

ATEST NATIONAL CALL ON ULC

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Operator: Welcome to the ATEST National Call on ULC. My name is Larissa and I'll be your operator for today's call. At this time all participants are on a listen-only mode. Later we'll conduct a question and answer session. Please note this conference is being recorded. I'd like to turn the call over to Meredith Owen. Meredith, you may begin.

Ms. Meredith Owen: Thank you so much, Larissa, and thank you everyone for taking the time to join the ATEST on ULC today. As Larissa mentioned, we'll have a number of speakers and you'll be in listen-only mode during that time. At the end of the presentations, we're going to open the line up for Q&As and the operator will prompt you to get into the queue to ask questions, and we will have plenty of time for questions and answers at the end of the call. I'm Meredith Owen, policy associate for the Alliance To End Slavery & Trafficking, or ATEST. ATEST is a coalition of U.S.-based human rights organizations working to end modern-day slavery and human trafficking in the United States and around the world. We advocate for lasting solutions to prevent labor and sex trafficking, holding perpetrators accountable, and ensuring justice for victims and empowering survivors with tools for recovery. ATEST works on all facets of human trafficking: Adults and children, foreign nationals, U.S. citizens, domestic, international labor, and sex trafficking. Just to remind folks this call will be recorded and there will be an opportunity to hear it in MP3 version later on. There will be a link that will be sent out by email and posted on the ATEST website in case you're unable to hear all the calls. Or if you have colleagues or partners that want to hear and listen to what was discussed today. The ATEST website is "endslaveryandtrafficking.org", that's E-N-D-SLAVERYANDTRAFFICKING dot O-R-G. I'm going to go ahead and turn over the call to our first speaker, Stephanie Richard. She is the policy and legal services director for the coalition to abolish slavery and trafficking. Stephanie?

Ms. Stephanie Richard: Hi everyone, thank you so much for joining in this call on the Uniform Law Commission Draft on Human Trafficking. I think we will—the purpose of this call today is to give—advocacy who haven't had a chance to be as engaged with the Uniform Law Commission process. Some updates and background on this process, as a follow up to the call, I think we hosted over a year ago when we compiled comments from individuals. As well as to just sort of go over the provisions, as a vote on the uniform law will be in the front of the commissioners on July 6th. So I think first, just for you people who aren't familiar with the Uniform Law Commission, a little bit about its history and purpose, and this is something that I needed to understand when I started the process almost two years ago, is that the Uniform Law is not meant to be a model law. So it's not meant to have everything that we as advocates would want to have in it. It's supposed to be a uniform law, meaning it's something that all states could likely pass and adopt. So I think the most famous example of, and something maybe even non-lawyers know, from the Uniform Law is the Uniform Contract Code with provisions that were developed in advance by the Uniform Law Commission and almost I think all states have adopted that. So that's the first purpose of the Uniform Law Commission, is to try get uniformity among state laws. So with that background, I also just wanted to give a little background around how the Uniform Law Commission decided to work on a draft provision on human trafficking. So basically the American Bar Association in connection with LexisNexis actually have sponsored and hosted the drafting of this provision. The

drafting process is a very complex and lengthy process; it actually started back in December of 2011 at the first meeting in New Orleans. So the first document that came out of the Reporting Committee, which was done by a professor at Georgetown Law, was input at that time from a lot of different advocates and different numbers, was over 100 pages in length. This included a lot of comments on not all the draft language, but explanations for those comments. But if you look at the current draft now, and I hope you all have it in front of you as we review those specific provisions, it was sent out with the invite in this; the draft is only 15 pages. So it has been significantly shortened and narrowed in scope. But the very first law really had expansive definitions of trafficking. It also has tried to incorporate as many international human life standards around the human trafficking fields that we could have, and it also had extensive draft program details for victims' services, training, all the things that we know are necessary. As we walk through the provisions, you'll see that this has been significantly narrowed, and the reason that had to happen is that the purpose of drafting this law is to get something that the commissioners will adapt. So just for those who haven't—I'll just summarize the process. So after that first meeting in New Orleans in December there was an additional meeting in San Antonio in February of 2012. Then there was the very first reading in front of the full commission, which involves about 300 key legislators, judges, private and other attorneys, who are nominated to be part of that commission. So after the first reading, I think all of us who attended recognized that the version of the bill that we had would never pass. The most common thing we heard during the commission meeting was there was overly-broadened scope in definition. There was a concern about the criminal provisions especially being over-broad, and some overlap between the criminal and the civil provisions. There was concern about each and every single victim service and service provider protection. Then finally, there was concern about anything that could have any kind of fiscal note. So with those marching orders given to us by the commissioners, we then had meetings in Washington D.C. in December, February, and April. I think these meetings were especially well attended by a service provider, Advocacy because they were in a more controlled location. What I also want to stress is that at each of these meetings, all or most of the full draft is reviewed every time, and the commission really had a very open position on discussion. So even if an issue had been debated and accepted as a compromise in meetings before, it could be reopened by anyone in the room. So issues really were vetted and debated multiple times before any decision was made in this area in that no advocate or commissioner voice was left out because they missed out one or two of the meetings. So I wanted to highlight that process to sort of give people an idea about the complexity and the time that went in. Each of these meetings was actually a full two days and we would spend, you know, eight hours each day reviewing and arguing about each line like in the statutes. There were prosecutors, people who represented the Defense Association, people who represented the business community, and people who represented victim service providers in the room at all of those meetings; as well as very experienced people with state legislation issues, state legislators, and other experienced lawyers. So that's for the process. So then I'd like you all to open the document hopefully that you have. It deals with the actual provisions of the Uniform Law Commission. You know we do want to give people a substantive overview of the provisions and then some of the work that went into them. So the first section is the definition section. This is not covered necessarily, because we're going to cover each and every one of the sections later, and you're going to have more access to information about some of the things that are defined; but there's a couple of things I wanted to highlight. If you look in the definition section, you'll see that there is a definition of "coercion". So this definition was much broader when it was first drafted; but I think advocates, and the criminal law expert who was a professor who's joined us, and others, agreed that it just simply wasn't workable in the way and the form that it was. And then especially with the feedback from the commissioners, the definition of coercion was therefore written to mass what we currently see in our federal law, except where there's two explicit things that are slightly broader. The first is that coercing can include controlling abused substance for a person, or taking documents. Under our federal law those are not specifically itemized out. The next thing I should highlight, because this was confusing to me when I read it for the first time, but I wanted to highlight, is that "force" is included in the definition of "coercion" so you don't have force being separate from coercion, it's seen as a form of coercion. Again that was just done to streamline it, it doesn't change that meaning of it. The last thing,

and there's a lot of debate around this, is that the definition "debt bondage" had been at one point in the drafting process, its own separate criminal crime. But it was decided that it was better to include that to streamline again the process in the definition of "coercion." So that's where you'll see that. The last thing I wanted to highlight was I think a substantial victory for victim advocates, is that it's very clear that a person can be a victim even if the case is not prosecuted or investigated, and we made that clear in the definition section, and that's the very last definition you'll see. So now I'm going to turn it over to James from Polaris Project to speak about Article 2, the criminal penalties.

Mr. James Dold: Great, thank you so much, Stephanie, for that overview. Everyone, my name is James Dold, I serve as Senior Policy Counsel for Polaris Project. Polaris Project, as many of you know, has done substantial work around the country to enact substantial and significant legislation to fight human trafficking in various states. We worked in almost every state across the country and have successfully secured the passage of comprehensive legislation in many of those states. So my section really deals with the meat and potatoes from the criminal side, and really if you're looking at this Uniform Act through the lens of the three-piece paradigm, this section that we're going to go through really focuses on the prosecution side and making sure that law enforcement and the prosecutors have the tools that they need. Many of these provisions are going to be very similar to what many of you have seen in your individual state laws, as well as at the federal level. There are some interesting structural changes that have occurred through the drafting process that we'll talk about. But just to start us off to highlight Section 3, 4, and 5, which are really the provisions that really focus on a lot of the trafficking-type activities, again they're very similar. Section 3 focuses on trafficking of an individual. Section 4 talks about forced labor. Section 5 talks about sexual servitude. I'm going to jump around a little bit, I'm going to start actually with Sections 4 and 5 and talk about those sections because those are most akin to what people would see in 18 U.S.C. 1589, which is the forced labor section of the federal law, as well as what's in 18 U.S.C. 1591 under Section 5, sexual servitude. Then Section 3 is sort of a catch-all and talks about those individuals who facilitate trafficking knowing that the person is going to be subjected to either forced labor or sexual servitude. So Section 4, again looking at the language, anybody who knowingly uses coercion, deception, or fraud, to compel an individual to provide labor or services would be guilty of forced labor. The penalty range for this particular crime is a Category C felony for adults, Category B for children. Again, folks, seeing on that same language that's encapsulated within the federal law, and as to the definition as Stephanie just pointed out, coercion is one of the first means that are mentioned. The same thing with sexual servitude, there's a little bit of a change here. Anybody who maintains or makes available a minor for the purpose of engaging the minor in commercial sexual services, or uses coercion, deception, or fraud to compel an adult to engage in commercial sexual services. So again, you have here looking at the federal standard that makes sure that requirements of force, fraud, or coercion, or in this particular case, coercion, deception, or fraud, aren't required to prosecute somebody for trafficking a minor under sexual servitude. This is the same as it is under the federal standard. The other important components of this particular section is that there is no mistake of age defense. So somebody can't say, "Well I thought", you know, "a 15-year-old girl, she looked 18." So that defense would not apply in this particular case; nor would the fact that a minor consented to engage in commercial sex acts would that apply. Those actually aren't necessarily found in the federal definition, but they are found in many states, and so that was a huge victory getting those two provisions in. So those are the two components of forced labor, sexual servitude. And then when you jump back up to Section 3, this is where we talk about those individuals who are helping to facilitate forced labor or sexual servitude. Again, the language should read very familiar to most people who are familiar with the federal law. Anybody who recruits, transports, transfers, receives, provides, detains, isolates, maintains, or entices an individual, knowing that the individual will be subject to forced labor or sexual servitude, is guilty of trafficking an individual. Again, the felony range is the same, Category C felony for adults, Category B felony for children. So what the Uniform Act attempts to do, and I think does quite successfully, is really begin to compartmentalize the different types of activities that are involved in trafficking. Where the federal law I think is a little bit more messy in this way, and for those of you who are familiar with the Polaris Project Model Law, it's

very similar in that way as well; as we had tried to sort of compartmentalize the idea of involuntary servitude, which encompasses all of those different means that are used to compel someone into commercial sex, or into labor or services. Then in a separate section criminalizes those who are doing the recruiting, doing the transporting, doing the providing, doing the obtaining, etcetera. So it's a much easier read. I think it's going to be a lot easier for law enforcement generally to use these statutes as they pursue prosecutions against those individuals who are trafficking children and adults. On important distinction that is made within the sexual servitude section is that one of the things that was done was to clarify and not include some of the same language that's under the federal law to go after certain types of actors under the sex trafficking section. So instead, in terms of demand actors, that was handled in a completely different section, Sections 6 and 7 that I'll go over right now. But in case people were wondering why there's a little bit of a difference, the idea from the commission was to make sure that we focused on those individuals who were the third party pimps or controllers in the forced labor and the sexual servitude, and the trafficking statutes. Then get at the demand actors in separate statutes, making sure that we are holding them equally accountable for the crimes that they were committing. So in case folks were wondering why there's a little bit of a distinction in those particular sections. So Sections 6 and 7 deal with individuals. Section 6 deals with individuals who patronize a victim of sexual servitude. So this is again talking about primarily Johns, the guys who are creating the demand for commercial sex, and this applies to anybody who gives, agrees to give, or offers to give anything of value so that the individual may engage in commercial sex with another person; and the person knows that the person is a victim of sexual servitude. So again you need to go back to the definition of sexual servitude. So if the person knows that a child is being maintained and they have a pimp and they're required to engage in commercial sex acts, they would be convicted under the statute as well as if the person knows that an adult is being compelled to coercion, deception, or fraud to engage in commercial sex; they would also be guilty under Section 6, patronizing a victim of sexual servitude. Section 7 is a special section specifically designated for minors, and again this was meant to get at those Johns who are specifically patronizing a minor whether or not a third party pimp or controller is involved. So again you look at the language, anybody who gives, agrees to give, or offers to give anything of value to a minor or another person, so that the individual may engage in a commercial sex act with a minor. Again, the idea here is to be able to get after those individuals who have given to the demand for commercial sex with minors, and making sure that we'll classify that as a very high-class felony. So when you look at Section 7, you'll see patronizing a minor is in fact a Class B felony, which is right in line with all the other trafficking provisions in the other sections. Moving along to Section 8, we're talking about business entity liability. So we want to make sure that where businesses are directly engaging in human trafficking activities and a violation of this Act. Or where an employee or agent engages in human trafficking that was part of a pattern of an illegal activity under this Act for the benefit of the entity, and where the person, and whether the entity knew that this activity was occurring and failed to take steps to stop it. This entity could be liable under this section. The penalty ranges include five up to a million dollars, disgorgement of profits, and disbarment from State and Local contracts. So again, the idea here was to come very heavy-handedly down on businesses that were engaged in this type of conduct, or had employees or agents of that entity that were engaged in this type of conduct; and were benefiting from it but failed to take action or steps to stop it. Section 9 deals with aggravating circumstances. This is common in some state laws where again you have certain criteria that are met that can allow judges to tack on additional years or additional fines to make sure that we're driving home the fact that these aggravating circumstances make the crime that much more severe. So in Section 9, it authorizes the additional five years if the victim was recruited, enticed, or obtained from either a shelter for victims of trafficking, domestic violence, or other forms of sexual violence; or from a runaway and homeless youth shelter, or from foster children who are being held in foster homes. So again, if those elements are met, then the court could add on an additional five years. In addition, there's also a section there that deals specifically with additional aggravating circumstances that can be left up to states to add in there. Oftentimes some states will add in additional aggravating circumstances based on the number of victims that were affected, or how long the person was held in servitude. There's a whole host of aggravating circumstances that states handle in a variety of

different ways and so we wanted to make sure that that was also included, and states had the opportunity to make sure that they were including those as well within the aggravated circumstances section. And some of these too, you know, in some of the things that you'll see in brackets, and some of the provisions are offered as an either/or; so there are policy decisions in some of these sections that are going to be left up to the states and what they ultimately decide to include or not include. But again, as Stephanie mentioned earlier, the point was to sort of create a basic standard to create uniformity across the country so states can have a general idea of what was solid policy that was going to be effective for law enforcement and prosecutors specifically in Section 2, to be able to use the target traffickers and prosecute them more effectively. Section 10 and 11, I mean this begins to creep then a little bit more into the victims services side, but because in a second or two I'll go ahead and cover them. Section 10 deals with mandatory restitution. Not too many states have this provision, a lot of states have authorized restitution. The beautiful thing about this provision and I think we know, I was on a call, or maybe one of my friends on Facebook said this to me at one point when we had passed the bill in a state that called for mandatory restitution; that you know imagine what the country would have looked like after reconstruction during the Civil War, had people who had been held in bondage been required to receive remuneration or restitution for the years of service that they toiled in slavery? The idea I think here with mandatory restitution is very similar? We want to make the victim whole for everything that they went through and for all the losses that were incurred. So here upon the conviction of an individual for trafficking, the court shall be mandated to require the defendant to pay the victim restitution. And the restitution will be in the form of reasonable expenses incurred, as well as the greater the loss of the income to the defendant. So anything that the defendant made off of the backs of people who were held in either forced labor or sexual servitude situations, the amount that they were contracted to pay, or the value of the services as guaranteed under the minimum wage, and our laws under the Fair Labor Standards Act. So the court, essentially in this particular case would look at all of those different things, see how much the individual profited. Look at the minimum wage and hour laws, and then also look at any applicable contracts to determine which amount was higher, and then whichever amount was higher, that victim would be ordered that amount in the form of restitution, and attempt to make that victim whole, and make sure that they're paid what they were required to be paid in the first place. So it's a really important provision, and I think it's going to—you know we've been pushing for this in our state level advocacy, and again it's one of those things that can really help victims be able to rebuild their lives and get back on their feet. Section 11 in some ways is connected to Section 10, and I'll go through that portion in a brief moment. But this deals with asset forfeiture. This has been one of the things that law enforcement loves. The federal government uses this quite often in a variety of different cases, both for drug trafficking as well as human trafficking. But essentially it authorizes real and personal property used, or intended to be used, to commit or facilitate the offense. And real or personal property derived from the proceeds to be divested from the trafficker, and the proceeds then can be sold at a public auction. The proceeds from those sales first go to pay any judgment awarded in the form of restitution, or a civil cause of action, or civil award that's awarded in a civil cause of action. So again, the beauty of the asset forfeiture provisions as they work in tandem with mandatory restitution is meant to create a mechanism whereby we can make sure that victims of trafficking are actually getting restitution awards. That we're making sure that if they do bring a civil cause of action against the trafficker, that there are monies available specifically for them to be awarded out of the pot of money directly from the profits of the ill-gotten gains that the traffickers have profited off of them. So that is a great provision in there, and so before anything else is paid, mandatory restitution goes to the victim, or a civil award for a civil cause of action. That's a very great provision and only a handful of states right now have that. So that's a huge victory, I think, for the movement in pushing for this Uniform Act. The rest of the proceeds are then to be divided in the following order: 40 percent go to the Crime Victim Compensation Fund; 40 percent to service providers who are serving human trafficking victims in that local state; and then 20 percent to law enforcement and prosecuting agencies. So again any funds that are left over after those assets have been paid first to restitution and then to a civil award for victims, would then go to benefit other victims of crime, as well as victims of human trafficking, and support law enforcement in their efforts to continuing

to investigate and prosecute these cases. So that in a nutshell section is Article 2. I know I kind of went through a lot there, I know we want to keep the call rolling. But at the end of the call I'd be happy to answer any questions about those sections and talk about why some of the decisions were made to tweak some things, or change some things, and deviate either from what some states have done or from what the federal government has done, in an attempt to create uniformity. So with that I will go ahead and turn it over to [PH] Keeli.

Ms. Stephanie Richard: Okay, thanks James. So this is Stephanie from ATEST again. So, I'm sorry, is that right? James?

Mr. James Dold: Sorry, yeah you're right Stephanie, I'm sorry.

Ms. Stephanie Richard: Oh, good great. So we're now on Article 3, Victim Protections, and I do want to stress that I think that this section is a significant victory for survivors and advocates all over the United States. I think we had to make a lot of compromises, but in this section I think there are some things that we as advocates really said survivors could not do without. So hopefully everyone on the call will see kind of some of the strengths in this that we think actually make this Uniform Law a really great provision. So the first for Section 12, and it deals with pulling the statutes of limitations. For the non-lawyers on the call, pulling the statutes of limitations, all it really does is allow you a second chance. So if you missed the filing deadline, which is different in different states, then there is certain ways that the statute can be pulled and for prosecution, and the two ways are outlined in the statute. One is if the person is outside of the state or the other is that if the person committing the offense was unknown, or the offense is unknown. So you know that's pretty broad and so hopefully that will allow for more prosecution even for older cases. We had tried to get a statute of limitations around trafficking that was the same as the equivalent for a murder, which is that there is none; and that was not possible. So it was agreed that it would be left to the state decision. The next section, Section 3, is victim confidentiality, and I think this is a significant provision for victims as well. It basically highlights that in the prosecution of the offense law enforcement officers must, or shall keep the identities and pictures of the victims, and the victims' families confidential. We had one initially in addition to family members, you know, friends and other associates. But this was too hard to phrase correctly, and so we weren't able to get that in the final draft. The next section, Section 14, deals with past sexual behavior of the victim. This is really what people commonly know as a Rape Shield Law, so you're not allowed to use past sexual history of the victim to besmirch their character. We think this is important in all trafficking cases, where the victim's past sexual behavior is not admitted as reputational evidence, and so we crafted a statute that we thought would clarify for that in state Rape Shield Law as now, trafficking is covered. Not just sex trafficking but labor trafficking. The next provision, Section 15 it goes through immunity of a minor. So this one only deals with minors, because I think this is the only place there is a consensus that under federal and state law any child who's been induced into prostitution should be considered a victim of trafficking and in that way Section A says that a minor is not criminal liable for prosecution or for other nonviolent offenses as a direct result of being a victim of human trafficking. So it's straight-up immunity, if you can show that. The ABA got involved in this section and actually drafted a resolution that indicated that they wanted the provision to go beyond prostitution and include other nonviolent offenses; because they think all of us in the field know that trafficking survivors are not just arrested for prostitution offenses, and this is varied in their opinion as most states don't have this already. The next thing is that any minor who engaged in commercial sexual services is not criminally liable for prostitution. So there's a clear, again, a clear sentence that says that children cannot consent to commercial sex, and therefore they're not liable. And that one isn't as expansive as the other one, because it's straight up if you're engaged in the commercial sex you're not liable as a minor, okay? C is then anyone who is considered not criminally liable is considered a child in need of services, and should be referred to the Child Protected Status. So this is also significant in that a lot of children in their current state law are not necessarily eligible for Child Welfare Systems because their [INDISCERNIBLE] is a third party, not a parent or guardian. So this is asking the

states to make that change and make it clear that this child should get those services and protection. So those are all significant provisions for children. In the case of adults and minors, what we also were able to do is to get a provision that allows an affirmative defense to a charge of prostitution or other nonviolent offenses committed as a direct result of being a victim of human trafficking; and that's Section 16. Additionally, under Section 17 for all individuals, adults and children, there's a provision on motion to vacate conviction but is also beyond just prostitution, but includes nonviolent offenses. And to get rid of any criminal—to make sure that were related to the trafficking. Significant in this is that it's very clear that no official determination or documentation is required for the court to grant a motion under this, but if you do have some kind of documentation it creates a presumption that the conviction should be vacated. So again, very beneficial for victims trying to prove this. Finally, there is a section on civil actions. I think all of us recognize the large trafficking cases that are not criminally prosecuted. They're declined for lack of evidence, and the civil standard is a lot lower, so this can be another way for victims to then seek justice. So this civil action allows for specific civil offenses against the sections in this act, and it also allows for damages, which include punitive damages, which is significant. Because punitive damages aren't just for a loss to yourself, but it's about the state knowing this is wrong and we want to punish the perpetrator more through the civil case. So let's say an individual is ordered 100 thousand dollars in compensatory damages, which is what the actual, the loss is actually [INDISCERNIBLE]; loss because of their trafficking. The jury can then decide to give 200 hundred thousand, 300 hundred thousand, 500 hundred thousand dollars in punitive damages saying, "We think this was really wrong and you shouldn't do this again in our State." Again, so that is a victory for victims. So the expiration date for civil actions is 10 years, that's one of the longer ones that we've seen, and then also there's an exception like the statute of until you become 18. So that is Section 3 which we think is probably the most meaty provisions in the bill that really could be a game changer in a lot of states for documenting some of the issues [INDISCERNIBLE]. Now let's turn it over to Keeli from Safe Horizon to address Article 4.

Ms. Keeli Sorensen: Hi, I just want to thank everyone for sticking it out with us, I know this is a lot of detail and we really appreciate your joining this call and supporting this draft of the ULC. So I'm going to cover Article 4, and Article 4 is focused on state coordination and begins with Section 19. which talks about the establishment of a State Human Trafficking Council. We're very pleased with the final language in this section, primarily because the language directs states to create a diverse council made up of designees from State, Local, or Tribal governing bodies that interact with victims of perpetrators, first of all. And then nongovernmental organizations that represent or work with victims and survivors, as well as other organizations that would benefit the council. What you might assume should also be there, is the inclusion of survivors on the council. It's missing in this draft, however we believe that that was simply a mistake in omission, because we were assured that survivors were supposed to be included. So we'll be following up on that and make sure that that gets in here before it goes before the commissioners in July. Needless to say, that with all of these different parties included on the council were very confident that the way in which they will make decisions about especially victim services and law enforcement interacting with victims, will be brought to an extremely high level of oversight and will be very influenced by the experience of victims and survivors themselves. We're just really, really thrilled with that opportunity. So the baseline tasks that the council's responsible for are laid out in this section, and they include developing a coordinated and comprehensive plan for victim services. Annually collecting, evaluating, and publishing data on human trafficking. Promoting public awareness about this crime and remedies for victims and coordinating training for the government workers who are most likely to encounter victims. So this is a good baseline of the kinds of things that this council can oversee, and while we had a very long list of all the things we wanted them to do and what the service plan should include, again we're just thrilled that if it's a diverse enough body making up the council then everyone will make up their own very comprehensive and victim-centered work. Okay, so that's kind of the council under Section 19. Section 20 goes into some of these tasks, so through the following sections. So Section 20 is around, there's a requirement that those public awareness signs created by the State Human Trafficking Council are placed in a variety of key locations that folks identified as being really important

for victim identification. Some of those include transportation stations, rest areas, hotels, strip clubs, job recruitment centers, hospitals, emergency care centers, and farms. This section also requires that the state imposes a fine to employers that no-one must fail to comply with this requirement. What's nice is that every time the employer fails to do that, the fine is imposed per location. So it can end up being quite a costly omission on their part the larger they are, right? So that's never a bad thing. Section 21 describes a victim's eligibility for services, and we're very excited about this provision because as a baseline it requires human—it makes all human trafficking victims eligible for benefits or services available through the state regardless of immigration status. So while some states would have some enormous hurdles for their foreign nationals to jump through to gain access to VOCA funds or other funds, in this case it just says this should not be an issue, everyone's able to access this. This section also says that any additional resources deemed necessary by the Human Trafficking Council and outlined in their comprehensive plan will also be available to anyone deemed a victim. The section also guarantees that all minors engaged in commercial sexual services will be eligible for all services and benefits, and it also says that as soon as a potential victim comes to the attention of a state or local agency, one that's elected by that council, that agency must notify the state that the individual should be eligible for immediate services. So this is all about ensuring that we're getting this victim, the survivor, as much access to services as quickly as possible, which as we know as service providers, can be an incredibly difficult process sometimes. Let's go over Section 22, this section stresses the importance of law enforcement providing support letters, I-9, 14-Bs, to victims of trafficking; which we know helps them in their immigration relief applications and just doing this more quickly and more often on a state level is very important. We do have a lot of federal officers doing this, but not always—we don't always have the same access through our state officials. So that helps there. Then finally Section 23 talks about the rights of states to give grants to NGOs or other entities to expand on any victim services planned, or any additional services that those groups can provide. And this note is really most important to those states that require explicit authority to operate in the state entity, to make grants or to contract with units of local government or NGOs to expand services. So just for those states, this is included, so that that would make that process easier for them in the future. But overall, I think the main point that we're excited about here is that you know people can access services regardless of their immigration status. Minors who are involved in commercial sex can all access services and hopefully that reduces the barriers for them too. That a diverse Human Trafficking Council can create these plans, and ensure that those on the ground who are actually experiencing trafficking are able to get what they need to move on. Because those making up the body know what those experiences are and it's just hopefully as well informed as it can be. So that's it from my end. And at this point am I turning it back over to Brittany? I'm sorry, to Meredith.

Ms. Meredith Owen: Hi everyone this is Meredith. I think we're going to go over to James Dold now to talk about plan and enactment.

Mr. James Dold: Great, thanks so much, Meredith and Keeli. So looking forwards, so you know we've been talking a lot about what's in the Uniform Act and how some of those provisions came to be and how this has been a two-year process, and how the commission took into consideration the input of various stakeholders and NFDs. Well you know now what happens once this Act is promulgated, so in terms of what it's going to look like over the next couple of weeks, the Uniform Commission, which is comprised of 100 members, each state gets two commissioners, they're going to be debating the Uniform Act in its current form as you guys see it right here on July 6th and 7th, in Boston at their annual meeting. The final vote is scheduled for July 11th, so it'll receive an up or down vote based on those debates, those discussions. It's possible that there could be some amendments that happen on the floor, we're not anticipating them, and ATEST as a whole is supporting the bill as drafted as it currently is. So our hope is that it will be enacted by the Uniform Act, it will be adopted. Then after it is, what we'll begin to do is we'll begin to see the Uniform Law Commission move into Phase 2, which is really geared towards the enactment plan. So they'll be looking towards the Fall of 2013 to really begin gearing up support for the Uniform Act. In 2014 engaging specifically in state-level advocacy, especially in those states that haven't

really done much on the issue of human trafficking. So you know a good gauge of that could be to look at our annual state, really to map the first project, the state ready to map, and see sort of where states rank in terms of the comprehensive legislation on human trafficking. And there's probably a good bet that those states that aren't doing as great on the state lanes, that is where a lot of the focus will be at least initially to begin to get those states that haven't enacted anything up to speed with the rest of the country. And then of course there will be a large focus on a lot of the provisions that are included in the Uniform Act that aren't included in existing state laws, to get those provisions promulgated. One such example comes to mind, the vacating convictions section on the State Harbor Provisions, that's definitely an issue highlighted earlier, right? So most states don't have those particular sections, only about seven or eight states have vacating convictions. About 13 or 14 states have some sort of safe harbor. So there's a lot of those individual provisions that the Uniform Law Commission will also be pushing once the Uniform Act is promulgated, to make sure that even if a state does have a comprehensive set of criminal laws, that they are following up on the back-end on the victims' services. So over the course of the next four or five months after the Act is adopted, there is going to be a lot of conversations within the Uniform Law Commission, specifically within the Division of the Legislative Director, to begin looking at what states are ripe for the Uniform Law Commission to really fully engage in partnership with the ABA, and organizations on the ground, and the Attorney Generals in those states as well. To make sure that they're doing the best they can to get that Uniform Act enacted across the country. So that's generally the thought process right now on what the campaign will generally look like for the ULC moving forward. The hope is also that the American Bar Association, the house of delegates, will adopt a resolution encouraging states to adopt provisions of the Uniform Law at their meeting in August. I think that's scheduled, but I don't have the exact of the top of my head, but it's sometime early August, ahead of the Legislative Summit for the National Conference of State Legislatures. So it's a really exciting time in the anti-trafficking movement generally because this Uniform Act is a really big deal with the attending vote from the Uniform Law Commission, with the addition of the vote from the ABA house of delegates just ahead of the National Conference of State Legislatures annual meeting in Atlanta, Georgia. There's going to be a lot of talk about human trafficking. There's going to be a lot of things happening around it, and there's also possible talk of engaging the National Association of Attorney Generals to also endorse the Uniform Act. So you have what's going on with the NAAG, you have what's going on with the National Association of Governors. So you know the governors have their own association who meet annually. So there's a lot of talk about getting those different entities and political leaders engaged to really get behind this and endorse it in a very broad push to enact these provisions throughout the country. So it's a very exciting time, and that's a little bit of a taste of what the enactment plan will look like moving forward. There's still a lot of things in development, there's a lot of discussions that need to happen in terms of what states are first going to be focused on and moving forward. I can tell you as, you know, one of the chief people who is currently engaged in the legislative advocacy campaign in Pennsylvania along with our coalition of partners on the ground, Covenant House, Women's Way, Pennsylvania Coalition Against Rape; one of the things that we'll be looking forward to if our bill hasn't passed, our comprehensive bill hasn't passed at the time, is also looking to engage the Uniform Law Commission to come in and help push that along and make sure that the bill we're working on there has those provisions. So there is hope that even before the 2014 legislative cycle comes around, that we'll be able to include many of the provisions in the Uniform Law Act in some of the pending legislation that we're still currently working on around the country. And we have some great commissioners actually from the State of Pennsylvania who have been engaged with that process as well with the legislation currently on the table. So that's a little bit about what it's going to look like going forward. Certainly the Uniform Act will be able to be used as a resource for advocates in various states, so I know there's a lot of folks from our legislative lists there who are currently on the line. You know, folks are always looking for different resources to be able to use in the different types of pieces of legislation that you're pushing. The great thing about this Uniform Act once it's promulgated is that now you'll be able to go back to your legislature and say, "Look at this piece on vacating convictions, look at this piece on safe harbor, this has been adopted by the Uniform Law Commission, we should be adopting it as well." And then that's going

to carry a significant amount of weight in advocacy efforts across the country, not just for what the ULC is doing, not just for what the ABA is doing, but for individual advocates on their own and individual service providers who are operating the networks around the country to be able to take that language to their states and try to get that enacted. So with that I'll go ahead and turn it back over to, I believe, Meredith.

Ms. Meredith Owen: Thank you James. Hi everyone, and thank you again for sticking with us to go through the entirety of the most recent draft of the Uniform Act. As many of you know, ATEST circulates, you know, really important sign-on letters to pull together the human trafficking community and demonstrate support for very critical initiatives. The Uniform Law Commission initiative is no exception. We have a sign-on letter drafted by ATEST that I will be circulating soon that really highlights the importance of adopting the draft as is, and that would be the one that I had circulated to all of you in the invite and in the confirmation emails. This is important because it really does highlight the increased protections for human trafficking victims in terms of prevention and aftercare. It provides civil remedies and establishes comprehensive criminal provisions for all forms of human trafficking. Again, Stephanie mentioned earlier in this call this has been a two-year process that has been vetted by all of the participating organizations and so I will be circulating this final letter and I ask all of you to review it, and let me know whether your organization can sign on in the next few weeks, in advance of the July 6-7 debates. So that the commissioners understand that the Human Trafficking field really does support the adoption of the most recent draft of the Uniform Act. With that, I will turn it over to the Operator to begin the question and answer session.

Operator: Thank you, we'll now begin the question and answer session. If you have a question, please press 0 then 1 on your touchtone phone. If you wish to be removed from the queue please press 0 then 2. If you're using a speaker phone you may now pick up the handset before pressing the numbers. Once again, if you have a question, please press 0 then 1 on your touchtone phone. We have a question from Lynne Johnson.

Ms. Lynne Johnson: Hi this is Lynne Johnson, I'm from Chicago Alliance Against Sexual Exploitation. I am looking at Section 6, patronizing a victim of sexual servitude, and I'm reading this, that it's decriminalizing demand for any individual, where you can't establish the mens rea that they knew the person was a victim of sexual servitude. So we're having so many problems getting prosecutors to use our existing criminal statutes that doesn't have that requirement. And this seems to me to be a significant barrier to prosecution of demand. It would make—it would be reasonable I would think that the knowledge of someone being a victim of sexual servitude could be an aggravating situation for an enhanced penalty, but not to have it as an element of the crime.

Ms. Stephanie Richard: Hi, this is Stephanie. So again, remember that these provisions which were very highly debated, are not perfect, and not what, you know, all of us as advocates would want. However, where we say is that—I mean maybe I'm misunderstanding your question, but if you look at Section 6 it's a separate new crime. So it's acknowledging a higher level of criminal responsibility and intent for this particular crime. If you look at it, it's a Class B felony, which is much higher than what most states have as their current patronizing standard. So the idea is that you know even though it's not perfect, it's creating a separate crime that increases the penalties for someone who knowingly uses a victim of sexual servitude.

Ms. Lynne Johnson: Wait, I do understand that but there's no crime for somebody who buys sex without that knowledge, that's decriminalizing demand.

Ms. Stephanie Richard: Well there's the patronizing of a minor, but then there's also every state already has patronizing laws, and that's the problem. You know the Uniform Law Commissioners will

raise that and bring that up, so we had to be very clear. One of the things that they said is this has to be about trafficking and we don't want to get into the prostitution thing. That's why the language is drafted the way it is. Again, not perfect, I know from a lot of advocates, respectively we did hear there were voices that said the exact same thing you were, it just wasn't going to go in well with the commissioners. So that—I mean, again, these are all compromises, but I don't think it's true, because I think we all didn't want to do anything that was harmful that this actually decriminalizes demand. We think it actually just gets more tools to doing that. Otherwise you know, I mean we could have just eliminated these provisions completely, but people really felt strongly that we wanted something in here to address the demand issue, and this was the compromise. Does that make sense?

Ms. Lynne Johnson: And you know—

Ms. Stephanie Richard: I know it's hard because it's not perfect.

Ms. Lynne Johnson: And so that was interesting, what I heard is that the commissioners view it as complementary to some existing criminal statutes around various states rather than—

Ms. Stephanie Richard: Yes.

Ms. Lynne Johnson: A wholesale replacement?

Ms. Stephanie Richard: No, it's not supposed to replace. This is supposed to go under the—this will be under—these crimes will be under the trafficking crime.

Ms. Lynne Johnson: Mm-hmm.

Ms. Stephanie Richard: So and that they were very careful about that, and when we crafted it we had to be very careful or they said that there's just no way that there would be any go in this area.

Ms. Lynne Johnson: Mm-hmm, okay. Thank you for that.

Ms. Stephanie Richard: Yeah. Well thank you for that very good question, because I do think that is an important, important comment and concern that many raised during the commission meeting

Ms. Lynne Johnson: Thank you.

Operator: The next question is from Vivian [PH]Wellgo.

Vivian: Hi, can you hear me? This is Vivian [PH] Wellgo from the American Bar Association.

Ms. Stephanie Richard: Hi Vivian.

Vivian: Hi. I'm wondering, I have a couple of questions, and there's another listener who's here in this office who also has a question. My first question is, is ATEST submitting a letter of blanket endorsement or support without requesting any specific changes to be made at the annual meeting? One of the changes that I managed to hear from some of the speakers was in the advisory council, so the oversight of not including a survivor. That is a change that I would think the ATEST members would want to advocate for, so I'm wondering if your letter potentially of support is a blanket one, or if it's going to include advocacy for specific changes?

Ms. Stephanie Richard: Yeah, so this is Stephanie again. So our letter, because we think it's really important to have a blanket letter of support, is to do just that. Because we think that being around these smaller issues is going to just give the commissioners fodder not to vote for the whole act. Or really cut out essential parts, and so we think it's really important as a Victim Services Committee. Now we have also noted that the survivor language was left out in our review of it. But this was agreed to by the commission during the final reading. So we are planning to just reach out to our contacts at the commission and let them know of this oversight, to have like that one. Since it was agreed to, we don't think it is an issue that needs to be raised, and you know it will be something we think about if it's not. But yeah, sort of—there is that and then there was a provision that we thought was agreed to on continued presence and [INDISCERNIBLE] and it seems like the continued presence provision got dropped, and so we're also going to be reaching out, just off the record, about that. Because it was a matter of understanding that was what the agreement was. But again, we think if it's really, really important even if you're an advocate out there and you read stuff and you're like, "This isn't the best thing to do or I have problems with this", our assessment as ATEST, and we hope your assessment is as well, is that overall this is better than not gaining something, or having the Commission—what we worry about is that the Commission will cut out all the victim service protections, or huge big sections of it. And we think this will at least take the comprehensive approach and it's much better in farther along than any other state has had thus far.

Vivian: Thanks, Stephanie. I understand your approach. I know that here at the ABA we also feel like many of the provisions are strong, we do not want them to be cut. But some of our members have expressed concern over the oversight of the survivor in the advisory council, but also missing from coercion is some kind of language talking about abusive impairment or disability, and there is some of the concerns raised by Lynne from CAASE in Chicago are some of the concerns that we've raised. And I don't know that all of our members to their respective organizations are taking the same approach in terms of blanket endorsement. I think instead they might be supporting, you know, the provisions, supporting that many of those provisions remain, but where changes are necessary they are still advocating for some of those changes. There is also another question from someone else here.

Ms. Stephanie Richard: Okay, I just want to respond to that though first. I mean everyone's able to take their own position. But having sat through the very last commission meeting and seeing where the commissioners were at versus where we wanted to go, and having also provided smaller, more technical comments with the commissioners at that point and asking for amendments, that's not—it didn't feel like that would be a successful approach with the commissioners. And that's why ATEST, after this experience having worked with the commission for two years decided to take this approach. Again, we don't know—we definitely agree that there are things that could be changed and things that could be better, but having listened to the debate and some of the things that Vivian raised were already debated in the commission and the commissioners in the room who are actually pretty sympathetic to trafficking and having a broader definition, voted on just those specific issues and said no to them. And so it's just I doubt, given the room at the larger commission that we will get any of those things. But just, you know, we want to caution again that if we ask the things that where we could mean getting the broader provision. So that, you know, again and I think it's really hard if you haven't been a part of that broad, expansive debate that had gone, and to really get to the point where we happened to be, which is that you know this provision it's just better at this point as a strategy position. Not to adopt it wholly. So totally understanding other people might take a different position.

Mr. James Dold: And Stephanie, this is James Dold from Polaris Project. The only other thing I'd add in there for folks, and I am totally sympathetic to, you know, being in a situation where sometimes folks have to compromise sort of the perfect for what is a good piece of legislation. There is a great quote that I love, "We can't let the perfect be the enemy of the good." I think, you know, that's definitely what we're looking at here. This is a really comprehensive, really groundbreaking draft in many ways. I mean when

you look, you know, especially when you start looking at the provisions that have protections for victims of trafficking and vacating convictions, immunity for minors. You know, we've had so much trouble in many states getting a lot of those provisions passed, and when you look at really the groundbreaking approach in putting those in the Act. And looking at from a geographical standpoint, having to go and enact these provisions in states as, you know, and I'll just use some regional diversity here, a state as diverse as Washington and then comparing that with like a state like Alabama or Mississippi. I think there's a lot of things that go into thinking about what enactment can look like in all of those states and what we can get all of those states behind. So in some instances, as you're beginning to look at, "Okay, what is that debate going to look like? Are we going to be able to successfully advocate for this to be passed?" I think that the compromise that was struck was a really good one to include very progressive thought, with a lot of these emerging trends in the law are beginning to develop in states that are taking up these issues; but also recognizing that we're not going to be able to get everything that we want into the bill. I think on balance, when you look at the document as a whole, I think it's something that really everybody in the field really should line up behind because you know, again, when you look at some states that really haven't taken much action on the issue, or come from different geopolitical leanings, this is something that really can be a game changer in the fight against trafficking to have this act adopted and everybody on board even though it might not have everything that one organization, or another organization might want in it.

Jessica: If I could just jump in, this is Jessica [PH] Newark representing the Hunt Alternatives Fund; and I just want to thank you for this briefing and this chance to discuss things. I wasn't in all of these proceedings, but I've spent a lot of time on trafficking legislation, and I guess what would urge you to think about is listening to everything you're saying, and knowing that there are some many strong provisions—that from what I understand about this meeting, it's actually quite common, or certainly not uncommon for amendments to be made at the meeting. Just because you amend a section that may not be strong, I don't think means that you would necessarily be amending the section that is strong. I think that there is a lot that needs to be in there that's there, that shouldn't be touched. But I think there are some areas that are not just details, and I wouldn't call them as the good versus the perfect. I would call them as the sort of not good versus good. And then there are the ones that have been mentioned where we wouldn't want a Uniform Law that has great importance to leave out some key provisions, and in particular the first one that was mentioned on knowledge and the mens rea—you know I've talked to prosecutors who just say, "You will never, ever, ever get a conviction under language like that." So then it renders the provision somewhat symbolic and then not particularly useful, and I don't think we would want that in this slot. So I guess what I'm saying is, since there does seem to be a history of looking at issues, if we could just carefully identify a few key issues; especially being in the advocate community, it seems to be that we don't need to do a blanket endorsement. We can endorse all the strengths that there are, then at the same time just try to get a few sort of amendments that would strengthen it further or make it, you know, make it usable. Then it will be easier, I think, for all of us to get it legislated and to support it.

Ms. Stephanie Richard: So I think, you know, I think everyone has to be encouraged to like ask questions, and people to take their positions. So I think this is where our thoughts came down having been part of the commission from day one, and feeling very strongly about it. Because this is the whole provision, if they decide to—like if you decided to try to amend that provision as [INDISCERNIBLE] I pretty much—there's room that that would be—you might scrap the whole provision. And then you know if you guys are willing to risk that, then you know that's a good strategy, but otherwise we think it was a victory to get anything into this. They were very clear they wanted it—it had to be linked to trafficking, like the trafficking. That was just—it's just where the discussion—like it didn't—you know it wasn't a go with the commissioners, what they were after. Are there other questions?

Operator: The next questions comes from Harry [INDISCERNIBLE].

Harry: Yes we have some questions, well mostly echoing everything earlier, but particularly given the fact that the title of the act is focusing on prevention. Just some of the general lack of addressing of demand, was there talk with the commissioners in terms of increasing the penalty for the purchase of sex, and not specifically with Section 6 in the patronizing of a victim of sexual servitude. But more general prostitution provisions, was that something that was discussed and addressed at the commission level?

Mr. James Dold: Again, this is James Dold from Polaris Project. Again, you know we certainly recognized I think, and everybody on the commission did as well, the importance of addressing demand when you're talking about human trafficking. I think one of the pragmatic concerns however that came up was a submission [INDISCERNIBLE] a little bit. And sort of where do you begin to draw the line once you begin to bleed over into other areas of the law? And so I think that that sort of conversation facilitated this compromise of including specific sections that addressed demand. Section 6 and 7 specifically, while not going too far down the path of entering into the debate about prostitution; and again it was more I think of a pragmatic issue of having to argue a Uniform Act on the floor specifically focused on human trafficking, and then having to get into a whole other debate about prostitution and what the laws on prostitution should look like in a given particular state. So again, the focus of the act was really to try and focus as much as possible on the human trafficking aspect, but Polaris Project along with several other organizations also recognized the important factor that demand plays in this whole equation. So to do that I think you saw in Section 6 and Section 7 a merge as sort of a compromise measure to address demand in the way that we could as we could connect it back to human trafficking; but not again get into a full-on debate about sort of what the prostitution law should look like in a particular state. So I think what you're seeing here is a lot of those conversations playing out. And also just the recognition that there are prostitution laws in the various states that are already on the books. So because we want to just focus specifically on human trafficking, that's where a lot of the conversation kept going back to, was to focus more of the discussion on what those provisions should look like.

Ms. Stephanie Richard: And I just wanted—hi, like I'll just give you an example. Some of the—as a full commission meeting some of the comments made around, you know, five of the commissioners were really shocked. The more private comments that people made that they stood on that microphone in front of all the commissioners that said that. One of them was, “Well, bigger people and politicians we've found have this, so we can't criminalize them.” So I just think there are just ways of understanding the commissioners, the system that has to vote for this is, you know, we can probably tell them the provisions that we have got in, but anything beyond that is going to be sure [INDISCERNIBLE] cut out. I just—you know I do want to pile things that were, you know, the audience that is the voting members of the commission has vastly different views than a lot in the trafficking community, and there's flaws in trying to help pry the kinks out, but we have a long way to go. And we wouldn't want those provisions to be completely cut out of the draft because we opened this gator outfit. Again, that was our assessment, and I have to say that I had trouble compromising a lot, but after I was very—it was good for me to go to that commission meeting in Nashville and hear how far the commissioners were willing to compromise on that. You know I actually don't know that I have a large chance of passing at all. [INDISCERNIBLE]

Operator: The next question comes from Margaret [PH] Howard.

Ms. Margaret Howard: Hi, this is Margaret. I just wanted to—I mean I guess I'm really echoing what everyone else has said about Section 6 and 7. And I don't know, I really—I do definitely understand that the benefit of getting this through, but given that there's nothing in about there not being an affirmative in the sense for not knowing—I'm just, I'm really concerned about that in the demand side. And I think if we get a Uniform Law that doesn't address demand, there could be great harm in that. And I think everybody else has probably said it already. I just want to add my voice to that, thank you.

Operator: The next question comes from Roy Hammer.

Mr. Roy Hammer: Hi. Well first I'll echo so many have stated. Trafficking is all about demand. If there weren't demand, there wouldn't be trafficking. And Section 6 and 7 just don't address the demand side, the patrons, the Johns. And people have commented on the problems with Section 6(a). I have a question about 6(c) patronizing a victim of sexual servitude who is a minor, is a Class C felony. If you go back to Section 5(b) which relates to prosecution for pimps, it says it is not a defense that the defendant believed the minor was an adult. In Section 6(c), there is no such mention, and do you know whether it is intended that the Johns would have to know that the minor is a minor? Does anyone speaking for blanket endorsement know the answer to that question?

Mr. James Dold: Roy, I'll try and take a shot at that. You know, I mean the way I would read Section 6, then again you're talking about somebody who's a victim of sexual servitude, so I would go back to Section 5 and look through that section and any person who commits sexual servitude of the person knowingly—and then maintains and makes available a minor for the purpose of engaging the minor in commercial sexual services. I mean my general sense is that, you know, there's a couple of things that could happen here, I suppose one is that states as they enact the Uniform Act that they could add in a section that's similar to subsection b just to make that clear. In Section 6 that it's not a defense for prosecution that the person did not have knowledge of the person's age. But then also there are other laws in states that currently exist. Every law, every state has statutory rape laws that exist that do not allow someone to plead ignorance of the law in most cases. So there you would have a state that could easily, you know, prosecute somebody who engages in a commercial sex act with somebody under the age of 18 in some states, or in some states it's under the age of 16. And they could prosecute that person knowing that even if they didn't have knowledge of a person's age. So that would be sort of my response that there's a lot of—and that was another one of the things that I think a lot of the commissioners were grappling with, was trying to look at human trafficking laws in the context of all the other laws and legal mechanisms that also exist to go after demand, to go after traffickers; and so all of these conversations came up within that context. And then also just to be familiar with the fact that, you know, as the fact it's going to be debated, and as I understand it, you've got 350 lawyers who are commissioners, who are public defenders, who are people who are going to be very wary about including lower mens rea requirements. So part of the compromise, I think that you know on the phone people, myself or Stephanie, if people could go through and sort of draft their perfect law, I think it might look a little bit different, right? But sort of taking into consideration that 350 lawyers who are prosecutors, who are public defenders, who have this wide variety of a background, have to debate this Act and approve it. I think there's a variety of considering about whether or not it's feasible to get certain provisions through that a lot of public defenders are going to be a lot more wary to maybe endorse. So the way I would—to answer your question, and to read this section, I mean I think that some people might argue that, “Yeah, I mean you have to prove that the person had knowledge that they in fact were minor, and that they were knowingly soliciting a minor.” But in that same breath I would say that every state has statutory rape laws that prosecutors can also use to go out and prosecute those same people, or felony prostitution laws; most states now have some form of felony prostitution laws. I think all but four or five of them. And many of those state laws also don't require knowledge or don't allow for a mistake of age defense. So again as we're beginning to look at this Act in the context of human trafficking law broadly, and then also within the context of the demand provisions, the demand provisions that currently exist, the human trafficking provisions that currently exist nationwide, that is sort of where for me and for Polaris Project, where we're coming from in saying this is an amazing draft. That when you look nationwide about what states as a whole have been able to adopt, or where there has been a lot of significant pushback, this is really an amazing document that if we get it passed it's going to do a lot to curb demand. Maybe not everything that everybody wants, but it takes a significant step in that direction. More so than what's currently in place. You look at the federal law right now, there are no provisions that criminalize patronizing a victim of sex traffic. There are no provisions that specifically criminalize within the

trafficking framework, I should say, there are no provisions that specifically target demand in the context of 18 U.S.C. 1589 to 1595. And so this goes far beyond what is currently in place at the federal level. I think within that context this Act has to be viewed—

Mr. Roy Hammer: But it doesn't go as far as the federal rule, or as far as the trafficking laws of many states that already have provisions that apply to trafficking patronizing minors.

Mr. James Dold: Well, Roy, certainly it doesn't address a lot of the general prostitution provisions. But again I think it was because you're trying to draw that distinction between human trafficking and prostitution. But you know there's not—and I haven't done a cursory overview of how many states actually have a provision on the books that have patronizing provisions, but you know I can tell you that I've worked in probably close to 30 to 35 states with a variety of different folks and there aren't too many provisions that—it's just in my cursory overview, have specific patronizing provisions. Or that do, and that mirror this quite closely. So the states that do have it, you know, off the top of my head, Vermont, Arkansas, states like that, they do have these provisions and they're very closely modeled off of what's in the Uniform Act.

Operator: The next question comes from Susan [PH] Ross.

Ms. Susan Ross: Hi, can you hear me all right?

Mr. James Dold: Hi Susan yeah.

Ms. Susan Ross: Okay. I just wanted to comment on a couple of comments that have just been made. I think in going back to the Human Trafficking Council, if you look at the language, it specifically talks about in terms of the people that can be included on the council, other individuals in organizations. And the thought was that individuals was broad enough to include survivors. And I think it's also worthwhile noting that the thought was that because the NGOs who are very active with victims would be included on this. They would have room to advocate for survivors as being some of those individuals. And then finally that the commentary that will also be part of the Act once the inner meeting adopts it, can also refer to the importance of bringing survivors in. So I just wanted to bring out that fact as to one of the issues that's been discussed. And then I also wanted to highlight in Section 7. Well I wanted to highlight the difference in mens rea requirements between Sections 6 and 7. Somebody correctly pointed out that Section 6 has a knowledge requirement in Section 6(a). But if you look at 7(a)(2) there is—now this is limited to minors, so it doesn't get to adults. But there is no mens rea requirement under 7(a)(2). It's just simply that the individual gives money or something of value to a minor, to engage in commercial sex with the minor. And then you'll see that 7(a)(1) is the highest level of mens rea requiring intent to—in other words a person intentionally wants a minor to have sex with, and that person is elevated under, the intentional one, to a Class B felony. So it fixes it quite high. So I think it's also important to think about not only the other existing state laws that are already on the books, but the fact that 7(a)(2) basically eliminates mens rea, and enables to get at least at the demand for the minors.

Mr. James Dold: That's a great point, Sue. Thank you for pointing that out.

Ms. Susan Ross: You're welcome.

Operator: The next question is from Samantha Vardaman.

Ms. Samantha Vardaman: Hi, it's Samantha Vardaman at Shared Hope International. Just to chime in here a little bit. The mens rea question, James didn't have that information at hand, I thought I would provide that. Currently, 15 states include the crime of patronizing within their human trafficking statutes.

And I think that that's important because it shows the development of the law in that direction. We also have in the federal context the 8th Circuit Court of Appeals decided that buyers are subject to prosecution under 1591, the Federal Sex Trafficking Statute; under the verbs of pain, recruits, and entices. So I don't think that that's a small detail to overlook when we talk about whether demand belongs in the context of a human trafficking structure. The second part is that, I'm not sure if you mentioned this, but I didn't hear it. The Section 7 patronizing a minor, it didn't bracket. And that means that it's not part of this Uniform Law. It means that it's a recommended piece if a state doesn't already have its own CSEC law. And because it can't be mandatory, because it's a recommended section, that state may not have a law exactly like this. So it's great that this looks good, and I'm glad for the high penalties in it, but it doesn't mean that the states will have such high penalties, or have such a clear-cut patronizing a minor provision that is contained in here.

Ms. Meredith Owen: Operator, are there any additional questions, I believe we're getting over time.

Operator: I am showing no further questions.

Ms. Meredith Owen: Well you know I just want to thank everyone for taking the time to join us today. We are going to send out followup by email with the sign-on letter for your review in addition to the transcript and some other materials. I'd like to thank our panelists for speaking with us today on the ULC, and you know for all the participants I think this was a very robust question and answer session. So we'll be in touch, and thank you very much, and everyone have a great day.

Operator: Thank you ladies and gentlemen, this concludes this conference, thank you for participating. You may now disconnect.