

2021 SESSION

INTRODUCED

21101740D

HOUSE BILL NO. 2234

Offered January 13, 2021

Prefiled January 13, 2021

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, Convirs-Fowler, Keam and Levine

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 coerced to engage in a violation of § 18.2-346 or 18.2-347 through the use of force or intimidation of another; (ii) any minor who was induced or coerced to engage in a violation of § 18.2-346 or 18.2-347; or (iii) any person who commits an act in violation of § 18.2-346 or 18.2-347 as a result of another person's violation of subsection A of § 18.2-357.1.

B. It is an affirmative defense to prosecution of a violation of § 18.2-346 or 18.2-347 if at the time of the offense leading to such charge, such person was a victim of human trafficking and (i) was coerced to engage in the offense through the use of force or intimidation of another; (ii) such offense was committed as part of a commercial sex trafficking scheme; or (iii) such offense was committed at the direction of an operator of a commercial sex trafficking scheme.

C. A victim of human trafficking may raise an affirmative defense pursuant to this section regardless of whether any other person has been arrested for, prosecuted for, charged with, or convicted of an offense.

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