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HOUSE BILL NO. 578

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend and reenact §§ 18.2-361.1 and 19.2-327.15 of the Code of Virginia, relating to victim of sex trafficking; affirmative defense; writ of vacatur; minors.

Patrons—Convirs-Fowler, Avoli, Clark, Kory, Maldonado, Shin and Simonds

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-361.1 and 19.2-327.15 of the Code of Virginia are amended and reenacted 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 § 18.2-346 or 18.2-347.

"Victim of sex trafficking" means any person, *including a minor*, charged with a qualifying offense in the Commonwealth who (i) committed such offense as a direct result of being solicited, invited, recruited, encouraged, forced, intimidated, *bought, purchased*, or deceived by another to engage in acts of prostitution or unlawful sexual intercourse for money or its equivalent, as described in § 18.2-346 or (ii) *committed such offense while younger than 18 years of age*, 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 or (iii) *such offense was committed when such person was younger than 18 years of age.*

§ 19.2-327.15. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Qualifying offense" means a conviction or adjudication of delinquency for any violation of § 18.2-346 or 18.2-347.

"Victim of sex trafficking" means any person, *including a minor*, convicted or adjudicated delinquent of a qualifying offense in the Commonwealth who (i) committed such offense as a direct result of being solicited, invited, recruited, encouraged, forced, intimidated, *bought, purchased*, 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 or (ii) *committed such offense while younger than 18 years of age*, regardless of whether any other person has been charged or convicted of an offense related to the sex trafficking of such person.

INTRODUCED

HB578