

2018, 132 Stat. 5254; renumbered §208 of Pub. L. 109-164 and amended Pub. L. 117-347, title I, §§101(a), 106(a), Jan. 5, 2023, 136 Stat. 6200, 6204.)

Editorial Notes

REFERENCES IN TEXT

Paragraph (9) of section 7102 of title 22, referred to in subsec. (a)(1), was redesignated par. (11) of section 7102 of title 22 by Pub. L. 115-427, §2(1), Jan. 9, 2019, 132 Stat. 5503.

CODIFICATION

Section was formerly classified to section 14044f of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2023—Subsec. (c)(1). Pub. L. 117-347, §101(a), inserted before semicolon at end “, which may include programs to build law enforcement capacity to identify and respond to human trafficking that are funded through the Office of Community Oriented Policing Services of the Department of Justice, such as the Interdiction for the Protection of Children Program”.

2018—Pub. L. 115-392, §10(a)(1), substituted “specialized human trafficking training and technical assistance for service providers” for “law enforcement training programs” in section catchline.

Subsec. (a)(2). Pub. L. 115-392, §10(a)(2), substituted “means—” and subpars. (A) to (F) for “means a State or a local government.”

Subsec. (b). Pub. L. 115-392, §10(a)(3), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “The Attorney General may award grants to eligible entities to provide training to State and local law enforcement personnel to identify and protect victims of trafficking.”

Subsec. (c)(4) to (8). Pub. L. 115-392, §10(a)(4), added pars. (4) to (8).

2013—Subsec. (a)(1). Pub. L. 113-4 substituted “paragraph (9)” for “paragraph (8)”.

§ 20709. Combat Human Trafficking Act

(a) Short title

This section may be cited as the “Combat Human Trafficking Act of 2015”.

(b) Definitions

In this section:

(1) Commercial sex act; severe forms of trafficking in persons; state; task force

The terms “commercial sex act”, “severe forms of trafficking in persons”, “State”, and “Task Force” have the meanings given those terms in section 7102 of title 22.

(2) Covered offender

The term “covered offender” means an individual who obtains, patronizes, or solicits a commercial sex act involving a person subject to severe forms of trafficking in persons.

(3) Covered offense

The term “covered offense” means the provision, obtaining, patronizing, or soliciting of a commercial sex act involving a person subject to severe forms of trafficking in persons.

(4) Federal law enforcement officer

The term “Federal law enforcement officer” has the meaning given the term in section 115 of title 18.

(5) Local law enforcement officer

The term “local law enforcement officer” means any officer, agent, or employee of a

unit of local government authorized by law or by a local government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(6) State law enforcement officer

The term “State law enforcement officer” means any officer, agent, or employee of a State authorized by law or by a State government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(c) Department of Justice training and policy for law enforcement officers, prosecutors, and judges

(1) Training

(A) Law enforcement officers

The Attorney General shall ensure that each anti-human trafficking program operated by the Department of Justice, including each anti-human trafficking training program for Federal, State, or local law enforcement officers, includes technical training on—

(i) effective methods for investigating and prosecuting covered offenders;

(ii) facilitating the provision of physical and mental health services by health care providers to persons subject to severe forms of trafficking in persons;

(iii) individually screening all adults and children who are suspected of engaging in commercial sex acts or who are subject to labor exploitation that may be in violation of child labor laws to determine whether each individual screened is a victim of human trafficking; and

(iv) how—

(I) victims of sex or labor trafficking often engage in criminal acts as a direct result of severe trafficking in persons; and

(II) such individuals are victims of a crime and affirmative measures should be taken to avoid arresting, charging, or prosecuting such individuals for any offense that is the direct result of their victimization.

(B) Federal prosecutors

The Attorney General shall ensure that each anti-human trafficking program operated by the Department of Justice for United States attorneys or other Federal prosecutors includes training on seeking restitution for offenses under chapter 77 of title 18 to ensure that each United States attorney or other Federal prosecutor, upon obtaining a conviction for such an offense, requests a specific amount of restitution for each victim of the offense without regard to whether the victim requests restitution.

(C) Judges

The Federal Judicial Center shall provide training to judges relating to the application of section 1593 of title 18 with respect to ordering restitution for victims of offenses under chapter 77 of such title.

(2) Policy for Federal law enforcement officers

The Attorney General shall ensure that Federal law enforcement officers are engaged in activities, programs, or operations involving the detection, investigation, and prosecution of covered offenders.

(d) Omitted

(e) Bureau of Justice Statistics report on State enforcement of human trafficking prohibitions

The Director of the Bureau of Justice Statistics shall—

(1) prepare an annual report on—

(A) the number of—

(i) arrests of individuals by State law enforcement officers for a covered offense, noting the number of covered offenders;

(ii) prosecutions (including specific charges) of individuals in State court systems for a covered offense, noting the number of covered offenders; and

(iii) convictions of individuals in State court systems for a covered offense, noting the number of covered offenders; and

(B) sentences imposed on individuals convicted in State court systems for a covered offense; and

(2) submit the annual report prepared under paragraph (1) to—

(A) the Committee on the Judiciary of the House of Representatives;

(B) the Committee on the Judiciary of the Senate;

(C) the Task Force;

(D) the Senior Policy Operating Group established under section 7103(g) of title 22; and

(E) the Attorney General.

(f) Department of Justice victim screening protocol

(1) In general

Not later than 180 days after December 21, 2018, the Attorney General shall issue a screening protocol for use during all anti-trafficking law enforcement operations in which the Department of Justice is involved.

(2) Requirements

The protocol required to be issued under paragraph (1) shall—

(A) require the individual screening of all adults and children who are suspected of engaging in commercial sex acts or who are subject to labor exploitation that may be in violation of child labor laws to determine whether each individual screened is a victim of human trafficking;

(B) require affirmative measures to avoid arresting, charging, or prosecuting human trafficking victims for any offense that is the direct result of their victimization;

(C) require all Federal law enforcement officers and relevant department personnel who participate in human trafficking investigations to receive training on enforcement of the protocol;

(D) be developed in consultation with State and local law enforcement agencies,

the Department of Health and Human Services, survivors of human trafficking, and nongovernmental organizations that specialize in the identification, prevention, and restoration of victims of human trafficking; and

(E) include—

(i) procedures and practices to ensure that the screening process minimizes trauma or revictimization of the person being screened; and

(ii) guidelines on assisting victims of human trafficking in identifying and receiving victim services.

(Pub. L. 109-164, title II, §209, formerly Pub. L. 114-22, title I, §114, May 29, 2015, 129 Stat. 241; Pub. L. 115-393, title V, §502, Dec. 21, 2018, 132 Stat. 5276; Pub. L. 115-425, title I, §121(b), Jan. 8, 2019, 132 Stat. 5478; renumbered §209 of Pub. L. 109-164, Pub. L. 117-347, title I, §106(b)(1), Jan. 5, 2023, 136 Stat. 6204.)

Editorial Notes

CODIFICATION

Section is comprised of section 209 of Pub. L. 109-164. Subsec. (d) of section 209 of Pub. L. 109-164 amended section 3583(k) of Title 18, Crimes and Criminal Procedure.

Section was formerly classified to section 14044g of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2019—Subsec. (e)(1)(A). Pub. L. 115-425, §121(b)(1), (2), substituted “number” for “rates” in introductory provisions and inserted “, noting the number of covered offenders” after “covered offense” wherever appearing.

Subsec. (e)(1)(A)(i). Pub. L. 115-425, §121(b)(3), substituted “arrests” for “arrest”.

Subsec. (e)(1)(A)(ii). Pub. L. 115-425, §121(b)(4), substituted “prosecutions” for “prosecution”.

Subsec. (e)(1)(A)(iii). Pub. L. 115-425, §121(b)(5), substituted “convictions” for “conviction”.

2018—Subsec. (c)(1)(A)(iii), (iv). Pub. L. 115-393, §502(1), added cls. (iii) and (iv).

Subsec. (f). Pub. L. 115-393, §502(2), added subsec. (f).

Statutory Notes and Related Subsidiaries

USING EXISTING TASK FORCES AND COMPONENTS TO TARGET OFFENDERS WHO EXPLOIT CHILDREN

Pub. L. 114-22, title I, §110, May 29, 2015, 129 Stat. 239, provided that: “Not later than 180 days after the date of enactment of this Act [May 29, 2015], the Attorney General shall ensure that—

“(1) all task forces and working groups within the Innocence Lost National Initiative engage in activities, programs, or operations to increase the investigative capabilities of State and local law enforcement officers in the detection, investigation, and prosecution of persons who patronize, or solicit children for sex; and

“(2) all components and task forces with jurisdiction to detect, investigate, and prosecute cases of child labor trafficking engage in activities, programs, or operations to increase the capacity of such components to deter and punish child labor trafficking.”

§§ 20709a to 20709c. Transferred

Editorial Notes

CODIFICATION

Section 20709a, Pub. L. 115-392, §7, Dec. 21, 2018, 132 Stat. 5253, which related to holistic training for Federal