

## **Department of Planning and Budget**

### **2021 Fiscal Impact Statement**

**1. Bill Number:** HB2234 ER

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

**2. Patron:** Brewer

**3. Committee:** Passed both houses

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

**5. Summary:** The bill defines “Qualifying offense” to mean a charge for violation of §18.2-346 (prostitution, commercial sexual conduct, commercial exploitation of minor) or §18.2-347 (keeping, residing, or frequenting a bawdy place). The bill defines “victim of sex trafficking” to mean any person charged with a qualifying 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, regardless of whether any other person has been charged or convicted of an offense related to the sex trafficking of such person.

Under the proposal, 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; (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.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** Final. 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