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HOUSE BILL NO. 2016

Offered January 14, 2009

Prefiled January 13, 2009

A BILL to amend the Code of Virginia by adding a section numbered 18.2-48.2, and by adding in Chapter 22.2 of Title 19.2 a section numbered 19.2-386.32, relating to human trafficking.

Patrons—Ebbin and Hull; Senator: Petersen

Referred to Committee for Courts of Justice**Be it enacted by the General Assembly of Virginia:**

1. That the Code of Virginia is amended by adding a section numbered 18.2-48.2, and by adding in Chapter 22.2 of Title 19.2, a section numbered 19.2-386.32 as follows:

§ 18.2-48.2. Human trafficking.

A. For purposes of this section:

"Coercion" includes threatening to deport any person or to report any person's unlawful presence in the Commonwealth or in the United States to the Department of Immigration and Customs Enforcement or to any other government agency or otherwise threatening to abuse the law or legal process, or the withholding or threat of withholding from any person any actual or purported passport or immigration document.

"Human trafficking" means (i) recruiting, harboring, transporting, providing, procuring, or obtaining any person for labor or services, through the use of force, deception, or coercion, for the purpose of subjecting the person to involuntary servitude, debt bondage, slavery, concubinage, or prostitution; (ii) knowingly subjecting any person to forced labor or services by causing or threatening to cause him physical harm or by physically restraining or threatening to physically restrain him; (iii) causing any person to engage in a sexually explicit performance or to be the subject of sexually explicit visual material by force, threat, intimidation, deception, or coercion; or (iv) detaining any person against his will in a bawdy place or house of prostitution.

"Sexually explicit performance" means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

B. It is unlawful to engage in human trafficking. Any person who engages in human trafficking is subject to the provisions of Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, the Virginia Racketeer Influenced and Corrupt Organization Act.

C. It shall be an affirmative defense to a charge of prostitution or other criminal offense that the person so charged was forced, threatened, coerced, or deceived into committing the offense while he was a victim of human trafficking.

§ 19.2-386.32. Seizure and forfeiture of human trafficking assets.

All property, including, but not limited to, money, valuables, real property, and vehicles, of a person who engages in human trafficking in violation of § 18.2-48.2, that was used or was obtained in the course of the human trafficking and proceeds and benefits gained from the activity, shall be seized and forfeited to the Commonwealth in accordance with the provisions of Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2, mutatis mutandis.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

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