

BILL NO: House Bill 768
TITLE: Child victims and witnesses; using two-way closed-circuit television, expands age range.
COMMITTEE: House Courts of Justice; Criminal Subcommittee
DATE: January 26, 2024
POSITION: SUPPORT

Dear Chairperson Watts and Subcommittee Members:

Thank you for hearing testimony on House Bill 768 relating to the plight of child sex trafficking victims within the state.

Shared Hope International is a non-profit organization dedicated to preventing, restoring, and bringing justice to survivors of child and youth sex trafficking. Shared Hope has been working in Virginia, across the country, and throughout the globe for over 20 years to guide and support appropriate responses to protect survivors, hold offenders to account, and ultimately prevent the crime entirely. Thirteen years ago, we launched the State Report Card project to assess the status of state's laws and drive legislative progress. Despite its progress on addressing this issue, [Virginia received an 'F'](#) in 2023, scoring a 48 out of 100.

Currently under Virginia law, a child victim must be 14 years of age or younger at the time of the alleged offense and 16 years of age or younger at the time of the trial to testify by two-way closed-circuit television. House Bill 768 ("HB 768") remedies this by expanding the age range during which a child may testify using two-way closed-circuit television in a criminal case to any minor under the age of 18 at the time of the trial.

Victim-witness testimony by sex trafficking and commercial sexual exploitation (CSE) victims provided during a trial of their alleged exploiter can serve a key role in a successful conviction. However, the delivery of victim testimony can be a severely traumatic process for CSE minors regardless of their age at the time of testifying. Victims of child abuse often experience severe forms of trauma and stress when providing testimony in court.¹ This traumatic response can be severely heightened when the testimony is conducted in the presence of their exploiter² and can have long-term psychological and emotional impacts on the child.³ Further, providing testimony may mean providing sometimes vivid and "deeply personal and violent experiences of abuse" to the court, which can result in the minor being re-traumatized.⁴

One mechanism for mitigating the risk of re-traumatization is allowing sex trafficking and CSE victims to testify via closed circuit television (CCTV). This allows for the testimony to be provided outside of the court room through a secure video system and can be used to minimize the number of people in the room when the child testifies. It is critical that this protection is available to *all* minors, especially because the majority of child sex trafficking and CSE victims identified are older minors (ages 13-17). Thus, states like Virginia should not limit the availability of this protection to younger minors.

Finally, in addition to mitigating revictimization, providing sex trafficked and CSE minors with the ability to testify by an alternative method can be monumental in enhancing the accuracy of the testimony provided. A minor who has experienced abuse in relation to sex trafficking may forget important details of their abuse or they may recant their

¹ Yasmin Vafa & Cherice Hopkins, Child Sex Trafficking Victim Witnesses Must be Protected, Thomson Reuters Foundation News (Feb. 21, 2018, 14:54 GMT), <https://news.trust.org/item/20180221145440-fkal6/>; see also Jazmine Ulloa, California Bill Would Make Testifying in Court Easier for Young Victims of Human Trafficking, L.A. Times (Aug. 7, 2016, 12:05 AM), <https://www.latimes.com/politics/la-pol-sac-human-trafficking-young-witnesses-20160806-snap-story.html>

² Survivor Protection: Reducing the Risk of Trauma to Child Sex Trafficking Victims, Rights4Girls (Jan. 2018) <https://rights4girls.org/wp/wp-content/uploads/r4g/2018/01/Survivor-Protection.pdf> (last visited Oct. 18, 2023).

³ *Id.*

⁴ *Id.*

testimony entirely when facing their abuser directly.⁵ Providing the minor with the ability to utilize an alternative method, as opposed to facing their alleged exploiter in person, can offer the minor a sense of safety that may increase the accuracy of the testimony as well as the likelihood that they will willingly cooperate with the prosecution in an effort to convict their exploiter.⁶

We are grateful for the Committee's dedication to this issue and respectfully ask for your support.

Sincerely,
Sidney E. McCoy, Esq.
Director of Advocacy

For questions or additional information:
sidney@sharedhope.org

⁵ *Id.* at 18.

⁶ *Id.*