

Department of Planning and Budget

2020 Fiscal Impact Statement

1. Bill Number: HB1614H1

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Brewer

3. Committee: House Committee on Courts of Justice

4. Title: Victims of human trafficking; affirmative defense to prosecution for certain offenses.

5. Summary: The proposed legislation provides an affirmative defense to prosecution for various offenses related to commercial sex trafficking and prostitution. The bill defines “victim of human trafficking” to mean: (i) any person who was induced to engage in a violation of certain offenses, as specified, through the use of force, intimidation, or deception of another; (ii) any minor used in a violation of certain offenses, as specified; or (iii) any person who commits an action of violation under §18.2-346 (prostitution, commercial sexual conduct, commercial exploitation of a minor), §18.2-347 (keeping, residing in, or frequenting a bawdy place), as a result of another person’s violation of commercial sex trafficking under §18.2-357.1.

Under the provisions of the bill, it is an affirmative defense to prosecution under §18.2-346 or §18.2-347, if the 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 an offense was committed as part of a human trafficking scheme; or (iii) such an offense was committed at the direction of an operator of a human trafficking scheme. The bill also states that a victim of human trafficking may raise such affirmative defense regardless of whether or not any other person has been arrested for, prosecuted for, charged with, or convicted of an offense.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary (see Item 8 below).

8. Fiscal Implications: The proposed legislation is not expected to have a fiscal impact on state agencies.

9. Specific Agency or Political Subdivisions Affected: Commonwealth’s Attorneys, Courts.

10. Technical Amendment Necessary: No.

11. Other Comments: None.