



# HOUSE BILL 198: Human Trafficking Commission Recommendations.

2019-2020 General Assembly

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<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	June 26, 2019
<b>Introduced by:</b>	Reps. Davis, Stevens, Jarvis, Carter	<b>Prepared by:</b>	*Jennifer H. Bedford
<b>Analysis of:</b>	Third Edition		Staff Attorney

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**OVERVIEW:** *House Bill 198 would: make clarifications to the Human Trafficking Article, criminalize promoting travel for unlawful sexual conduct, provide a specific civil cause of action for human trafficking victims, and expand the post-conviction relief available to a victim of human trafficking, as recommended by the North Carolina Human Trafficking Commission.*

[As introduced, this bill was identical to S200, as introduced by Sen. Britt, which is currently in Senate Rules and Operations of the Senate.]

**BACKGROUND:** The Human Trafficking Commission was created by S.L. 2013-368 to advocate on behalf of victims of human trafficking, and propose policies and legislation to further the efforts to end human trafficking.

## **BILL ANALYSIS:**

**Section 1** would include the act of obtaining another person for sexual servitude within the crime of sexual servitude.

**Section 2** would create a Class G felony for promoting travel services for unlawful sexual conduct.

**Section 3** would create a new civil cause of action for 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.

**Section 4(a)** would delete the current provision that authorizes a court to expunge a prostitution conviction if the offense was a result of human trafficking.

**Section 4(b)** would create a new section that would authorize a court to expunge certain nonviolent offense convictions for a victim of human trafficking if the offenses due to coercion or deception by a trafficker. These expunctions would need to be disclosed if the person applied for law enforcement certification.

**Section 4(c)** would make a conforming change to the expunction record-keeping law.

**Section 4(d)** would amend 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.

**Sections 5 and 6** would expand 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.

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# House Bill 198

*Page 2*

**Section 6** would expand the types of convictions that could be vacated by a court in response to a Motion for Appropriate Relief by 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.

**Section 6** would also specify 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 would require a sworn statement from law enforcement substantiating the human trafficking or sexual servitude.

**Section 7** could protect any individual section of the bill if another portion was found to be unconstitutional or invalid.

**EFFECTIVE DATE:** This bill would become effective July 1, 2019 except the newly created criminal offenses would become effective December 1, 2019, and apply to offenses committed on or after that date, and the motions and petitions for post-conviction relief would become effective December 1, 2019, and apply to motions and petitions filed on or after that date.

\*Susan Sitze, Staff Attorney, contributed to this summary.