

Department of Planning and Budget 2021 Fiscal Impact Statement

1. Bill Number: HB2234H1

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

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

5. Summary: The bill defines “victim of sex trafficking” to mean any person who engaged in a violation of §18.2-346 (prostitution, commercial sexual conduct, commercial exploitation of minor) or §18.2-347 (keeping, residing, or frequenting a bawdy place) as a direct result of being solicited, invited, recruited, encouraged, forced, intimidated, or deceived by another to engage in acts of prostitution or unlawful sexual intercourse.

Under the proposal, 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 sex 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. A victim of sex 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.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

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

9. Specific Agency or Political Subdivisions Affected: Courts, Commonwealth’s Attorneys, and Public Defenders Offices.

10. Technical Amendment Necessary: No

11. Other Comments: None