



SENATE BILL 626: Modify Laws Relating to Human Trafficking.

2023-2024 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	April 20, 2023
Introduced by:	Sens. Alexander, Hanig, Barnes	Prepared by:	Robert Ryan
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: Senate Bill 626 makes the following changes:

- *Allows for the issuance of a permanent civil no-contact order under Chapter 50D for victims of human trafficking offenses.*
- *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 allow a court to issue a permanent civil no-contact order for a victim of a human trafficking offense against a person who is convicted of a human trafficking offense. The term

Jeffrey Hudson
Director



* S 6 2 6 - S M C E - 3 5 E 2 - V - 3 *

Legislative Analysis
Division
919-733-2578

Senate Bill 626

Page 2

"Human trafficking offense" is defined as any criminal offense under Article 10A of Chapter 14, that is not a sex offense.

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.