



**NORTH CAROLINA
HUMAN TRAFFICKING
COMMISSION**

General Assembly Mandate: SESSION LAW 2018-75 SENATE BILL 162

STUDY SENTENCING AND POST-CONVICTION RELIEF FOR HUMAN TRAFFICKING OFFENSES

- **SECTION 8.(a) Study.** – The North Carolina Human Trafficking Commission, in consultation with the Conference of District Attorneys and the Office of Indigent Defense Services, shall study the human trafficking offenses set forth in Article 10A of Chapter 14 of the General Statutes. At a minimum, the study shall consider (i) the appropriate level of sentencing for each offense, (ii) whether any revisions to the sentencing levels would reduce human trafficking, and (iii) the effects of expanding the eligibility of any post-conviction relief to human trafficking victims.
- **SECTION 8.(b) Report.** – The North Carolina Human Trafficking Commission shall submit its findings from the study required under subsection (a) of this section, including any legislative recommendations, to the Joint Legislative Oversight Committee on Justice and Public Safety by February 1, 2019.

Who, What and Where We Go Next:

NC Sentencing and Policy Advisory Commission

NC Conference of District Attorneys

NC Office of Indigent Defense

Shared Hope International

Polaris – Disruption Strategy Team

Marsha Rabiteau – Center for Human Trafficking Court Solutions

The Human Trafficking Legal Center (D.C) - Martina E. Vandenberg

Brooklyn School of Law - Professor Kate Mogulescu

Legal Aid of NC – Caitlin Ryland and Tolu Adewale

Conservatives for Criminal Justice Reform – Tarrah Callahan

UNC School of Government – Margaret Henderson

UNC Project NO REST – Nancy Hagen

North Carolina Justice Center - Bill Rowe

Who, What and Where We Go Next:

Attempted contact or still to come:

NC DOL

US DOL

Dr. Sharon Cooper

Judge Elizabeth Trosch – 26th District

Alamance Assistant District Attorney – informal diversion program

Lindsey Roberson

Survivor

Polaris Disruption Strategy Team

North Carolina Analysis:

“Based off an analysis of a national survey of human trafficking sentences, it is recommended that the sentencing for North Carolina’s human trafficking statutes remain the same. North Carolina’s human trafficking sentences are among the harshest in the country. As such, the sentences in North Carolina meet the suggestions of the State Department under the TVPA as they involve significant jail time, with a majority of sentences being one year imprisonment or more. These sentences, used effectively, should curb human trafficking in North Carolina.”

Post-Conviction Relief Options and Discussion

- Feedback from in-state and out-of-state professionals is that we need relief for more than 1 charge and more than 1 type of charge when concerning victims of HT.
- Most commonly recommended laws from experts conversations were Florida, Nebraska, California.

Post-Conviction Relief Options and Discussion

Kate Mogulescu, Brooklyn School of Law
(Referred to us by The Human Trafficking Legal Center)

- NC and NY are behind in post-conviction relief for survivors.
- Look at the introduction of the FL law because it has a good summary. The substantive defect makes the vacating automatic when the person is determined a victim. This makes sense because it should not be a rehabilitative process because they shouldn't have been charged to begin with or been convicted.
- Move away from expunction framework.

Post-Conviction Relief Options and Discussion

Sarah Dohoney Byrne, Attorney at Law

Moore & Van Allen PLLC, Charlotte, NC

“1. Expansion of NCGS 15A-1415 (b)(10) and NCGS 15A-145.6 to allow for relief from convictions *other than* prostitution. Victims of human trafficking are often forced or coerced into criminal conduct beyond prostitution (involving, for example, drug sales, theft, illegal firearms, etc.). Without a path for relief from these unjust convictions, survivors are often unable to pursue work, housing or education.

2. Civil remedy for HT survivors (to be pursued not just against the trafficking but any organization that participates in or benefits financially from the scheme).

3. Elimination of 3 year waiting period under NCGS 15A-145.6.

4. There are some areas of DSS/YFS related law/regulation that need enhancements but that may be outside the scope of your request.”

Other Potential Report Recommendations:

- Diversion Programs or Conditional Release
- Demand Reduction Studies
- Industry Regulations
- UNC School of Government
- Reoccurring Funding to Staff HTC