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## SENATE BILL NO. 725

Offered January 10, 2018

Prefiled January 10, 2018

*A BILL to amend and reenact § 40.1-11.3 of the Code of Virginia and to amend the Code of Virginia by adding in Article 5 of Chapter 1 of Title 32.1 a section numbered 32.1-34.2 and by adding sections numbered 33.2-267.1 and 42.1-36.2, relating to posting notice of the human trafficking hotline; civil penalty.*

Patrons—Dunnavant and Ebbin; Delegate: LaRock

Referred to Committee for Courts of Justice

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

**1. That § 40.1-11.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 5 of Chapter 1 of Title 32.1 a section numbered 32.1-34.2 and by adding sections numbered 33.2-267.1 and 42.1-36.2 as follows:**

**§ 32.1-34.2. Human trafficking hotline; posted notice required.**

*Each local department of health shall post notice of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a means to report crimes or gain assistance. The notice required by this section shall (i) be posted at all times in a place readily visible and accessible to the public and (ii) meet the requirements specified in subsection D of § 40.1-11.3.*

**§ 33.2-267.1. Human trafficking hotline; posted notice required.**

*The Department shall post notice at all rest areas along Interstate System highways in the Commonwealth of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a means to report crimes or gain assistance. The notice required by this section shall (i) be posted at all times in a place readily visible and accessible to the public and (ii) meet the requirements specified in subsection D of § 40.1-11.3.*

**§ 40.1-11.3. Human trafficking hotline; posted notice required; civil penalty.**

*A. Any employer who (i) operates a business that provides entertainment commonly called stripteasing or topless entertaining or entertainment that has employees who are not clad above or below the waist and (ii) fails to post notice of the existence of a human trafficking hotline to alert potential human trafficking victims of the availability of assistance, is subject to a civil penalty of \$500. Civil penalties under this subsection shall be assessed by the Department and paid to the Literary Fund. The notice required by this subsection shall be posted in the same location where other employee notices required by state or federal law are posted. The provisions of this subsection shall not apply to businesses described in this subsection providing entertainment in theaters, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances, when the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.*

*B. Any employer who (i) operates a truck stop and (ii) fails to post notice of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking of the availability to report crimes or gain assistance, which failure is not cured within 72 hours following notification to the employer of such failure by the Department, is subject to a civil penalty of \$100 per truck stop. Civil penalties under this subsection shall be assessed by the Department and paid to the Literary Fund, provided that no civil penalty shall be assessed under this subsection prior to January 1, 2014. The notice required by this subsection shall be posted in the same location where other employee notices required by state or federal law are posted. As used in this subsection, "truck stop" means a facility that is capable of fueling a qualified highway vehicle that bears an IFTA identification marker as those terms are defined in § 58.1-2700.*

*C. Any employer who (i) operates a facility in which basic health care services, as defined in § 38.2-4300, are provided and (ii) fails to post notice of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a means to report crimes or gain assistance is subject to a civil penalty of \$100 per facility in which the notice is not posted. Civil penalties under this subsection shall be assessed by the Department of Health and paid to the Literary Fund. The notice required by this subsection shall (a) be posted at all times in a place readily visible and accessible to the public and (b) meet the requirements specified in subsection D.*

*D. The Department shall (i) determine the content of the notice which shall include the National Human Trafficking Resource Center Hotline, (ii) determine the size of the notice, (iii) determine the*

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59 languages in which the notice is to be posted, and (iv) publish the notice size and notice languages, and  
60 make the notice available in each of those languages, on the website of the Department and by any  
61 other means of publication the Department deems appropriate. The Department is not otherwise required  
62 to produce or distribute the notice. An employer is not required to use a notice produced by the  
63 Department, provided the notice complies with guidelines established by the Department. The  
64 Department may certify that a notice produced by an employer or other entity complies with the  
65 requirements of this section.

66 ***§ 42.1-36.2. Human trafficking hotline; posted notice required.***

67 *Each (i) library board established pursuant to § 42.1-35 or (ii) governing body of any county, city,*  
68 *or town that, pursuant to § 42.1-36, has not established a library board pursuant to § 42.1-35, shall*  
69 *post notice at public libraries of the existence of a human trafficking hotline to alert possible witnesses*  
70 *or victims of human trafficking to the availability of a means to report crimes or gain assistance. The*  
71 *notice required by this section shall (a) be posted at all times in a place readily visible and accessible*  
72 *to the public and (b) meet the requirements specified in subsection D of § 40.1-11.3.*