

Union Calendar No. 299

119TH CONGRESS
1ST SESSION

H. R. 4323

[Report No. 119–347]

To provide for the vacating of certain convictions and expungement of certain arrests of victims of human trafficking.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2025

Mr. FRY (for himself, Mrs. WAGNER, and Mr. JOHNSON of Georgia) introduced the following bill; which was referred to the Committee on the Judiciary

OCTOBER 17, 2025

Additional sponsors: Mr. THOMPSON of California, Mr. LIEU, Mr. OWENS, Ms. MCBRIDE, Mr. KEAN, Mr. SMITH of New Jersey, Mr. KILEY of California, Mr. SCHMIDT, Mr. CARTER of Georgia, Mrs. DINGELL, Mr. RUTHERFORD, Mr. SELF, Mr. HARRIS of North Carolina, Mr. MILLER of Ohio, Mr. GARCÍA of Illinois, Mr. VINDMAN, and Mr. LANDSMAN

OCTOBER 17, 2025

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 10, 2025]

A BILL

To provide for the vacating of certain convictions and expungement of certain arrests of victims of human trafficking.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Trafficking Survivors*
 5 *Relief Act”.*

6 **SEC. 2. FEDERAL EXPUNGEMENT FOR VICTIMS OF TRAF-**
 7 **FICKING.**

8 *(a) IN GENERAL.—Chapter 237 of title 18, United*
 9 *States Code, is amended by adding at the end the following:*
 10 **“§3771A. Motion to vacate; expungement; mitigating**
 11 **factors**

12 *“(a) DEFINITIONS.—In this section—*

13 *“(1) the term ‘child’ means an individual who*
 14 *has not attained 18 years of age;*

15 *“(2) the term ‘covered prisoner’ means an indi-*
 16 *vidual who—*

17 *“(A) was convicted of a level A offense or*
 18 *level B offense;*

19 *“(B) was sentenced to a term of imprison-*
 20 *ment for the offense described in subparagraph*
 21 *(A); and*

22 *“(C) is, or was previously, imprisoned or*
 23 *incarcerated under such sentence for a term of*
 24 *imprisonment;*

1 “(3) the terms ‘employee’ and ‘officer’ have the
2 meanings given the terms in section 2105 of title 5;

3 “(4) the term ‘Federal offense’ means an offense
4 that is punishable under Federal law;

5 “(5) the term ‘level A offense’ means a Federal
6 offense that is not a violent crime;

7 “(6) the term ‘level B offense’—

8 “(A) means a Federal offense that is a vio-
9 lent crime; and

10 “(B) does not include a Federal offense that
11 is a violent crime of which a child was a victim;

12 “(7) the term ‘victim of trafficking’ has the
13 meaning given that term in section 103 of the Traf-
14 ficking Victims Protection Act of 2000 (22 U.S.C.
15 7102); and

16 “(8) the term ‘violent crime’ has the meaning
17 given the term ‘crime of violence’ in section 16(a) of
18 this title.

19 “(b) *MOTIONS TO VACATE CONVICTIONS OR EXPUNGE*
20 *ARRESTS.*—

21 “(1) *IN GENERAL.*—

22 “(A) *CONVICTIONS OF LEVEL A OF-*
23 *FENSES.*—A person convicted of any level A of-
24 *fense (or an attorney representing such a person)*
25 *may move the court that imposed the sentence for*

1 *the level A offense to vacate the judgment of con-*
2 *viction if the level A offense was committed as a*
3 *direct result of the person having been a victim*
4 *of trafficking.*

5 *“(B) ARRESTS FOR LEVEL A OFFENSES.—A*
6 *person arrested for any level A offense (or an at-*
7 *torney representing such a person) may move the*
8 *district court of the United States for the district*
9 *and division embracing the place where the per-*
10 *son was arrested to expunge all records of the ar-*
11 *rest if the conduct or alleged conduct of the per-*
12 *son that resulted in the arrest was directly re-*
13 *lated to the person having been a victim of traf-*
14 *ficking.*

15 *“(C) ARRESTS FOR LEVEL B OFFENSES.—A*
16 *person arrested for any level B offense (or an at-*
17 *torney representing such a person) may move the*
18 *district court of the United States for the district*
19 *and division embracing the place where the per-*
20 *son was arrested to expunge all records of the ar-*
21 *rest if—*

22 *“(i) the conduct or alleged conduct of*
23 *the movant that resulted in the arrest was*
24 *directly related to the movant having been*
25 *a victim of trafficking; and*

1 “(ii)(I) *the movant was acquitted of*
2 *the level B offense;*

3 “(II) *the Government did not pursue,*
4 *or the Government moved to dismiss, crimi-*
5 *nal charges against the movant for the level*
6 *B offense; or*

7 “(III)(aa) *the charges against the mov-*
8 *ant for the level B offense were reduced to*
9 *an offense that is a level A offense; and*

10 “(bb) *the movant was acquitted of the*
11 *level A offense, the Government did not pur-*
12 *sue, or the Government moved to dismiss,*
13 *criminal charges against the movant for the*
14 *level A offense, or any subsequent conviction*
15 *of the level A offense was vacated.*

16 “(2) *CONTENTS OF MOTION.—A motion described*
17 *in paragraph (1) shall—*

18 “(A) *be in writing;*

19 “(B) *describe any supporting evidence;*

20 “(C) *state the offense; and*

21 “(D) *include copies of any documents show-*
22 *ing that the movant is entitled to relief under*
23 *this section.*

24 “(3) *HEARING.—*

25 “(A) *MANDATORY HEARING.—*

1 “(i) *MOTION IN OPPOSITION.*—Not
2 *later than 30 days after the date on which*
3 *a motion is filed under paragraph (1), the*
4 *Government may file a motion in opposi-*
5 *tion of the motion filed under paragraph*
6 *(1).*

7 “(ii) *MANDATORY HEARING.*—*If the*
8 *Government files a motion described in*
9 *clause (i), not later than 15 days after the*
10 *date on which the motion is filed, the court*
11 *shall hold a hearing on the motion.*

12 “(B) *DISCRETIONARY HEARING.*—*If the*
13 *Government does not file a motion described in*
14 *subparagraph (A)(i), the court may hold a hear-*
15 *ing on the motion not later than 45 days after*
16 *the date on which a motion is filed under para-*
17 *graph (1).*

18 “(4) *FACTORS.*—

19 “(A) *VACATING CONVICTIONS OF LEVEL A*
20 *OFFENSES.*—*The court may grant a motion*
21 *under paragraph (1)(A) if, after notice to the*
22 *Government and an opportunity to be heard, the*
23 *court finds, by a preponderance of the evidence,*
24 *that—*

1 “(i) the movant was convicted of a
2 level A offense; and

3 “(ii) the participation in the level A
4 offense by the movant was a direct result of
5 the movant having been a victim of traf-
6 ficking.

7 “(B) *EXPUNGING ARRESTS FOR LEVEL A*
8 *OFFENSES.*—The court may grant a motion
9 under paragraph (1)(B) if, after notice to the
10 Government and an opportunity to be heard, the
11 court finds, by a preponderance of the evidence,
12 that—

13 “(i) the movant was arrested for a level
14 A offense; and

15 “(ii) the conduct or alleged conduct
16 that resulted in the arrest was directly re-
17 lated to the movant having been a victim of
18 trafficking.

19 “(C) *EXPUNGING ARRESTS FOR LEVEL B*
20 *OFFENSES.*—The court may grant a motion
21 under paragraph (1)(C) if, after notice to the
22 Government and an opportunity to be heard, the
23 court finds, by a preponderance of the evidence,
24 that—

1 “(i) the movant was arrested for a level
2 *B* offense and the conduct or alleged conduct
3 that resulted in the arrest was directly re-
4 lated to the movant having been a victim of
5 trafficking; and

6 “(ii)(I) the movant was acquitted of
7 the level *B* offense;

8 “(II) the Government did not pursue,
9 or the Government moved to dismiss, crimi-
10 nal charges against the movant for the level
11 *B* offense; or

12 “(III)(aa) the charges against the mov-
13 ant for the level *B* offense were reduced to
14 a level *A* offense; and

15 “(bb) the movant was acquitted of the
16 level *A* offense, the Government did not pur-
17 sue, or the Government moved to dismiss,
18 criminal charges against the movant for the
19 level *A* offense, or any subsequent conviction
20 of that level *A* offense was vacated.

21 “(5) *SUPPORTING EVIDENCE.*—

22 “(A) *IN GENERAL.*—For purposes of this
23 section, in determining whether the movant is a
24 victim of trafficking, the court—

1 “(i) shall consider an affidavit or
2 sworn testimony of an anti-human traf-
3 ficking service provider or clinician; and

4 “(ii) may consider any supporting evi-
5 dence the court determines is of sufficient
6 credibility and probative value, including
7 sworn testimony from a law enforcement of-
8 ficer detailing the role of the movant in co-
9 ercing other victims of trafficking into com-
10 mitting criminal offenses.

11 “(B) AFFIDAVIT OR SWORN TESTIMONY SUFFICIENT EVIDENCE.—The affidavit or sworn tes-
12 timony described in subparagraph (A)(i) shall be
13 sufficient evidence to vacate a conviction or ex-
14 punge an arrest under this section if the court
15 determines that—

17 “(i) the affidavit or sworn testimony is
18 credible; and

19 “(ii) no other evidence is readily avail-
20 able.

21 “(6) CONVICTION OR ARREST OF OTHER PER-
22 SONS NOT REQUIRED.—It shall not be necessary that
23 any person other than the movant be convicted of or
24 arrested for an offense before the movant may file a
25 motion under paragraph (1).

1 “(7) *DENIAL OF MOTION.*—

2 “(A) *FINALITY.*—*If the court denies a mo-*
3 *tion filed under paragraph (1), the denial shall*
4 *be final, except as provided under subparagraph*
5 *(C) of this paragraph and subject to the dis-*
6 *covery of any new and compelling evidence or*
7 *information.*

8 “(B) *REASONS FOR DENIAL.*—*If the court*
9 *denies a motion filed under paragraph (1), the*
10 *court shall state the reasons for the denial in*
11 *writing.*

12 “(C) *REASONABLE TIME TO CURE DEFI-*
13 *CIENCIES IN MOTION.*—*If the court denies a mo-*
14 *tion filed under paragraph (1) due to a curable*
15 *deficiency in the motion, the court shall allow*
16 *the movant sufficient time to cure the deficiency.*

17 “(8) *APPEAL.*—*An order granting or denying a*
18 *motion under this section may be appealed in accord-*
19 *ance with section 1291 of title 28.*

20 “(c) *VACATUR OF CONVICTIONS.*—

21 “(1) *IN GENERAL.*—*If the court grants a motion*
22 *to vacate a conviction of a level A offense under sub-*
23 *section (b), the court shall immediately—*

24 “(A) *vacate the conviction for cause;*

1 “(B) set aside the verdict and enter a judg-
2 ment of acquittal; and

3 “(C) enter an expungement order that di-
4 rects that there be expunged from all official
5 records all references to—

6 “(i) the arrest of the movant for the
7 level A offense;

8 “(ii) the institution of criminal pro-
9 ceedings against the movant relating to the
10 level A offense; and

11 “(iii) the results of the proceedings.

12 “(2) *LIMITATION.*—Nothing in this subsection re-
13 quires a court to amend or remove any fine or res-
14 titution order in a criminal or civil proceeding.

15 “(3) *EFFECT.*—If a conviction is vacated under
16 an order entered under paragraph (1), the conviction
17 shall not be regarded as a conviction under Federal
18 law and the movant for whom the conviction was va-
19 cated shall be considered to have the status occupied
20 by the movant before the arrest or the institution of
21 the criminal proceedings related to such conviction.

22 “(d) *EXPUNGEMENT OF ARRESTS.*—

23 “(1) *IN GENERAL.*—If the court grants a motion
24 to expunge all records of an arrest for an offense
25 under subsection (b), the court shall immediately

1 *enter an expungement order that directs that there be*
 2 *expunged from all official records all references to—*

3 *“(A) the arrest of the movant for the offense;*

4 *“(B) the institution of any criminal pro-*
 5 *ceedings against the movant relating to the of-*
 6 *fense; and*

7 *“(C) the results of the proceedings, if any.*

8 *“(2) EFFECT.—If an arrest is expunged under*
 9 *an order entered under paragraph (1) the arrest shall*
 10 *not be regarded as an arrest under Federal law and*
 11 *the movant for whom the arrest is expunged shall be*
 12 *considered to have the status occupied by the movant*
 13 *before the arrest or the institution of the criminal*
 14 *proceedings related to such arrest, if any.*

15 *“(e) MITIGATING FACTORS.—*

16 *“(1) IN GENERAL.—The court that imposed sen-*
 17 *tence for a level A offense or level B offense upon a*
 18 *covered prisoner may reduce the term of imprison-*
 19 *ment for the offense—*

20 *“(A) upon—*

21 *“(i) motion by the covered prisoner; or*

22 *“(ii) the court’s own motion;*

23 *“(B) after notice to the Government;*

24 *“(C) after considering—*

1 “(i) the factors set forth in section
2 3553(a);

3 “(ii) the nature and seriousness of the
4 danger to any person, if applicable; and

5 “(iii) the community, or any crime
6 victims; and

7 “(D) if the court finds, by a preponderance
8 of the evidence, that the covered prisoner com-
9 mitted the offense as a direct result of the covered
10 prisoner having been a victim of trafficking.

11 “(2) *REQUIREMENT.*—Any proceeding under this
12 subsection shall be subject to section 3771.

13 “(3) *PARTICULARIZED INQUIRY.*—For any mo-
14 tion under paragraph (1), the Government shall con-
15 duct a particularized inquiry of the facts and cir-
16 cumstances of the original sentencing of the covered
17 prisoner in order to assess whether a reduction in
18 sentence would be consistent with this section.

19 “(f) *ADDITIONAL ACTIONS BY COURT.*—The court
20 shall, upon granting a motion under this section, take any
21 additional action necessary to grant the movant full relief.

22 “(g) *NO FEES.*—A person may not be required to pay
23 a filing fee, service charge, copay fee, processing fee, or any
24 other charge for filing a motion under this section.

25 “(h) *CONFIDENTIALITY OF MOVANT.*—

1 “(1) *IN GENERAL.*—A motion under this section
2 and any documents, pleadings, or orders relating to
3 the motion shall be filed under seal.

4 “(2) *INFORMATION NOT AVAILABLE FOR PUBLIC*
5 *INSPECTION.*—An officer or employee may not make
6 available for public inspection any report, paper, pic-
7 ture, photograph, court file, or other document, in the
8 custody or possession of the officer or employee, that
9 identifies the movant.

10 “(i) *APPLICABILITY.*—This section shall apply to any
11 conviction or arrest occurring before, on, or after the date
12 of enactment of this section.”.

13 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—The
14 table of sections of chapter 237 of title 18, United States
15 Code, is amended by adding at the end the following:

 “3771A. Motion to vacate; expungement; mitigating factors.”.

16 **SEC. 3. REPORTS.**

17 (a) *UNITED STATES ATTORNEY MOTIONS FOR*
18 *VACATUR OR EXPUNGEMENT.*—Not later than 1 year after
19 the date of enactment of this Act, each United States attor-
20 ney shall submit to the Attorney General a report that de-
21 tails—

22 (1) the number of motions for vacatur or
23 expungement filed under section 3771A of title 18,
24 United States Code, as added by section 2, in the dis-
25 trict of the United States attorney; and

1 (2) *for each motion described in paragraph*

2 (1)—

3 (A) *the underlying offense;*

4 (B) *the response of the United States attor-*
5 *ney to the motion; and*

6 (C) *the final determination of the court*
7 *with respect to the motion.*

8 (b) *UNITED STATES ATTORNEY TRAINING ON HUMAN*
9 *TRAFFICKING INDICATORS.*—*Not later than 1 year after the*
10 *date of enactment of this Act, the Attorney General shall*
11 *submit to Congress a report that details all professional*
12 *training received by United States attorneys on indicators*
13 *of human trafficking during the preceding 12-month period.*

14 (c) *GOVERNMENT ACCOUNTABILITY OFFICE.*—*Not*
15 *later than 3 years after the date of enactment of this Act,*
16 *the Comptroller General of the United States shall submit*
17 *to Congress a report that—*

18 (1) *assesses the impact of the enactment of sec-*
19 *tion 3771A of title 18, United States Code, as added*
20 *by section 2; and*

21 (2) *includes—*

22 (A) *the number of human trafficking sur-*
23 *vivors who have filed motions for vacatur or*
24 *expungement under such section 3771A;*

1 (B) the final determination of each court
2 that adjudicated a motion described in subpara-
3 graph (A);

4 (C) recommendations to increase access to
5 post-conviction relief for human trafficking sur-
6 vivors with Federal criminal records; and

7 (D) recommendations for improving the im-
8 plementation and tracking of professional train-
9 ing of United States attorneys on indicators of
10 human trafficking.

11 **SEC. 4. USE OF GRANTS FOR POST-CONVICTION RELIEF**
12 **REPRESENTATION.**

13 *The Office of Justice Programs or the Office on Vio-*
14 *lence Against Women, in awarding a grant that may be*
15 *used for legal representation, may not prohibit a recipient*
16 *from using the grant for legal representation for post-con-*
17 *viction relief.*

18 **SEC. 5. SENSE OF CONGRESS.**

19 *It is the sense of Congress that—*

20 (1) *this Act is a first step to address the chang-*
21 *ing tactics of human traffickers, who are using forced*
22 *criminality as a form of force, fraud, and coercion in*
23 *their human trafficking enterprises; and*

1 (2) Congress is committed to continuing to find
 2 solutions as needed to thwart human traffickers and
 3 protect survivors of human trafficking.

4 **SEC. 6. HUMAN TRAFFICKING DEFENSE.**

5 (a) *IN GENERAL.*—Chapter 1 of title 18, United States
 6 Code, is amended by adding at the end the following:

7 **“§ 28. Human trafficking defense**

8 “(a) *DEFINITIONS.*—In this section—

9 “(1) the term ‘covered Federal offense’ means a
 10 level A offense or level B offense, as those terms are
 11 defined in section 3771A; and

12 “(2) the term ‘victim of trafficking’ has the
 13 meaning given the term in section 103 of the Traf-
 14 ficking Victims Protection Act of 2000 (22 U.S.C.
 15 7102).

16 “(b) *DURESS.*—In a prosecution for a covered Federal
 17 offense, a defendant may establish duress by demonstrating
 18 that the defendant was a victim of trafficking at the time
 19 at which the defendant committed the offense.

20 “(c) *RECORD OR PROCEEDING UNDER SEAL.*—In any
 21 proceeding in which a defense under subsection (b) is raised,
 22 any record or part of the proceeding related to the defense
 23 shall, on motion, be placed under seal until such time as
 24 a conviction is entered for the offense.

1 “(d) *POST-CONVICTION RELIEF*.—A failure to assert,
 2 or failed assertion of, a defense under subsection (b) by an
 3 individual who is convicted of a covered Federal offense
 4 may not preclude the individual from asserting as a miti-
 5 gating factor, at sentencing or in a proceeding for any post-
 6 conviction relief, that at the time of the commission of the
 7 offense, the defendant was a victim of trafficking and com-
 8 mitted the offense under duress.

9 “(e) *FEDERAL AID*.—A failure to assert, or failed as-
 10 sertion of, a defense under subsection (b) by an individual
 11 who is convicted of a covered Federal offense may not be
 12 used for the purpose of disqualifying the individual from
 13 participating in any federally funded program that aids
 14 victims of trafficking.”.

15 (b) *TECHNICAL AND CONFORMING AMENDMENT*.—The
 16 table of sections for chapter 1 of title 18, United States
 17 Code, is amended by adding at the end the following:

“28. Human trafficking defense.”.

18 **SEC. 7. TECHNICAL AND CONFORMING AMENDMENTS.**

19 Section 103 of the Trafficking Victims Protection Act
 20 of 2000 (22 U.S.C. 7102) is amended—

21 (1) in paragraph (16), by striking “(9)” and in-
 22 serting “(11)”; and

23 (2) in paragraph (17), by striking “(9) or (10)”
 24 and inserting “(11) or (12)”.

1 **SEC. 8. RULE OF CONSTRUCTION.**

2 *Nothing in this Act, or the amendments made by this*
3 *Act, may be construed to conflict with any of the crime vic-*
4 *tims' rights described in section 3771 of title 18, United*
5 *States Code.*

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