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SENATE BILL NO. 1188

Offered January 14, 2015

Prefiled January 13, 2015

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-355.1, relating to sex trafficking; penalties.*

Patrons—Obenshain, Edwards and Chafin; Delegate: Rust

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 18.2-355.1 as follows:**

**§ 18.2-355.1. Trafficking of persons for commercial sexual activity; penalties.**

A. For purposes of this section, "commercial sexual activity" means the promise, offer, or receipt of money or its equivalent by a person in exchange for sexual intercourse, cunnilingus, anilingus, fellatio, anal intercourse, inanimate or animate object sexual penetration, or feeling or fondling the sexual or genital parts of any person.

B. Any person who recruits, transports, harbors, receives, provides, obtains, isolates, maintains, patronizes, solicits, or entices another person to engage in commercial sexual activity knowing or in reckless disregard of the fact that coercion or fraud will be used to cause such person to engage in commercial sexual activity is guilty of a Class 2 felony.

C. Any person who recruits, transports, harbors, receives, provides, obtains, isolates, maintains, patronizes, solicits, or entices a minor to engage in commercial sexual activity is guilty of a Class 2 felony. The punishment for such person shall include a mandatory minimum sentence of (i) 20 years if the minor is under 13 years of age, (ii) 15 years if the minor is 13 years of age or older but under 15 years of age, or (iii) 10 years if the minor is 15 years of age or older. The mandatory minimum terms of imprisonment prescribed for violations of this subsection shall be served consecutively with any other sentence.

D. Any person who receives money or its equivalent that he knows or has reason to know was derived from a violation of subsection B or C is guilty of a Class 3 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.**

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