

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 3946

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 28, 2026

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 3946.

As amended, this bill expands the crime of human trafficking and modifies law enforcement training requirements related to human trafficking.

Expansion of Criminal Liability

The bill clarifies several aspects of current human trafficking law under N.J.S.A.2C:13-8. First, the bill clarifies that a person who *knowingly* receives anything of value, *including non-monetary items, or benefits financially* from participation in a scheme or course of conduct which the person knows or should have known violates the provisions of the statute, is guilty of human trafficking. Second, the bill clarifies that a person is guilty of human trafficking if the person knowingly holds, recruits, lures, entices, harbors, transports, provides, or obtains, by any of the means enumerated in the statute, a child under 18 years of age to provide labor or services, *whether or not the actor mistakenly believed that the child was 18 years of age or older, even if that mistaken belief was reasonable*. Third, the bill separates sex trafficking of adults and sex trafficking of children into distinct crimes which may be charged under the statute.

The bill amends current law to provide that an attempt to commit the crime of human trafficking is a crime of the first degree, the same degree under current law for committing the crime or a conspiracy to commit the crime. A crime of the first degree is punishable by a term of imprisonment of 10 to 20 years, a fine of up to \$200,000, or both.

The bill expands the crime of failure to report an act of child abuse or sexual abuse of a child, by adding provisions concerning a person's efforts to prevent or attempt to prevent the making of a report. Such criminal prevention efforts would be graded as a crime of the fourth degree, punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both. If an employer engaged in such criminal prevention efforts, the employer would be guilty of a crime of the third degree, punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

In addition to damages and other equitable relief, the bill also requires an order of restitution to the victim of the offense or the prosecutorial or law enforcement entity responsible for investigating or prosecuting the offense. Unless used by a prosecuting agency pursuant to paragraph (1) of subsection h. of N.J.S.A.2C:64-3, the proceeds from any sale of property that is forfeited pursuant to the State's civil asset forfeiture laws as a result of a prosecution for human trafficking are to be applied first toward the payment of the order of restitution. The restitution is required to include, but not be limited to, costs related to: (1) medical treatment including physical and occupational therapy and rehabilitation; (2) necessary transportation, temporary housing, and child care expenses; (3) investigation costs, prosecution, attorney's fees, victim advocate fees, and other court-related costs; (4) necessary relocation expenses incurred by the victim and any family or household members of the victim; (5) costs associated with restoration of the victim's credit rating; (6) restoration of the victim's immigration status; and (7) reimbursement for any other financial losses, whether direct or indirect, suffered by the victim.

Expansion of Prosecutorial Discretion to Enter into a Plea Agreement

The bill provides that a prosecutor, in consideration of the interests of the victim, may offer a negotiated plea agreement in which the defendant would be sentenced to a specific term of imprisonment that is not less than 10 years, during which the defendant shall not be eligible for parole. The prosecutor is required to provide, in writing, specific reasons for making such an offer. The court is authorized to accept a negotiated plea and, upon conviction, impose the term of imprisonment and period of parole ineligibility provided in the plea agreement. However, the court may not impose a sentence that is less than the term provided in the plea agreement.

The Attorney General shall develop guidelines to ensure the uniform exercise of discretion regarding a negotiated plea agreement. Unless otherwise provided in guidelines established by the Attorney General, nothing in the bill is to be construed to alter or limit the authority or discretion of the prosecutor to enter into any plea agreement which the prosecutor deems appropriate.

Expansions of Civil Liability

The bill modifies the definition of "abused child" to provide that a child under the age of 18 is an abused child if a parent, guardian, or other person with custody or control over the child commits or allows to be committed an act of human trafficking against the child.

In addition to civil liability for certain other crimes as provided under current law, the bill provides that the following individuals or entities are not entitled to immunity from civil liability for damages

resulting from human trafficking offenses or advertising commercial sexual abuse of a minor caused by a willful, wanton, or grossly negligent act of:

- a public entity or public employee; or
- a nonprofit corporation, society or association organized exclusively for religious, charitable, educational or hospital purposes, or its trustee, director, officer, employee, agent, servant or volunteer.

Additional Considerations under the Rules of Evidence

The bill provides that, with regard to the court's consideration of relevant evidence related to the prosecution of a human trafficking offense, pursuant to Rule 903 of the Rules of Evidence, authentication of the certain types of evidence, enumerated in the bill, may be made by certification of the records custodian or authorized representative of a financial institution, remote computing service, print media or electronic communication provider, or other provider. In lieu of a certification, the court may authorize a representative of a company that provides these services to testify in a video or remote format. The court also is to consider expert testimony by a person who possesses a background in or demonstrates a specialized knowledge of the legal, policy, educational, social, or psychological aspects of human trafficking.

In addition, the bill expands current law to permit an ex parte application for an order authorizing the interception of a wire, or electronic or oral communication if the interception may provide evidence of the commission of an offense of luring or enticing a child, a human trafficking or related offense, or impersonation or identity theft in the second degree.

Training Requirements for Certain Investigations

The bill modifies training requirements for the handling of, response procedures for, and investigation and prosecution of human trafficking cases for: hotel and motel owners, operators, and staff.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- (1) clarify certain factual circumstances enumerated in N.J.S.A.2C:13-8 that constitute elements of the crime of human trafficking;
- (2) remove provisions which provide that the court has the discretion to hear testimony, in camera, related to human trafficking, domestic violence, and certain sexual offenses;
- (3) remove provisions which eliminate the statute of limitations for the commission of, or conspiracy to commit, the crimes of human trafficking, and criminal sexual contact;

(4) remove language which added certain lower-level crimes to the list of crimes for which a court may order authorizing the interception of a wire or communication;

(5) remove provisions concerning defendants in civil actions for human trafficking who, knowingly or with reckless disregard, derive a benefit from the crime of human trafficking;

(6) remove provisions which require the establishment of Human Trafficking Response Teams and removes the related appropriation;

(7) remove provisions which require the Commission on Human Trafficking to designate a nonprofit organization to establish human trafficking advocacy and educational programming and removes the related appropriation;

(8) remove provisions which require certain advertisements for employment or dating to include an educational message on human trafficking and establish penalties for failing to comply with the messaging requirement;

(9) remove provisions which provide that monetary damages imposed on a representative of a corporation or other entity in a civil action are to be limited to the policy limits of an insurance policy held by the corporation if that person reports an allegation of child abuse or neglect in a timely manner;

(10) clarify that the provisions of the bill that modify the court's consideration of relevant evidence related to the prosecution of a human trafficking offense apply to prosecutions for human trafficking under N.J.S.A.2C:13-8, N.J.S.A.2C:13-9, and N.J.S.A.2C:13-10;

(11) clarify that the provisions of the bill which authorize a prosecutor to enter into a negotiated plea agreement are not to be construed to alter or limit the authority or discretion of the prosecutor to enter into any plea agreement which the prosecutor deems appropriate;

(12) clarify that, unless used by a prosecuting authority pursuant to paragraph (1) of subsection h. of N.J.S.A.2C:64-3, the proceeds from any sale of property that is forfeited pursuant to the State's civil asset forfeiture laws as a result of a prosecution for human trafficking are to be applied first toward the payment of the order of restitution; and

(13) make other clarifying and technical changes to the bill.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that this bill will result in increased State expenditures and revenues and local expenditure increases. The bill expands criminal and civil penalties for human trafficking, and expands human trafficking training requirements for law enforcement. The bill amends current law to provide that an attempt to commit the crime of human trafficking is a crime of the first degree. Therefore, the OLS finds that the following State and local agencies may incur caseload and expenditure increases:

(1) the Department of Law and Public Safety may need to prosecute cases and provide guidance to the county prosecutors along with addressing new training requirements; (2) county prosecutors may have to prosecute additional cases and negotiate an increased number of plea bargains; (3) the Judiciary may have to adjudicate additional cases; (4) the Department of Corrections may have to house more offenders for longer terms of imprisonment; (5) the State Parole Board would have to supervise their return to society; and (6) the Office of Public Defender would have to represent additional low-income criminal defendants.

The OLS notes that the Judiciary will incur an indeterminate increase in annual operating expenditures, as additional resources will likely have to be allocated to a potentially increased civil caseload for lawsuits related to human trafficking. The OLS also anticipates collections from court fees to grow in tandem with the caseload.