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HOUSE BILL NO. 1614

Offered January 16, 2020

A *BILL to amend the Code of Virginia by adding in Article 3 of Chapter 8 of Title 18.2 a section numbered 18.2-361.1, relating to victims of human trafficking; affirmative defense to prosecution for certain offenses.*

Patrons—Brewer, Bourne, Jones and Miyares

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 in Article 3 of Chapter 8 of Title 18.2 a section numbered 18.2-361.1 as follows:

§ 18.2-361.1. Victims of human trafficking; affirmative defense.

A. *For the purposes of this section:*

"Victim of human trafficking" means (i) any person who was induced to engage in a violation of § 18.2-47, 18.2-48, 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1 through the use of force, intimidation, or deception of another; (ii) any minor used in a violation of § 18.2-47, 18.2-48, 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1; or (iii) any person subjected to sex trafficking or severe forms of trafficking in persons as defined in the federal Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7101 et seq.).

B. It is an affirmative defense to prosecution under this article if at the time of the offense leading to such charge, such person was a victim of human trafficking and (i) was induced to engage in the offense through the use of force, intimidation, or deception of another; (ii) such offense was committed as part of a human trafficking scheme; or (iii) such offense was committed at the direction of an operator of a human trafficking scheme.

C. A victim of human trafficking may raise an affirmative defense pursuant to this section regardless of whether or not any other person has been arrested for, prosecuted for, charged with, or convicted of an offense.

INTRODUCED

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