violates this section is guilty of a Class F felony if the victim of  
12 the offense is an adult. A person who violates this section is guilty of a Class C felony if  
13 the victim of the offense is a minor.

14 (c) Each violation of this section constitutes a separate offense and shall not  
15 merge with any other offense. Evidence of failure to deliver benefits or perform services  
16 standing alone shall not be sufficient to authorize a conviction under this section.

17 (d) A person who is not a legal resident of North Carolina, and would  
18 consequently be ineligible for State benefits or services, shall be eligible for the benefits  
19 and services of any State agency if the person is a victim of an offense charged under  
20 this section. Eligibility for benefits and services shall terminate at such time as the  
21 victim's eligibility to remain in the United States is terminated under federal law."

22 **SECTION 2.** G.S. 15A-830(7) reads as rewritten:

23 "(7) Victim. – A person against whom there is probable cause to believe  
24 one of the following crimes was committed:

25 a. A Class A, B1, B2, C, D, or E felony.

26 b. A Class F felony if it is a violation of one of the following:  
27 G.S. 14-16.6(b); 14-16.6(c); 14-18; 14-32.1(e); 14-32.2(b)(3);  
28 14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41;—14-43.6;

1 14-43.3; 14-43.11; 14-190.17; 14-190.19; 14-202.1; 14-277.3;  
2 14-288.9; or 20-138.5.

3 ...."

4 **SECTION 3.** G.S. 15A-832 is amended by adding a new subsection to read:

5 **"§ 15A-832. Responsibilities of the district attorney's office.**

6 ...

7 (h) When a person is a victim of a human trafficking offense and is entitled to  
8 benefits and services pursuant to G.S. 14-43.11(d), the district attorney's office shall so  
9 notify the Office of the Attorney General and Legal Aid of North Carolina, Inc., in  
10 addition to providing services under this Article."

11 **SECTION 4.** G.S. 15C-1 reads as rewritten:

12 **"§ 15C-1. Purpose.**

13 The purpose of this Chapter is to enable the State and the agencies of North Carolina  
14 to respond to requests for public records without disclosing the location of a victim of  
15 domestic violence, sexual offense, ~~or stalking~~; stalking, or human trafficking; to enable  
16 interagency cooperation in providing address confidentiality for victims of domestic  
17 violence, sexual offense, ~~or stalking~~; stalking, or human trafficking; and to enable the  
18 State and its agencies to accept a program participant's use of an address designated by  
19 the Office of the Attorney General as a substitute address."

20 **SECTION 5.** G.S. 15C-2 reads as rewritten:

21 **"§ 15C-2. Definitions.**

22 The following definitions apply in this Chapter:

23 ...

24 (4) Application assistant. – An employee of an agency or nonprofit  
25 organization who provides counseling, referral, shelter, or other  
26 specialized services to victims of domestic violence, sexual offense, ~~or~~  
27 ~~stalking~~ stalking, or human trafficking and who has been designated by  
28 the Attorney General to assist individuals with applications to  
29 participate in the Address Confidentiality Program.

30 ...

31 (10) Victim of domestic violence. – An individual against whom domestic  
32 violence, as described in G.S. 50B-1, has been committed.

33 (11) Victim of a sexual offense. – An individual against whom a sexual  
34 offense, as described in Article 7A of Chapter 14 of the General  
35 Statutes, has been committed.

36 (12) Victim of stalking. – An individual against whom stalking, as  
37 described in G.S. 14-277.3, has been committed.

38 (13) Victim of human trafficking. – An individual against whom human  
39 trafficking, as described in G.S. 14-43.11, has been committed."

40 **SECTION 6.** G. S. 15C-3 reads as rewritten:

41 **"§ 15C-3. Address Confidentiality Program.**

42 The General Assembly establishes the Address Confidentiality Program in the  
43 Office of the Attorney General to protect the confidentiality of the address of a relocated  
44 victim of domestic violence, sexual offense, ~~or stalking~~ stalking, or human trafficking to

1 prevent the victim's assailants or potential assailants from finding the victim through  
2 public records. Under this Program, the Attorney General shall designate a substitute  
3 address for a program participant and act as the agent of the program participant for  
4 purposes of service of process and receiving and forwarding first-class mail or certified  
5 or registered mail. The Attorney General shall not be required to forward any mail other  
6 than first-class mail or certified or registered mail to the program participant. The  
7 Attorney General shall not be required to track or otherwise maintain records of any  
8 mail received on behalf of a program participant unless the mail is certified or registered  
9 mail."

10 **SECTION 7.** G.S. 15C-4(c) reads as rewritten:

11 "(c) The application shall contain all of the following:

- 12 (1) A statement by the applicant that the applicant is a victim of domestic  
13 violence, sexual offense, ~~or stalking-stalking~~, or human trafficking and  
14 that the applicant fears for the applicant's safety or the safety of the  
15 applicant's child.
- 16 (2) Evidence that the applicant is a victim of domestic violence, sexual  
17 offense, ~~or stalking-stalking~~, or human trafficking. This evidence may  
18 include any of the following:
- 19 a. Law enforcement, court, or other federal or state agency records  
20 or files.
- 21 b. Documentation from a domestic violence program if the  
22 applicant is alleged to be a victim of domestic violence.
- 23 c. Documentation from a religious, medical, or other professional  
24 from whom the applicant has sought assistance in dealing with  
25 the alleged domestic violence, sexual offense, or stalking.
- 26 d. Documentation submitted to support a victim of human  
27 trafficking's application for federal assistance or benefits under  
28 federal human trafficking laws.

29 ...."

30 **SECTION 8.** G.S. 15C-10 reads as rewritten:

31 "**§ 15C-10. Assistance for program applicants.**

32 (a) The Attorney General shall designate agencies of North Carolina and  
33 nonprofit organizations that provide counseling and shelter services to victims of  
34 domestic violence, sexual offense, ~~or stalking-stalking~~, or human trafficking to assist  
35 individuals applying to be program participants. Any assistance and counseling  
36 rendered by the Office of the Attorney General or its designee to applicants shall in no  
37 way be construed as legal advice.

38 (b) The Attorney General, upon receiving notification pursuant to  
39 G.S. 15A-832(h), shall, within 96 hours of receiving the notification, issue the victim a  
40 letter of certification of eligibility or other relevant document entitling the person to  
41 have access to State benefits and services.

42 **SECTION 9.** G.S. 7A-474.2(1) reads as rewritten:

43 "(1) "Eligible client" means a resident of North Carolina financially eligible  
44 for representation under the Legal Services Corporation Act,

1 regulations, and interpretations adopted thereunder (45 C.F.R. § 1611,  
2 and subsequent ~~revisions~~-revisions), or a person entitled to State  
3 benefits or services pursuant to G.S. 14-43.11(d)."

4 **SECTION 10.** G.S. 7A-474.3(b) reads as rewritten:

5 "(b) Eligible Cases. Legal assistance shall be provided to eligible clients under this  
6 Article only in the following types of cases:

- 7 (1) Family violence or spouse abuse;  
8 (2) Assistance for the disabled in obtaining federal Social Security  
9 benefits;

10 (2a) Assistance for eligible clients in obtaining benefits or assistance under  
11 any federal law or program providing benefits or assistance for human  
12 trafficking victims.

13 ...."

14 **SECTION 11.** The North Carolina Justice Academy shall establish protocols  
15 suitable for the training of State and local law enforcement officers. The protocols shall  
16 be made available to all State and local law enforcement agencies so that the agencies  
17 may conduct training on:

- 18 (1) The phenomenon of human trafficking and State and federal laws on  
19 human trafficking.  
20 (2) How to recognize and identify victims of one or more of the practices  
21 set forth in G.S. 14-43.11, G.S. 14-43.12, or G.S. 14-43.13.  
22 (3) Methods for protecting trafficking victims and possible trafficking  
23 victims, and advising them of their rights.  
24 (4) Procedures and techniques for handling specialized needs of victims  
25 who may face cultural, language, and other barriers that impede ability  
26 to request and obtain available services.

27 Nothing in this section shall be construed to require the North Carolina Justice  
28 Academy to conduct training of State or local law enforcement officers.

29 **SECTION 12.** There is appropriated from the General Fund to Legal Aid of  
30 North Carolina, Inc., the sum of fifty thousand (\$50,000) in non-recurring funds for the  
31 2007-2008 fiscal year to provide legal assistance to human trafficking victims.

32 **SECTION 13.** This act is effective when it becomes law. Section 12  
33 becomes effective July 1, 2007, and the remainder of this act becomes effective  
34 December 1, 2007, and applies to offenses committed on or after that date.