

By: Representatives Hood, Ladner, Campbell

To: Judiciary B

HOUSE BILL NO. 1413

1 AN ACT TO AMEND SECTION 43-21-105, MISSISSIPPI CODE OF 1972,  
 2 TO PROVIDE THAT A TRAFFICKED CHILD IS AN ABUSED CHILD; TO AMEND  
 3 SECTION 45-33-23, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
 4 PROMOTING OR PROCURING PROSTITUTION OF A CHILD ARE REGISTRABLE  
 5 OFFENSES; TO AMEND SECTION 97-3-54.1, MISSISSIPPI CODE OF 1972, TO  
 6 INCLUDE COERCION; TO AMEND SECTION 97-3-54.4, MISSISSIPPI CODE OF  
 7 1972, TO REVISE DEFINITIONS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 43-21-105, Mississippi Code of 1972, is  
 10 amended as follows:

11 43-21-105. The following words and phrases, for purposes of  
 12 this chapter, shall have the meanings ascribed herein unless the  
 13 context clearly otherwise requires:

14 (a) "Youth court" means the Youth Court Division.

15 (b) "Judge" means the judge of the Youth Court  
 16 Division.

17 (c) "Designee" means any person that the judge appoints  
 18 to perform a duty which this chapter requires to be done by the  
 19 judge or his designee. The judge may not appoint a person who is  
 20 involved in law enforcement to be his designee.



21 (d) "Child" and "youth" are synonymous, and each means  
22 a person who has not reached his eighteenth birthday. A child who  
23 has not reached his eighteenth birthday and is on active duty for  
24 a branch of the armed services or is married is not considered a  
25 "child" or "youth" for the purposes of this chapter.

26 (e) "Parent" means the father or mother to whom the  
27 child has been born, or the father or mother by whom the child has  
28 been legally adopted.

29 (f) "Guardian" means a court-appointed guardian of the  
30 person of a child.

31 (g) "Custodian" means any person having the present  
32 care or custody of a child whether such person be a parent or  
33 otherwise.

34 (h) "Legal custodian" means a court-appointed custodian  
35 of the child.

36 (i) "Delinquent child" means a child who has reached  
37 his tenth birthday and who has committed a delinquent act.

38 (j) "Delinquent act" is any act, which if committed by  
39 an adult, is designated as a crime under state or federal law, or  
40 municipal or county ordinance other than offenses punishable by  
41 life imprisonment or death. A delinquent act includes escape from  
42 lawful detention and violations of the Uniform Controlled  
43 Substances Law and violent behavior.



44           (k) "Child in need of supervision" means a child who  
45 has reached his seventh birthday and is in need of treatment or  
46 rehabilitation because the child:

47           (i) Is habitually disobedient of reasonable and  
48 lawful commands of his parent, guardian or custodian and is  
49 ungovernable; or

50           (ii) While being required to attend school,  
51 willfully and habitually violates the rules thereof or willfully  
52 and habitually absents himself therefrom; or

53           (iii) Runs away from home without good cause; or

54           (iv) Has committed a delinquent act or acts.

55           (l) "Neglected child" means a child:

56           (i) Whose parent, guardian or custodian or any  
57 person responsible for his care or support, neglects or refuses,  
58 when able so to do, to provide for him proper and necessary care  
59 or support, or education as required by law, or medical, surgical,  
60 or other care necessary for his well-being; however, a parent who  
61 withholds medical treatment from any child who in good faith is  
62 under treatment by spiritual means alone through prayer in  
63 accordance with the tenets and practices of a recognized church or  
64 religious denomination by a duly accredited practitioner thereof  
65 shall not, for that reason alone, be considered to be neglectful  
66 under any provision of this chapter; or

67           (ii) Who is otherwise without proper care,  
68 custody, supervision or support; or



69 (iii) Who, for any reason, lacks the special care  
70 made necessary for him by reason of his mental condition, whether  
71 the mental condition is having mental illness or having an  
72 intellectual disability; or

73 (iv) Who, for any reason, lacks the care necessary  
74 for his health, morals or well-being.

75 (m) "Abused child" means a child whose parent, guardian  
76 or custodian or any person responsible for his care or support,  
77 whether legally obligated to do so or not, has caused or allowed  
78 to be caused, upon the child, sexual abuse, sexual exploitation,  
79 emotional abuse, mental injury, nonaccidental physical injury or  
80 other maltreatment. However, physical discipline, including  
81 spanking, performed on a child by a parent, guardian or custodian  
82 in a reasonable manner shall not be deemed abuse under this  
83 section. "Abused child" also means a child who is or has been  
84 trafficked within the meaning of the Mississippi Human Trafficking  
85 Act by any person, without regard to the relationship of the  
86 person to the child.

87 (n) "Sexual abuse" means obscene or pornographic  
88 photographing, filming or depiction of children for commercial  
89 purposes, or the rape, molestation, incest, prostitution or other  
90 such forms of sexual exploitation of children under circumstances  
91 which indicate that the child's health or welfare is harmed or  
92 threatened.



93           (o) "A child in need of special care" means a child  
94 with any mental or physical illness that cannot be treated with  
95 the dispositional alternatives ordinarily available to the youth  
96 court.

97           (p) A "dependent child" means any child who is not a  
98 child in need of supervision, a delinquent child, an abused child  
99 or a neglected child, and which child has been voluntarily placed  
100 in the custody of the Department of Human Services by his parent,  
101 guardian or custodian.

102           (q) "Custody" means the physical possession of the  
103 child by any person.

104           (r) "Legal custody" means the legal status created by a  
105 court order which gives the legal custodian the responsibilities  
106 of physical possession of the child and the duty to provide him  
107 with food, shelter, education and reasonable medical care, all  
108 subject to residual rights and responsibilities of the parent or  
109 guardian of the person.

110           (s) "Detention" means the care of children in  
111 physically restrictive facilities.

112           (t) "Shelter" means care of children in physically  
113 nonrestrictive facilities.

114           (u) "Records involving children" means any of the  
115 following from which the child can be identified:

116           (i) All youth court records as defined in Section  
117 43-21-251;



118 (ii) All social records as defined in Section  
119 43-21-253;

120 (iii) All law enforcement records as defined in  
121 Section 43-21-255;

122 (iv) All agency records as defined in Section  
123 43-21-257; and

124 (v) All other documents maintained by any  
125 representative of the state, county, municipality or other public  
126 agency insofar as they relate to the apprehension, custody,  
127 adjudication or disposition of a child who is the subject of a  
128 youth court cause.

129 (v) "Any person responsible for care or support" means  
130 the person who is providing for the child at a given time. This  
131 term shall include, but is not limited to, stepparents, foster  
132 parents, relatives, nonlicensed baby-sitters or other similar  
133 persons responsible for a child and staff of residential care  
134 facilities and group homes that are licensed by the Department of  
135 Human Services.

136 (w) The singular includes the plural, the plural the  
137 singular and the masculine the feminine when consistent with the  
138 intent of this chapter.

139 (x) "Out-of-home" setting means the temporary  
140 supervision or care of children by the staff of licensed day care  
141 centers, the staff of public, private and state schools, the staff  
142 of juvenile detention facilities, the staff of unlicensed



143 residential care facilities and group homes and the staff of, or  
144 individuals representing, churches, civic or social organizations.

145 (y) "Durable legal custody" means the legal status  
146 created by a court order which gives the durable legal custodian  
147 the responsibilities of physical possession of the child and the  
148 duty to provide him with care, nurture, welfare, food, shelter,  
149 education and reasonable medical care. All these duties as  
150 enumerated are subject to the residual rights and responsibilities  
151 of the natural parent(s) or guardian(s) of the child or children.

152 (z) "Status offense" means conduct subject to  
153 adjudication by the youth court that would not be a crime if  
154 committed by an adult.

155 (aa) "Financially able" means a parent or child who is  
156 ineligible for a court-appointed attorney.

157 **SECTION 2.** Section 45-33-23, Mississippi Code of 1972, is  
158 amended as follows:

159 45-33-23. For the purposes of this chapter, the following  
160 words shall have the meanings ascribed herein unless the context  
161 clearly requires otherwise:

162 (a) "Conviction" means that, regarding the person's  
163 offense, there has been a determination or judgment of guilt as a  
164 result of a trial or the entry of a plea of guilty or nolo  
165 contendere regardless of whether adjudication is withheld.

166 "Conviction of similar offenses" includes, but is not limited to,  
167 a conviction by a federal or military tribunal, including a



168 court-martial conducted by the Armed Forces of the United States,  
169 a conviction for an offense committed on an Indian Reservation or  
170 other federal property, a conviction in any state of the United  
171 States, the District of Columbia, the Commonwealth of Puerto Rico,  
172 Guam, American Samoa, the Northern Marianna Islands or the United  
173 States Virgin Islands, and a conviction in a foreign country if  
174 the foreign country's judicial system is such that it satisfies  
175 minimum due process set forth in the guidelines under Section  
176 111(5) (B) Public Law 109-248.

177 (b) "Department" means the Mississippi Department of  
178 Public Safety unless otherwise specified.

179 (c) "Jurisdiction" means any court or locality  
180 including any state court, federal court, military court, Indian  
181 tribunal or foreign court, the fifty (50) states, the District of  
182 Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa,  
183 the Northern Marianna Islands or the United States Virgin Islands,  
184 and Indian tribes that elect to function as registration  
185 jurisdictions under Title 1, SORNA Section 127 of the Adam Walsh  
186 Child Safety Act.

187 (d) "Permanent residence" means a place where the  
188 person abides, lodges, or resides for a period of fourteen (14) or  
189 more consecutive days.

190 (e) "Registration" means providing information to the  
191 appropriate agency within the time frame specified as required by  
192 this chapter.





193           (f) "Registration duties" means obtaining the  
194 registration information required on the form specified by the  
195 department as well as the photograph, fingerprints and biological  
196 sample of the registrant. Biological samples are to be forwarded  
197 to the Mississippi Forensics Laboratory pursuant to Section  
198 45-33-37; the photograph, fingerprints and other registration  
199 information are to be forwarded to the Department of Public Safety  
200 immediately.

201           (g) "Responsible agency" is defined as the person or  
202 government entity whose duty it is to obtain information from a  
203 criminal sex offender upon conviction and to transmit that  
204 information to the Mississippi Department of Public Safety.

205           (i) For a criminal sex offender being released  
206 from the custody of the Department of Corrections, the responsible  
207 agency is the Department of Corrections.

208           (ii) For a criminal sex offender being released  
209 from a county jail, the responsible agency is the sheriff of that  
210 county.

211           (iii) For a criminal sex offender being released  
212 from a municipal jail, the responsible agency is the police  
213 department of that municipality.

214           (iv) For a sex offender in the custody of the  
215 youth court, the responsible agency is the youth court.

216           (v) For a criminal sex offender who is being  
217 placed on probation, including conditional discharge or



218 unconditional discharge, without any sentence of incarceration,  
219 the responsible agency is the sentencing court.

220 (vi) For an offender who has been committed to a  
221 mental institution following an acquittal by reason of insanity,  
222 the responsible agency is the facility from which the offender is  
223 released. Specifically, the director of the facility shall notify  
224 the Department of Public Safety before the offender's release.

225 (vii) For a criminal sex offender who is being  
226 released from a jurisdiction outside this state or who has a prior  
227 conviction in another jurisdiction and who is to reside, work or  
228 attend school in this state, the responsible agency is both the  
229 sheriff of the proposed county of residence and the department.

230 (h) "Sex offense" or "registrable offense" means any of  
231 the following offenses:

232 (i) Section 97-3-53 relating to kidnapping, if the  
233 victim was below the age of eighteen (18);

234 (ii) Section 97-3-65 relating to rape; however,  
235 conviction or adjudication under Section 97-3-65(1) (a) when the  
236 offender was eighteen (18) years of age or younger at the time of  
237 the alleged offense, shall not be a registrable sex offense;

238 (iii) Section 97-3-71 relating to rape and assault  
239 with intent to ravish;

240 (iv) Section 97-3-95 relating to sexual battery;  
241 however, conviction or adjudication under Section 97-3-95(1) (c)  
242 when the offender was eighteen (18) years of age or younger at the



243 time of the alleged offense, shall not be a registrable sex  
244 offense;

245 (v) Section 97-5-5 relating to enticing a child  
246 for concealment, prostitution or marriage;

247 (vi) Section 97-5-23 relating to the touching of a  
248 child, mentally defective or incapacitated person or physically  
249 helpless person for lustful purposes;

250 (vii) Section 97-5-27 relating to the  
251 dissemination of sexually oriented material to children;

252 (viii) Section 97-5-33 relating to the  
253 exploitation of children;

254 (ix) Section 97-5-41 relating to the carnal  
255 knowledge of a stepchild, adopted child or child of a cohabiting  
256 partner;

257 (x) Section 97-29-3 relating to sexual intercourse  
258 between teacher and student;

259 (xi) Section 97-29-59 relating to unnatural  
260 intercourse;

261 (xii) Section 43-47-18 relating to sexual abuse of  
262 a vulnerable person;

263 (xiii) Section 97-3-54.1(1)(c) relating to  
264 procuring sexual servitude of a minor and Section 97-3-54.3  
265 relating to aiding, abetting or conspiring to violate Section  
266 97-3-54.1(1)(c);



267 (xiv) Section 97-29-61(2) relating to voyeurism  
268 when the victim is a child under sixteen (16) years of age;  
269 (xv) Section 97-29-63 relating to filming another  
270 without permission where there is an expectation of privacy;  
271 (xvi) Section 97-29-45(1)(a) relating to obscene  
272 electronic communication;  
273 (xvii) Section 97-3-104 relating to the crime of  
274 sexual activity between law enforcement, correctional or custodial  
275 personnel and prisoners;  
276 (xviii) Section 97-5-39(1)(e) relating to  
277 contributing to the neglect or delinquency of a child, felonious  
278 abuse or battery of a child, if the victim was sexually abused;  
279 (xix) Section 97-29-51 relating to procuring or  
280 promoting prostitution when the victim is a child under eighteen  
281 (18) years of age;  
282 ( \* \* \*xx) Section 97-1-7 relating to attempt to  
283 commit any of the \* \* \* offenses referenced in this paragraph (h);  
284 ( \* \* \*xxi) Any other offense resulting in a  
285 conviction in another jurisdiction which, if committed in this  
286 state, would be deemed to be such a crime without regard to its  
287 designation elsewhere;  
288 ( \* \* \*xxii) Any offense resulting in a conviction  
289 in another jurisdiction for which registration is required in the  
290 jurisdiction where the conviction was had;



291 ( \* \* \*xxiii) Any conviction of conspiracy to  
292 commit, accessory to commission, or attempt to commit any offense  
293 listed in this section;

294 ( \* \* \*xxiv) Capital murder when one (1) of the  
295 above-described offenses is the underlying crime.

296 (i) "Temporary residence" is defined as any place where  
297 the person abides, lodges, or resides for a period of seven (7) or  
298 more consecutive days which is not the person's permanent  
299 residence.

300 **SECTION 3.** Section 97-3-54.1, Mississippi Code of 1972, is  
301 amended as follows:

302 97-3-54.1. (1) (a) A person who coerces, recruits,  
303 entices, harbors, transports, provides or obtains by any means, or  
304 attempts to coerce, recruit, entice, harbor, transport, provide or  
305 obtain by any means, another person, intending or knowing that the  
306 person will be subjected to forced labor or services, or who  
307 benefits, whether financially or by receiving anything of value  
308 from participating in an enterprise that he knows or reasonably  
309 should have known has engaged in such acts, shall be guilty of the  
310 crime of human-trafficking.

311 (b) A person who knowingly purchases the forced labor  
312 or services of a trafficked person or who otherwise knowingly  
313 subjects, or attempts to subject, another person to forced labor  
314 or services or who benefits, whether financially or by receiving  
315 anything of value from participating in an enterprise that he



316 knows or reasonably should have known has engaged in such acts,  
317 shall be guilty of the crime of procuring involuntary servitude.

318 (c) A person who knowingly subjects, or attempts to  
319 subject, or who recruits, entices, harbors, transports, provides  
320 or obtains by any means, or attempts to recruit, entice, harbor,  
321 transport, provide or obtain by any means, a minor, knowing that  
322 the minor will engage in commercial sexual activity, sexually  
323 explicit performance, or the production of sexually oriented  
324 material, or causes or attempts to cause a minor to engage in  
325 commercial sexual activity, sexually explicit performance, or the  
326 production of sexually oriented material, shall be guilty of  
327 procuring sexual servitude of a minor and shall be punished by  
328 commitment to the custody of the Department of Corrections for not  
329 less than five (5) nor more than thirty (30) years, or by a fine  
330 of not less than Fifty Thousand Dollars (\$50,000.00) nor more than  
331 Five Hundred Thousand Dollars (\$500,000.00), or both. It is not a  
332 defense in a prosecution under this section that a minor consented  
333 to engage in the commercial sexual activity, sexually explicit  
334 performance, or the production of sexually oriented material, or  
335 that the defendant reasonably believed that the minor was eighteen  
336 (18) years of age or older.

337 (2) If the victim is not a minor, a person who is convicted  
338 of an offense set forth in subsection (1)(a) or (b) of this  
339 section shall be committed to the custody of the Department of  
340 Corrections for not less than two (2) years nor more than twenty



341 (20) years, or by a fine of not less than Ten Thousand Dollars  
342 (\$10,000.00) nor more than One Hundred Thousand Dollars  
343 (\$100,000.00), or both. If the victim of the offense is a minor,  
344 a person who is convicted of an offense set forth in subsection  
345 (1)(a) or (b) of this section shall be committed to the custody of  
346 the Department of Corrections for not less than five (5) years nor  
347 more than twenty (20) years, or by a fine of not less than Twenty  
348 Thousand Dollars (\$20,000.00) nor more than One Hundred Thousand  
349 Dollars (\$100,000.00), or both.

350 (3) An enterprise may be prosecuted for an offense under  
351 this chapter if:

352 (a) An agent of the enterprise knowingly engages in  
353 conduct that constitutes an offense under this chapter while  
354 acting within the scope of employment and for the benefit of the  
355 entity.

356 (b) An employee of the enterprise engages in conduct  
357 that constitutes an offense under this chapter and the commission  
358 of the offense was part of a pattern of illegal activity for the  
359 benefit of the enterprise, which an agent of the enterprise either  
360 knew was occurring or recklessly disregarded, and the agent failed  
361 to take effective action to stop the illegal activity.

362 (c) It is an affirmative defense to a prosecution of an  
363 enterprise that the enterprise had in place adequate procedures,  
364 including an effective complaint procedure, designed to prevent  
365 persons associated with the enterprise from engaging in the



366 unlawful conduct and to promptly correct any violations of this  
367 chapter.

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

374 (4) In addition to the mandatory reporting provisions  
375 contained in Section 97-5-51, any person who has reasonable cause  
376 to suspect that a minor under the age of eighteen (18) is a  
377 trafficked person shall immediately make a report of the suspected  
378 child abuse or neglect to the Department of Human Services and to  
379 the Statewide Human Trafficking Coordinator. The Department of  
380 Human Services shall then immediately notify the law enforcement  
381 agency in the jurisdiction where the suspected child abuse or  
382 neglect occurred as required in Section 43-21-353, and the  
383 department shall also commence an initial investigation into the  
384 suspected abuse or neglect as required in Section 43-21-353. A  
385 minor who has been identified as a victim of trafficking shall not  
386 be liable for criminal activity in violation of this section.

387 (5) It is an affirmative defense in a prosecution under this  
388 act that the defendant:

389 (a) Is a victim; and





390 (b) Committed the offense under a reasonable  
391 apprehension created by a person that, if the defendant did not  
392 commit the act, the person would inflict serious harm on the  
393 defendant, a member of the defendant's family, or a close  
394 associate.

395 **SECTION 4.** Section 97-3-54.4, Mississippi Code of 1972, is  
396 amended as follows:

397 97-3-54.4. For the purposes of the Mississippi Human  
398 Trafficking Act the following words and phrases shall have the  
399 meanings ascribed herein unless the context clearly requires  
400 otherwise:

401 (a) "Act" or "this act" means the Mississippi Human  
402 Trafficking Act.

403 (b) "Actor" means a person who violates any of the  
404 provisions of Sections 97-3-54 through 97-3-54.4.

405 (c) "Blackmail" means obtaining property or things of  
406 value of another by threatening to (i) inflict bodily injury on  
407 anyone; or (ii) commit any other criminal offense \* \* \*.

408 (d) "Coerce" or "coercion" mean:

409 (i) Causing or threatening to cause bodily harm to  
410 any person, physically restraining or confining any person, or  
411 threatening to physically restrain or confine any person;

412 (ii) Exposing or threatening to expose any fact or  
413 information or disseminating or threatening to disseminate any



414 fact or information that would tend to subject a person to  
415 criminal or immigration proceedings, hatred, contempt or ridicule;

416 (iii) Destroying, concealing, removing,  
417 confiscating or possessing any actual or purported passport or  
418 other immigration document, or any other actual or purported  
419 government identification document of any person;

420 (iv) Providing a controlled substance to a person  
421 for the purpose of compelling the person to engage in labor or  
422 sexual servitude against the person's will;

423 (v) Causing or threatening to cause financial harm  
424 to any person or using financial control over any person;

425 \* \* \*

426 ( \* \* \*vi) Abusing or threatening to abuse a  
427 position of power, the law, or legal process;

428 \* \* \*

429 (vii) Using blackmail;

430 \* \* \*

431 (viii) Using an individual's personal services as  
432 payment or satisfaction of a real or purported debt when: 1. the  
433 reasonable value of the services is not applied toward the  
434 liquidation of the debt; 2. the length of the services is not  
435 limited and the nature of the services is not defined; 3. the  
436 principal amount of the debt does not reasonably reflect the value  
437 of the items or services for which the debt is incurred; or 4. the



438 individual is prevented from acquiring accurate and timely  
439 information about the disposition of the debt; or

440 (ix) Using any scheme, plan or pattern of conduct  
441 intended to cause any person to believe that, if the person did  
442 not perform \* \* \* the labor or services, that the person or  
443 another person would suffer serious harm or physical restraint.

444 ( \* \* \* e) "Commercial sexual activity" means any sex  
445 act on account of which anything of value is given to, promised  
446 to, or received by any person.

447 ( \* \* \* f) "Enterprise" means any individual, sole  
448 proprietorship, partnership, corporation, union or other legal  
449 entity, or any association or group of individuals associated in  
450 fact regardless of whether a legal entity has been formed pursuant  
451 to any state, federal or territorial law. It includes illicit as  
452 well as licit enterprises and governmental as well as other  
453 entities.

454 ( \* \* \* g) "Financial harm" includes, but is not limited  
455 to, extortion as defined by Section 97-3-82, Mississippi Code of  
456 1972, or violation of the usury law as defined by Title 75,  
457 Chapter 17, Mississippi Code of 1972.

458 ( \* \* \* h) "Forced labor or services" means labor or  
459 services that are performed or provided by another person and are  
460 obtained or maintained through \* \* \* coercion.

461 ( \* \* \* i) "Labor" means work of economic or financial  
462 value.



463 ( \* \* \*j) "Maintain" means, in relation to labor or  
464 services, to secure continued performance thereof, regardless of  
465 any initial agreement on the part of the trafficked person to  
466 perform such labor or service.

467 ( \* \* \*k) "Minor" means a person under the age of  
468 eighteen (18) years.

469 ( \* \* \*l) "Obtain" means, in relation to labor or  
470 services, to secure performance thereof.

471 ( \* \* \*m) "Pecuniary damages" means any of the  
472 following:

473 (i) The greater of the gross income or value to  
474 the defendant of the victim's labor or services, including sexual  
475 services, not reduced by the expense the defendant incurred as a  
476 result of maintaining the victim, or the value of the victim's  
477 labor or services calculated under the minimum wage and overtime  
478 provisions of the Fair Labor Standards Act, 29 USCS Section 201 et  
479 seq., whichever is higher;

480 (ii) If it is not possible or in the best interest  
481 of the victim to compute a value under subparagraph (i) of this  
482 paragraph ( \* \* \*m) \* \* \*, the equivalent of the value of the  
483 victim's labor or services if the victim had provided labor or  
484 services that were subject to the minimum wage and overtime  
485 provisions of the Fair Labor Standards Act, 29 USCS 201 et seq.;

486 (iii) Costs and expenses incurred by the victim as  
487 a result of the offense for:



- 488                   1. Medical services;
- 489                   2. Therapy or psychological counseling;
- 490                   3. Temporary housing;
- 491                   4. Transportation;
- 492                   5. Childcare;
- 493                   6. Physical and occupational therapy or
- 494 rehabilitation;
- 495                   7. Funeral, interment, and burial services;
- 496 reasonable attorney's fees and other legal costs; and
- 497                   8. Other expenses incurred by the victim.

498                   ( \* \* \* n) "Serious harm" means harm, whether physical

499 or nonphysical, including psychological, economic or reputational,

500 to an individual that would compel a reasonable person in similar

501 circumstances as the individual to perform or continue to perform

502 labor or services to avoid incurring the harm.

503                   ( \* \* \* o) "Services" means an ongoing relationship

504 between a person and the actor in which the person performs

505 activities under the supervision of or for the benefit of the

506 actor or a third party and includes, without limitation,

507 commercial sexual activity, sexually explicit performances, or the

508 production of sexually explicit materials.

509                   ( \* \* \* p) "Sexually explicit performance" means a live

510 or public act or show intended to arouse or satisfy the sexual

511 desires or appeal to the prurient interests of patrons.



512 ( \* \* \*g) "Trafficked person" means a person subjected  
513 to the practices prohibited by this act regardless of whether a  
514 perpetrator is identified, apprehended, prosecuted or convicted,  
515 and is a term used interchangeably with the terms "victim,"  
516 "victim of trafficking" and "trafficking victim."

517 ( \* \* \*r) "Venture" means any group of two (2) or more  
518 individuals associated in fact, whether or not a legal entity.

519 ( \* \* \*s) "Sexually oriented material" shall have the  
520 meaning ascribed in Section 97-5-27, Mississippi Code of 1972.

521 **SECTION 5.** This act shall take effect and be in force from  
522 and after its passage.

