

Human trafficking is one of the fastest growing criminal industries in the world. The International Labor Organization recently estimated that traffickers make \$150 billion dollars per year. It is important for law enforcement to have effective tools in order to investigate and bring down traffickers. Asset forfeiture is one of those tools. The federal Trafficking Victims Protection Act provides for asset forfeiture for defendants convicted of human trafficking offenses. As states begin to prosecute human trafficking offenses, it is important that state officials have all of tools needed to effectively combat human trafficking. Asset forfeiture is one of those tools.

Asset forfeiture accomplishes two goals: serves justice and provides deterrence. Asset forfeiture ensures that traffickers do not financially benefit from exploiting their victims. Asset forfeiture can also act as a deterrent for criminal activity because it undermines the purpose of trafficking- profit. A jail sentence may be pled down or seen as the cost of doing business and thus will not deter criminal activity. The seizure of profits from human trafficking increases the risk to traffickers and decreases possible rewards.

### **Current Policy**

Forty-four states and the District of Columbia have authorized asset forfeiture for human trafficking offenses. The Uniform Law Commission included a section on asset forfeiture in its Uniform Act on the Prevention of and Remedies for Human Trafficking. The Uniform Act, which is approved by legal experts from across the country, reinforces the need for these types of statutes and is a recommendation for states that have not yet enacted this type of legislation.

The Uniform Act provides:

#### **Section 11. Forfeiture**

- (a) On motion, the court shall order a person convicted of an offense under Section 3, 4, or 5 of this [act] to forfeit any interest in real or personal property that:
  - (1) was used or intended to be used to commit or facilitate the commission of the offense; or
  - (2) constitutes proceeds or was derived from proceeds that the person obtained, directly or indirectly, as a result of the offense.
- (b) In a proceeding against real or personal property under this section, the person convicted of the offense may assert a defense that the forfeiture is manifestly disproportional to the seriousness of the offense. The person has the burden to establish the defense by a preponderance of the evidence.
- (c) Proceeds from the public sale or auction of property forfeited under subsection (a) must be distributed in the manner otherwise provided for the distribution of the proceeds of [criminal forfeitures] [judicial sales].

Once the assets are forfeited, the money can be used by states to fund state action to combat the crime. Many states authorize forfeited assets to be given to the law enforcement agency that investigated the crime, which in turn can be used to pay for more investigations. States have also authorized money from forfeited assets to be deposited into a fund that is used to pay for victim services.