

1 4. Human trafficking for forced sexual or labor exploitation takes a variety
2 of forms—forced prostitution, forced participation in the production of
3 pornography and other forms of commercial sexual activity, forced labor in
4 sweatshops, households, agricultural fields and other workplaces, and
5 commercial or exploitative marriages.

6 5. Women and girls who are trafficked for exploitive labor, as domestic
7 workers in private homes and as laborers in sweatshops or agricultural
8 fields, are almost always subject to sexual violence.

9 **(B) Purpose**—This law is enacted to prevent human trafficking, and to provide
10 assistance to the victims of human trafficking.

12 **§26103. Prevention Of Human Trafficking And Protection Of Victims**

13 **(A) Crime Of Human Trafficking**

14 1. It shall be unlawful for any person to recruit, harbor, transport or obtain a
15 person for the purpose of forced labor or forced sexual exploitation by:

16 (a) Causing or threatening to cause serious harm to any person;

17 (b) Physically restraining or threatening to physically restrain another
18 person;

19 (c) Abusing or threatening to abuse the law or legal process;

20 (d) Knowingly destroying, concealing, removing, confiscating or
21 possessing any actual or purported passport or other immigration
22 document, or any other actual or purported government identification
23 document, of another person; or

24 (e) Blackmail or extortion.

25 2. Any person who violates this section shall be guilty of the crime of
26 human trafficking, which is a second degree felony punishable by

1 imprisonment for not more than five (5) years or by a fine not to exceed
2 Five Hundred Thousand Dollars (\$500,000), or both.

3 3. The court shall order restitution to victims of human trafficking,
4 including the value to the offender of the victim's labor or services.

5 4. In any civil action by a victim of human trafficking against violators of
6 this section, the court may award attorney's fees and costs, and impose
7 punitive damages.

8 **(B) Legal Protections For Victims**

9 1. In a criminal prosecution, the defendant may offer as an affirmative
10 defense or a mitigating factor that the defendant participated in the crime
11 because he or she was the victim of human trafficking.

12 2. The victims of human trafficking shall be eligible, without regard to their
13 immigration status, for benefits available through the 8GCA: Chapter 161.

14 **(C) Rights of alleged victims**

15 1. An alleged victim of an offense under this Chapter:

16 (a) may not be detained in a facility that is inappropriate to the
17 victim's status as a crime victim;

18 (b) may not be jailed, fined, or otherwise penalized due to having
19 been the victim of the offense; and

20 (c) shall be provided protection if the victim's safety is at risk or if
21 there is danger of additional harm by recapture of the victim by the
22 person who allegedly committed the offense, including:

23 (1) taking measures to protect the alleged victim and the
24 victim's family members from intimidation and threats of
25 reprisals and reprisals from the person who allegedly
26 committed the offense or the person's agent; and

1 (2) ensuring that the names and identifying information of the
2 alleged victim and the victim's family members are not
3 disclosed to the public.

4 **(D) Helping Victims Obtain T-Visas**

5 1. Within Fifteen (15) days, weekends and Government of Guam holidays
6 excepted, of the first encounter with a victim of human trafficking, law
7 enforcement agents shall provide the victim with a completed Form I-914
8 Supplement B, Declaration of Law Enforcement Officer for Victim of
9 Trafficking in Persons (LEA Declaration) in accordance with 8 C.F.R.
10 §214.11(f)(1).

11 2. Where Guam law enforcement agencies find the grant of an LEA
12 Declaration is inappropriate for a trafficking victim, the agency shall within
13 Fifteen (15) days, weekends and Government of Guam holidays excepted,
14 provide the victim with a letter explaining the grounds of the denial of the
15 LEA Declaration. The victim may submit additional evidence to the law
16 enforcement agency, which must reconsider the denial of the LEA
17 Declaration within seven days of the receipt of additional evidence.

18 3. Law Enforcement Officers and agencies, for purposes of this section,
19 shall be those designated by the Attorney General who may enforce the
20 provisions of this Act.

21
22 **§26104. Administration**

23 **(A) SOCIAL SERVICES FOR TRAFFICKING VICTIMS**

24 1. The Director of the Department of the Department of Public Health and
25 Social Services shall convene and chair a work group to develop written
26 protocols for delivery of services to human trafficking victims. In addition

1 to the Secretary, the work group shall include senior representatives from
2 the Department of Public Health and Social Services, the Guam Police
3 Department, the Department of Labor, The Guam Public School System, the
4 Attorney General, and two (2) representatives from nonprofit organizations
5 that provide social services and may be able to provide assistance to
6 trafficking victims.

7 2. The protocols shall set forth guidelines for providing for the social
8 service needs of human trafficking victims, including housing, food, health
9 and mental health care, English language classes, job training and
10 placement. These services shall be available to victims of human trafficking
11 without regard to their immigration status.

12 3. The work group shall finalize the protocols and submit them with a report
13 to the Legislature and the Governor on or before July 1, 2009.

14 **(B) Law Enforcement Training**

15 1. On or before October 1, 2008, the Attorney General shall establish
16 training standards for law enforcement officers on the subject of human
17 trafficking. The course of instruction, learning and performance objectives,
18 and training standards shall be developed by the Attorney General in
19 consultation with experts in the field of human trafficking.

20 2. The training shall be compulsory for all state and local law enforcement
21 officers and shall include:

- 22 (a) Identification of human trafficking;
- 23 (b) Communicating with traumatized persons;
- 24 (c) Appropriate investigative techniques;
- 25 (d) Collaboration with federal law enforcement officials;
- 26 (e) Rights and protections afforded to victims;

1 (f) Provision for documentation that satisfies the I-914 Supplement B
2 Declaration of Law Enforcement Officer for Victim of Trafficking in
3 Persons required by federal law; and

4 (g) Availability of community resources to assist trafficking victims.

5 3. Where appropriate, the training presenters shall include human trafficking
6 experts with experience in the delivery of services to victims of human
7 trafficking.