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**HOUSE BILL NO. 2138**

Offered January 14, 2015

Prefiled January 14, 2015

A *BILL to amend and reenact § 18.2-356 of the Code of Virginia, relating to receiving money for procuring person; penalty.*

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Patron—Yancey

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Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That § 18.2-356 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-356. Receiving money for procuring person.***A. For purposes of this section:*

"Coercion" means (i) the use of force against, abduction of, or physical restraint of an individual; (ii) the use of a plan, pattern, or threat with intent to cause an individual to believe that failure to perform labor or services, or engage in concubinage, prostitution, or the manufacture of any obscene material or child pornography will result in the use of force against, abduction of, or physical restraint of an individual; (iii) the abuse or threatened abuse of law or legal process; (iv) controlling or threatening to control an individual's access to a controlled substance as defined in the Drug Control Act (§ 54.1-3400 et seq.); (v) the destruction or taking of or threatened destruction or taking of an individual's passport, immigration document, or other governmental identification or other property; (vi) the use of debt bondage; (vii) the use of an individual's physical or mental impairment when the impairment has a substantially adverse effect on the individual's cognitive or volitional function; or (viii) the commission of any act defined as fraud and punished as a criminal offense in the Code.

"Debt bondage" means inducing an individual to (i) engage in concubinage, prostitution, or the manufacture of any obscene material or child pornography in payment toward or satisfaction of a real or purported debt or (ii) provide labor or services in payment toward or satisfaction of a real or purported debt if (a) the agreed value of the labor or services is not applied toward the liquidation of the debt or (b) the length of the labor or services is not limited and the nature of the labor or services is not defined.

B. Any person who receives any money or other valuable thing for or on account of (i) procuring for or placing in a house of prostitution or elsewhere any person for the purpose of causing such person to engage in unlawful sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus or any act in violation of § 18.2-361 or (ii) causing, *persuading, or using coercion to cause or persuade* any person to engage in forced labor or services, concubinage, prostitution, or the manufacture of any obscene material or child pornography is guilty of a Class 4 felony.

**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; therefore, Chapter 2 of the Acts of Assembly of 2014, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

INTRODUCED

HB2138