



This Bill Analysis reflects the contents of the bill as it was presented in committee.

# SENATE BILL 626: Modify Laws Relating to Human Trafficking.

2023-2024 General Assembly

<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	April 18, 2023
<b>Introduced by:</b>	Sens. Alexander, Hanig, Barnes	<b>Prepared by:</b>	Robert Ryan
<b>Analysis of:</b>	First Edition		Committee Co-Counsel

### OVERVIEW: Senate Bill 626 makes the following changes:

- Allows for the issuance of a permanent domestic violence protective order under Chapter 50D if certain conditions related to human trafficking are met.
- Allows victims of human trafficking offenses to collect under the Crime Victim's Compensation Act if the victim committed certain wrongful conduct under duress.
- Provides that it is a violation of the laws prohibiting human trafficking and sexual servitude if a person patronizes or solicits another person who would be a victim under those laws.

### CURRENT LAW AND BILL ANALYSIS:

#### Section 1

Chapter 50D of the North Carolina General Statutes allows a sexual assault victim to obtain a permanent civil no-contact order against a registered sex offender when the victim did not request a permanent no-contact order at the time the sex offender was sentenced.

Specifically, Chapter 50D provides that any of the following persons may file a complaint or motion in district court to obtain the no-contact order (G.S. 50D-2(a)):

- A victim of a sex offense that occurred in the State.
- A competent adult who is a North Carolina resident, on behalf of a minor who resides in the State and is the victim of a sex offense that occurred in the State.
- A competent adult who is a North Carolina resident, on behalf of an incompetent adult who resides in the State and is a victim of a sex offense that occurred in the State.

Further, Chapter 50D provides that the Court must find all of the following before issuing a no-contact order (G.S. 50D-5(a)):

- The respondent was convicted of committing a sex offense against the complaining victim.
- The victim did not seek a permanent criminal no-contact order under G.S. 15A-1340.50.
- Reasonable grounds exist for the victim to fear future contact with the respondent.
- Process was properly served on the respondent.
- The respondent answered the complaint and notice of hearing was given, or the respondent failed to answer the complaint and is in default.

Section 1 of the bill would add in the following definitions to Chapter 50D:

- Human trafficking offense: a criminal offense for Human Trafficking that is not a sex offense.

Jeffrey Hudson  
Director



Legislative Analysis  
Division  
919-733-2578

# Senate Bill 626

Page 2

- Permanent domestic violence protective order: a permanent injunction that prohibits contact with the victim of a human trafficking offense, or a sex offense when the offender has a personal relationship with the victim that would be covered by Chapter 50B (domestic violence protective orders.)

Section 1 of the bill would then allow a court to issue a permanent domestic violence protective order in addition to the already existing civil no contact order under Chapter 50D.

Section 1 becomes effective August 1, 2023, and applies to actions filed on or after that date.

## Section 2

Article 1 of Chapter 15B is the Crime Victim's Compensation Act and it allows crime victims to apply for and be awarded certain expenses because of the person's status as a crime victim. G.S. 15B-11(a) provides a list of reasons why a victim's claim must be denied, including that the victim was participating in a felony at the time of the injury. G.S. 15B-11(b) provides that a victim's claim may be denied or reduced if the victim was participating in a nontraffic misdemeanor, or the victim engaged in contributory misconduct.

**Section 2** of the bill would modify G.S. 15B-11(b) to allow a victim of human trafficking offenses to collect under the Crime Victim's Compensation Act if the victim committed the misdemeanor or contributory misconduct under duress.

Section 2 is effective when it becomes law and applies to denials or award reductions issued on or after that date.

## Section 3

G.S. 14-43.11, human trafficking, provides that a person commits this offense if the person does either of the following:

- Knowingly or with reckless disregard recruits, entices, harbors, transports, provides, or obtains another person with the intent that the person be held in involuntary servitude or sexual servitude.
- Willfully or with reckless disregard causes a minor to be held in involuntary servitude or sexual servitude.

A violation of G.S. 14-43.11 is a Class C felony if the victim is an adult, and a Class B2 felony if the victim is a minor.

G.S. 14-43.13, sexual servitude, provides that a person commits this offense if the person knowingly or in reckless disregard subjects, maintains, or obtains another for the purposes of sexual servitude.

A violation of G.S. 14-43.13 is a Class D felony if the victim is an adult, and a Class C felony if the victim is a minor.

**Section 3** of the bill would modify G.S. 14-43.11 and G.S. 14-43.13, by further providing that these laws would be violated by a person who patronizes or solicits another person who would otherwise be a victim under the existing laws.

**EFFECTIVE DATE:** Except as otherwise provided, this act is effective when it becomes law.