



HOUSE BILL 198: Human Trafficking Commission Recommendations.

2019-2020 General Assembly

Committee:		Date:	January 8, 2020
Introduced by:		Prepared by:	Susan Sitze Staff Attorney
Analysis of:	S.L. 2019-158		

OVERVIEW: *S.L. 2019-158 makes clarifications to the Human Trafficking Article, criminalizes promoting travel for unlawful sexual conduct, provides a specific civil cause of action for human trafficking victims, and expands the post-conviction relief available to a victim of human trafficking.*

The criminal provisions of this act became effective December 1, 2019, and apply to offenses committed on or after that date. The post-conviction relief provisions became effective December 1, 2019, and apply to motions and petitions filed on or after that date. The remainder of this act became effective July 1, 2019.

BILL ANALYSIS:

This act makes various changes to laws regarding human trafficking as follows:

- Includes the act of obtaining another person for sexual servitude within the crime of sexual servitude.
- Creates a Class G felony for promoting travel services for unlawful sexual conduct.
- Creates a new civil cause of action allowing a victim of human trafficking to receive an injunction, compensatory damages, general damages, and attorneys' fees from the trafficker at the conclusion of any related criminal prosecution.
- Creates new provisions authorizing a court to expunge certain nonviolent offense convictions for a victim of human trafficking if the offenses occurred due to coercion or deception by a trafficker. These expunctions must be disclosed if the person applied for law enforcement certification.
- Amends the provision in the juvenile code regarding the expunction of records alleging or adjudicating delinquency if the juvenile had been a victim of human trafficking and was no longer in the jurisdiction of the juvenile court.
- Expands the offenses eligible for the relief provided by a Motion for Appropriate Relief for a victim of human trafficking beyond a conviction for prostitution, to include certain nonviolent offenses if the offense was a result of the human trafficking. Specifies that the person seeking relief must demonstrate by the preponderance of the evidence that the offense was a direct result of the human trafficking or sexual servitude and requires a sworn statement from law enforcement substantiating the human trafficking or sexual servitude.

EFFECTIVE DATE: The criminal provisions of this act became effective December 1, 2019, and apply to offenses committed on or after that date. The post-conviction relief provisions became effective December 1, 2019, and apply to motions and petitions filed on or after that date. The remainder of this act became effective July 1, 2019. This act contains a severability clause providing that if any provision of this act is found unconstitutional or invalid, the remaining portions of the act remain in effect.

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Director



Legislative Analysis
Division
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