

2021 SPECIAL SESSION I

SENATE SUBSTITUTE

21200467D

HOUSE BILL NO. 2234

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Edwards

on February 22, 2021)

(Patron Prior to Substitute—Delegate Brewer)

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 sex trafficking; affirmative defense to prosecution for certain offenses.*

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 sex trafficking; affirmative defense.

A. For the purposes of this section:

"Qualifying offense" means a charge for a violation of subsection A of § 18.2-346 or § 18.2-347.

"Victim of sex trafficking" means any person charged with a qualifying offense in the Commonwealth who committed such offense 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 for money or its equivalent, as described in subsection A of § 18.2-346, regardless of whether any other person has been charged or convicted of an offense related to the sex trafficking of such person.

B. It is an affirmative defense to prosecution of a qualifying offense 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 or (ii) such offense was committed at the direction of another person other than the individual with whom the person engaged in the acts of prostitution or unlawful sexual intercourse for such money or its equivalent.

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