

HB 2688 -- HUMAN TRAFFICKING

SPONSOR: Myers

This bill creates a statute of limitation for certain human trafficking offenses, which requires prosecution of such offenses to be commenced within 20 years.

The bill specifies that an aggravating circumstance occurs during the commission of certain human trafficking offenses if the defendant recruited, enticed, or obtained the victim of the offense from a shelter that serves persons subject to human trafficking, domestic violence, or sexual assault; runaway youth; foster children; or the homeless. If the trier of fact finds that an aggravating circumstance occurred, the defendant may be imprisoned for up to five years in addition to the period of imprisonment prescribed for the offense.

The bill creates the offense of patronizing a victim of sexual servitude, which a person commits if he or she knowingly gives, agrees to give, or offers to give anything of value so that an individual may engage in a commercial sex act with another individual and the person knows the other individual is a victim of sexual servitude. The offense of patronizing a victim of sexual servitude if the victim is 18 years old or older is a felony punishable by imprisonment of at least five years and not more than 20 years and a fine up to \$250,000. If the victim is under 18, the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the offender has served at least 25 years of the sentence. The bill requires a person convicted of patronizing a victim of sexual servitude to pay restitution, and it allows a victim of the offense to recover actual damages.

An owner of a business or an owner's agent may be prosecuted for a human trafficking offense only if the business knowingly engages in conduct that constitutes human trafficking or an employee or non-employee agent of the business engages in conduct that constitutes human trafficking and the conduct is part of a pattern of activity in violation of human trafficking sections for the benefit of the business that the business knew was occurring and failed to take effective action to stop. Penalties for the business owner or business owner's agent include a fine of up to \$1,000 per offense; surrender of profit from activity in violation of human trafficking sections; and debarment from state and local government contracts. If a business owner or an agent of the business owner is prosecuted for sexual trafficking of a child in the first or second degree, the business location or locations will be required to close for up for one year for the first offense, with the court determining the

length of time. For a second offense, the business location or locations will permanently close.

The bill establishes the "Council on Human Trafficking" within the Department of Public Safety. The Governor will appoint the chair and members of the council. The state agencies represented on the council will provide staff to the council. The council will meet on a regular basis and develop plans related to providing victims of human trafficking with services, evaluating data related to human trafficking in the state, promote public awareness about human trafficking, coordinate training on the prevention of human trafficking, and conduct other appropriate activities.

Currently, a person who was under 18 at the time of the offense and who pled guilty to or was convicted of the offense of prostitution may apply to the court in which the person pled guilty or was sentenced to have the records related to the offense expunged. This bill applies the provision to a person of any age who pled guilty to or was convicted of the offense of prostitution.