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**HOUSE BILL NO. 681**

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee for Courts of Justice  
on February 22, 2016)

(Patron Prior to Substitute—Delegate Leftwich)

*A BILL to amend the Code of Virginia by adding a section numbered 8.01-42.4, relating to trafficking in persons; civil action.*

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 8.01-42.4 as follows:**

**§ 8.01-42.4. Civil action for trafficking in persons.**

*A. As used in this section:*

*"Compensatory damages" includes damages for all of the defendant's acts prohibited under a felony provision of § 18.2-346, or under § 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, or 18.2-368.*

*"Victim" means a person who was subjected to conduct that constituted trafficking in persons under a felony violation of § 18.2-346, or under § 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, or 18.2-368, regardless of whether the perpetrator is identified, apprehended, prosecuted, or convicted.*

*B. A victim has a civil cause of action against the perpetrator of conduct to which the victim was subjected that is prohibited under a felony violation of § 18.2-346, or under § 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, or 18.2-368, whether or not the perpetrator has been charged or convicted for the alleged violation, for the compensatory damages incurred by the victim as a result of that conduct, in addition to the attorney fees and costs for bringing the action. If compensatory damages are awarded, a victim may also be awarded punitive damages.*

*C. No action shall be commenced under this section more than seven years after the later of the date on which the victim (i) was no longer subject to conduct prohibited by a felony provision of § 18.2-346, or under § 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, or 18.2-368 or (ii) attained 18 years of age.*