

By: Representatives Currie, Crawford, Campbell, Morgan, Bennett, Byrd, Eubanks, Powell, Miles, Bell (65th), Dortch, Banks, Hines, Johnson (94th), Kinkade, Willis

To: Judiciary B

HOUSE BILL NO. 553  
(As Passed the House)

1 AN ACT TO AMEND SECTION 97-3-54.1, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE PENALTY FOR HUMAN TRAFFICKING; TO DESIGNATING THE  
3 CENTER FOR VIOLENCE PREVENTION AS THE LEAD ORGANIZATION TO  
4 FACILITATE A VICTIM-CENTERED, COLLABORATIVE, STATEWIDE RESPONSE TO  
5 VICTIMS OF HUMAN TRAFFICKING, AS WELL AS MISSING, RUNAWAY, AND  
6 ENDANGERED CHILDREN; TO PROVIDE THAT ANY PERSON, EXCEPT A PARENT  
7 OR GUARDIAN, WHO KNOWINGLY CAUSES A CHILD TO VIOLATE THE UNIFORM  
8 CONTROLLED SUBSTANCE LAW OR TO PARTICIPATE IN GANGS OR GANG  
9 RELATED ACTIVITIES OR OTHERWISE CONTRIBUTES TO THE DELINQUENCY OF  
10 A MINOR SHALL BE GUILTY OF A FELONY AND PUNISHED BY IMPRISONMENT  
11 OF NOT LESS THAN TEN YEARS OR BY A FINE NOT TO EXCEED TEN THOUSAND  
12 DOLLARS, OR BOTH; TO REQUIRE A MINIMUM TEN YEAR IMPRISONMENT OR  
13 PAYMENT OF A FINE OF NOT MORE THAN TEN THOUSAND DOLLARS, OR BOTH,  
14 FOR ANY PERSON, EXCEPT A PARENT, LEGAL GUARDIAN OR CARETAKER, WHO  
15 ENDANGERS A CHILD'S PERSON OR HEALTH BY KNOWINGLY CAUSING OR  
16 PERMITTING THE CHILD TO BE PRESENT WHERE ANY PERSON IS SELLING,  
17 MANUFACTURING OR POSSESSING IMMEDIATE PRECURSORS OR CHEMICAL  
18 SUBSTANCES WITH INTENT TO MANUFACTURE, SELL OR POSSESS A  
19 CONTROLLED SUBSTANCE AS PROHIBITED UNDER SECTION 41-29-139 OR  
20 41-29-313; TO INCREASE THE AGE OF A MINOR CHILD FROM EIGHTEEN  
21 YEARS OLD TO TWENTY-ONE YEARS OLD FOR THE PURPOSES OF CONTRIBUTING  
22 TO THE DELINQUENCY OF A MINOR AS PROVIDED IN THIS ACT; AND FOR  
23 RELATED PURPOSES.

24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

25 **SECTION 1.** Section 97-3-54.1, Mississippi Code of 1972, is  
26 amended as follows:

27 97-3-54.1. (1) (a) A person who recruits, entices,  
28 harbors, transports, provides or obtains by any means, or attempts



29 to recruit, entice, harbor, transport, provide or obtain by any  
30 means, another person, intending or knowing that the person will  
31 be subjected to forced labor or services, or who benefits, whether  
32 financially or by receiving anything of value from participating  
33 in an enterprise that he knows or reasonably should have known has  
34 engaged in such acts, shall be guilty of the crime of  
35 human-trafficking.

36 (b) A person who knowingly purchases the forced labor  
37 or services of a trafficked person or who otherwise knowingly  
38 subjects, or attempts to subject, another person to forced labor  
39 or services or who benefits, whether financially or by receiving  
40 anything of value from participating in an enterprise that he  
41 knows or reasonably should have known has engaged in such acts,  
42 shall be guilty of the crime of procuring involuntary servitude.

43 (c) A person who knowingly subjects, or attempts to  
44 subject, or who recruits, entices, harbors, transports, provides  
45 or obtains by any means, or attempts to recruit, entice, harbor,  
46 transport, provide or obtain by any means, a minor, knowing that  
47 the minor will engage in commercial sexual activity, sexually  
48 explicit performance, or the production of sexually oriented  
49 material, or causes or attempts to cause a minor to engage in  
50 commercial sexual activity, sexually explicit performance, or the  
51 production of sexually oriented material, shall be guilty of  
52 procuring sexual servitude of a minor and shall be punished by  
53 commitment to the custody of the Department of Corrections for not



54 less \* \* \* than thirty (30) years up to life imprisonment, or by a  
55 fine of not less than \* \* \* One Hundred Thousand Dollars  
56 (\$100,000.00) nor more than Five Hundred Thousand Dollars  
57 (\$500,000.00), or both. It is not a defense in a prosecution  
58 under this section that a minor consented to engage in the  
59 commercial sexual activity, sexually explicit performance, or the  
60 production of sexually oriented material, or that the defendant  
61 reasonably believed that the minor was eighteen (18) years of age  
62 or older.

63 (2) (a) Any person, except a parent or guardian, who  
64 intentionally, knowingly or recklessly commits any act or omits  
65 the performance of any duty, which act or omission contributes to  
66 or tends to contribute to the neglect or delinquency of any child  
67 or which act or omission results in the abuse of any child, as  
68 defined in Section 43-21-105(m) of the Youth Court Law, or who  
69 knowingly aids any child in escaping or absenting himself from the  
70 guardianship or custody of any person, agency or institution, or  
71 knowingly harbors or conceals, or aids in harboring or concealing,  
72 any child who has absented himself without permission from the  
73 guardianship or custody of any person, agency or institution to  
74 which the child shall have been committed by the youth court, or  
75 knowingly causes any child to violate the Uniform Controlled  
76 Substances Law, or knowingly causes any child to participate in  
77 gang or gang related activities shall be guilty of a felony, and  
78 upon conviction shall be punished by imprisonment of not less than



79 ten (10) years or by a fine not to exceed Ten Thousand Dollars  
80 (\$10,000.00), or by both such fine and imprisonments.

81 (b) Any person, except a parent, legal guardian or  
82 caretaker, who endangers a child's person or health by knowingly  
83 causing or permitting the child to be present where any person is  
84 selling, manufacturing or possessing immediate precursors or  
85 chemical substances with intent to manufacture, sell or possess a  
86 controlled substance as prohibited under Section 41-29-139 or  
87 41-29-313, is guilty of child endangerment and may be sentenced to  
88 imprisonment for not less than ten (10) years or to payment of a  
89 fine of not more than Ten Thousand Dollars (\$10,000.00), or both.

90 (c) If the endangerment results in substantial harm to  
91 the child's physical, mental or emotional health, the person may  
92 be sentenced to imprisonment for not more than twenty (20) years  
93 or to payment of a fine of not more than Twenty Thousand Dollars  
94 (\$20,000.00), or both.

95 (d) For the purpose of this subsection (2), a child is  
96 a person who has not reached his or her twenty-first birthday. A  
97 child who has not reached his or her twenty-first birthday and is  
98 on active duty for a branch of the armed services, or who is  
99 married, is not considered a child for the purposes of this  
100 statute.

101 (e) If a child commits one (1) of the proscribed acts  
102 in subsection (2) (a), (b) or (c) of this section upon another



103 child, then original jurisdiction of all such offenses shall be in  
104 youth court.

105 (3) If the victim is not a minor, a person who is convicted  
106 of an offense set forth in subsection (1)(a) or (b) of this  
107 section shall be committed to the custody of the Department of  
108 Corrections for not less than \* \* \* twenty-five (25) years \* \* \*  
109 up to life imprisonment, or by a fine of not less than \* \* \* Fifty  
110 Thousand Dollars (\$50,000.00) nor more than \* \* \* Two Hundred  
111 Fifty Thousand Dollars (\$250,000.00), or both. If the victim of  
112 the offense is a minor, a person who is convicted of an offense  
113 set forth in subsection (1)(a) or (b) of this section shall be  
114 committed to the custody of the Department of Corrections for not  
115 less than five (5) years nor more than twenty (20) years, or by a  
116 fine of not less than Twenty Thousand Dollars (\$20,000.00) nor  
117 more than One Hundred Thousand Dollars (\$100,000.00), or both.

118 (4) An enterprise may be prosecuted for an offense under  
119 this chapter if:

120 (a) An agent of the enterprise knowingly engages in  
121 conduct that constitutes an offense under this chapter while  
122 acting within the scope of employment and for the benefit of the  
123 entity.

124 (b) An employee of the enterprise engages in conduct  
125 that constitutes an offense under this chapter and the commission  
126 of the offense was part of a pattern of illegal activity for the  
127 benefit of the enterprise, which an agent of the enterprise either



128 knew was occurring or recklessly disregarded, and the agent failed  
129 to take effective action to stop the illegal activity.

130 (c) It is an affirmative defense to a prosecution of an  
131 enterprise that the enterprise had in place adequate procedures,  
132 including an effective complaint procedure, designed to prevent  
133 persons associated with the enterprise from engaging in the  
134 unlawful conduct and to promptly correct any violations of this  
135 chapter.

136 (d) The court may consider the severity of the  
137 enterprise's offense and order penalties, including: (i) a fine  
138 of not more than One Million Dollars (\$1,000,000.00); (ii)  
139 disgorgement of profit; and (iii) debarment from government  
140 contracts. Additionally, the court may order any of the relief  
141 provided in Section 97-3-54.7.

142 (5) In addition to the mandatory reporting provisions  
143 contained in Section 97-5-51, any person who has reasonable cause  
144 to suspect a minor under the age of eighteen (18) is a trafficked  
145 person shall immediately make a report of the suspected child  
146 abuse or neglect to the Department of Human Services and to the  
147 Statewide Human Trafficking Coordinator. The Department of Human  
148 Services shall then immediately notify the law enforcement agency  
149 in the jurisdiction where the suspected child abuse or neglect  
150 occurred as required in Section 43-21-353, and the department  
151 shall also commence an initial investigation into the suspected  
152 abuse or neglect as required in Section 43-21-353. A minor who



153 has been identified as a victim of trafficking shall not be liable  
154 for criminal activity in violation of this section.

155 (6) It is an affirmative defense in a prosecution under this  
156 act that the defendant:

157 (a) Is a victim; and

158 (b) Committed the offense under a reasonable  
159 apprehension created by a person that, if the defendant did not  
160 commit the act, the person would inflict serious harm on the  
161 defendant, a member of the defendant's family, or a close  
162 associate.

163 (7) Any person who violates the provisions of this act shall  
164 be subject to forfeiture of assets as provided in Section  
165 97-3-54.7.

166 **SECTION 2.** (1) Through collaboration and coordination with  
167 governmental and nongovernmental agencies and service providers to  
168 improve the state's capacity for identifying victims of human  
169 trafficking and providing safety and services for those victims,  
170 the Center for Violence Prevention shall facilitate a  
171 victim-centered, collaborative, statewide response to victims of  
172 human trafficking, as well as missing, runaway, and endangered  
173 children.

174 (2) Collaborating with law enforcement and government  
175 agencies to assist responsibilities of the Center for Violence  
176 Prevention will include:



177 (a) Implementing a coordinated and comprehensive plan  
178 to provide human trafficking victims with necessary services,  
179 including emergency screening, therapeutic intervention,  
180 trauma-informed advocacy and case management, and placement  
181 recommendations;

182 (b) Assisting in missing, runaway, and endangered  
183 children cases;

184 (c) Providing emergency shelter for adult and child  
185 victims of human trafficking;

186 (d) Establishing and implementing regional rapid  
187 response teams, which shall include members of law enforcement,  
188 sexual assault nurse examiners, and victim advocates to assess,  
189 investigate, and screen for health and forensic evidence;

190 (e) Collaborating with members of local and regional  
191 law enforcement, investigative services, detectives, and other  
192 personnel needed for investigations;

193 (f) Operating a statewide human trafficking hotline;

194 (g) Collecting and evaluating data on human trafficking  
195 in Mississippi and submitting reports to the Legislature as  
196 requested;

197 (h) Conducting other appropriate activities; and

198 (i) Seeking funding, including grants, subject to the  
199 availability of funds.

200 **SECTION 3.** This act shall take effect and be in force from  
201 and after July 1, 2016.

