ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]
SENATE, No. 3946

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 22, 2026

The Assembly Appropriations Committee reports favorably and with committee amendments Senate Bill No. 3946 (2R).

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 803, Rule 902, or 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.

As amended and reported by the committee, Senate Bill No. 3946 (2R) is identical to Assembly Bill No. 4796 (1R), which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) provide that, with regard to the court's consideration of relevant evidence related to the prosecution of a human trafficking offense, in addition to Rule 903, Rule 803 and Rule 902 are also applicable;

(2) remove provisions of the bill that authorize the Department of Health to stay certain actions by the Division of Child Protection and Permanency, following a report of abuse or neglect of a child, upon a finding by a health care provider that such actions may impair efforts provide treatment to the child;

(3) remove the provisions of the bill that require the Commissioner of Health to issue quarterly reports concerning the status of the child's treatment; and

(4) make a clarifying and technical amendment to the bill.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.