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HOUSE BILL NO. 681

Offered January 13, 2016

Prefiled January 11, 2016

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

Patrons—Leftwich, Hugo, McClellan, Spruill, Villanueva, Ward and Watts

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 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 any act of the defendant that is prohibited under clause (iii), (iv), or (v) of § 18.2-48, that constitutes a felony violation of § 18.2-346, or that is prohibited 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 constitutes trafficking in persons under clause (iii), (iv), or (v) of § 18.2-48, 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, 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 that is prohibited under clause (iii), (iv), or (v) of § 18.2-48, that constitutes a felony violation of § 18.2-346, or that is prohibited 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 with or convicted of 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 under clause (iii), (iv), or (v) of § 18.2-48, 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 or (ii) attained 18 years of age.

INTRODUCED

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