



PRESS RELEASE
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**Virginia Coalition Against Human Trafficking Advocates for Two Bills
that Provide Criminal Record Relief to Sex Trafficking Survivors**
~ Survivors of Human Trafficking Are Not Criminals ~

(March 22, 2021 – Washington, DC) Sex trafficking survivors should not be criminalized for committing crimes resulting from their status as victims. This is not only a racial justice issue, but also a human rights issue. This is at the heart of the two recent bills passed unanimously by the Virginia General Assembly.

The Virginia Coalition Against Human Trafficking (VCAHT) advocates for policy reform and survivor-centered human trafficking legislation in the state of Virginia. After years of education and diligent advocacy work, VCAHT celebrates the unanimous passage of HB 2133 and HB 2234, which will help sex trafficking survivors obtain relief from crimes they were forced to commit and provide new opportunities to live self-determined lives. Today, the two bills are at Governor Northam's office to sign into law.

New Legislation Provides Criminal Record Relief

House Bill 2133 allows survivors' convictions related to their trafficking to be vacated and expunged from their record. This would permit survivors to secure employment, education, and access other resources on the journey to self-determination and completeness. Criminal record relief also would allow survivors to free themselves of the stigmatization of being labeled a criminal for crimes they were forced to commit.

House Bill 2234 allows survivors to raise an affirmative defense during their prosecution alleging that they were forced by their trafficker to commit the crimes with which they are charged. This will help to prevent them from receiving new or additional criminal charges. Additionally, defense attorneys will be in a much better position to refer these survivors to the continuum of care necessary for healing and rebuilding their lives.

"While the relief for both bills is presently limited to the following two charges - § 18.2-346, Prostitution and § 18.2-347, Keeping, residing in, or frequenting a bawdy place - it is a beginning toward aiding those trafficking survivors who face or have these convictions on their records," said Patrick McKenna, President of VCAHT. "VCAHT intends to continue to pursue relief for the 60% or more of trafficking survivors who have been convicted of and/or face criminal prosecutions for other offenses that they were forced to commit such as larceny, drug possession and fraud."

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2/Virginia Bills & Sex Trafficking Survivors

“Amara Legal Center is so proud to be a VCAHT member and to lend our efforts to the passing of key legislation such as these two critical bills,” said Carole Bernard, Amara Legal Center’s Executive Director. “HB 2133 and HB 2234 are so important in addressing the injustice caused by antiquated laws that criminalize and re-victimize sex trafficking survivors. We seek legislation that reforms the criminal justice system and that helps empower survivors forward in their healing journeys.”

Impact of Antiquated Laws on Sex Trafficking Survivors

The criminal justice system in Virginia currently works against survivors of sex trafficking. Human trafficking is an ongoing problem in the state: from 2007 to 2019, 1,424 cases of human trafficking were identified in Virginia by the National Human Trafficking Hotline. A trafficker uses power and control similar to that of an abuser, resulting in victims being forced to engage in activities in which they would not have otherwise engaged. These activities often lead to victims’ arrests, resulting in victim-defendants in the criminal legal system and criminal records. In addition, as a result of deep-rooted systemic racism, Black and Latinx communities are more likely to fall within the marginalized populations that traffickers target and more likely to have criminal records as a result of their trafficking.

Criminal record relief for survivors of trafficking is urgent. Virginia is behind every state in the country when offering legal support to victims that were charged with crimes they were forced to commit. In the United States, 45 states have already passed criminal record relief laws for trafficking survivors. Moreover, of the 5 states left to pass these laws, four of them have passed legislation allowing victims to raise an affirmative defense. Virginia has the opportunity to join the rest of the nation in providing trafficking survivors opportunities for relief.

About the Virginia Coalition Against Human Trafficking

The Virginia Coalition Against Human Trafficking is an alliance of service providers, attorneys, survivor-advocates, and community members on a mission to remove barriers preventing survivors from achieving a full and healthy life through public awareness campaigns, policy reform and enacting survivor-centered human trafficking legislation. Visit <https://www.vcaht.org/>.

About Amara Legal Center

The Amara Legal Center provides free trauma-informed legal representation, access to support services, and advocacy for a more equitable legal system for individuals impacted by sex trafficking or involved in sex work in the DC-metro area. Visit www.amaralegal.org.