

By: Senator(s) Watson, Barnett, Blackmon, Blackwell, Branning, Browning, Butler, Carmichael, Carter, Caughman, Chassaniol, Clarke, Dawkins, DeBar, Dearing, Frazier, Gollott, Harkins, Hill, Hopson, Hudson, Jackson (15th), Jackson (11th), Jackson (32nd), Jolly, Jordan, Kirby, McDaniel, Michel, Moran, Parker, Parks, Seymour, Turner-Ford, Whaley, Wilemon, Witherspoon, Younger, Massey

To: Judiciary, Division A

SENATE BILL NO. 2305  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 97-3-54.1, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE PENALTY FOR HUMAN TRAFFICKING OF A MINOR; AND FOR  
3 RELATED PURPOSES.

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

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

7 97-3-54.1. (1) (a) A person who coerces, recruits,  
8 entices, harbors, transports, provides or obtains by any means, or  
9 attempts to coerce, recruit, entice, harbor, transport, provide or  
10 obtain by any means, another person, intending or knowing that the  
11 person will be subjected to forced labor or services, or who  
12 benefits, whether financially or by receiving anything of value  
13 from participating in an enterprise that he knows or reasonably  
14 should have known has engaged in such acts, shall be guilty of the  
15 crime of human-trafficking.

16 (b) A person who knowingly purchases the forced labor  
17 or services of a trafficked person or who otherwise knowingly  
18 subjects, or attempts to subject, another person to forced labor



19 or services or who benefits, whether financially or by receiving  
20 anything of value from participating in an enterprise that he  
21 knows or reasonably should have known has engaged in such acts,  
22 shall be guilty of the crime of procuring involuntary servitude.

23 (c) A person who knowingly subjects, or attempts to  
24 subject, or who recruits, entices, harbors, transports, provides  
25 or obtains by any means, or attempts to recruit, entice, harbor,  
26 transport, provide or obtain by any means, a minor, knowing that  
27 the minor will engage in commercial sexual activity, sexually  
28 explicit performance, or the production of sexually oriented  
29 material, or causes or attempts to cause a minor to engage in  
30 commercial sexual activity, sexually explicit performance, or the  
31 production of sexually oriented material, shall be guilty of  
32 procuring sexual servitude of a minor and shall be punished by  
33 commitment to the custody of the Department of Corrections for not  
34 less than \* \* \* twenty (20) years nor more than \* \* \* life in  
35 prison, or by a fine of not less than Fifty Thousand Dollars  
36 (\$50,000.00) nor more than Five Hundred Thousand Dollars  
37 (\$500,000.00), or both. It is not a defense in a prosecution  
38 under this section that a minor consented to engage in the  
39 commercial sexual activity, sexually explicit performance, or the  
40 production of sexually oriented material, or that the defendant  
41 reasonably believed that the minor was eighteen (18) years of age  
42 or older.



43           (2) If the victim is not a minor, a person who is convicted  
44 of an offense set forth in subsection (1)(a) or (b) of this  
45 section shall be committed to the custody of the Department of  
46 Corrections for not less than two (2) years nor more than twenty  
47 (20) years, or by a fine of not less than Ten Thousand Dollars  
48 (\$10,000.00) nor more than One Hundred Thousand Dollars  
49 (\$100,000.00), or both. If the victim of the offense is a minor,  
50 a person who is convicted of an offense set forth in subsection  
51 (1)(a) or (b) of this section shall be committed to the custody of  
52 the Department of Corrections for not less than \* \* \* twenty (20)  
53 years nor more than \* \* \* life in prison, or by a fine of not less  
54 than Twenty Thousand Dollars (\$20,000.00) nor more than One  
55 Hundred Thousand Dollars (\$100,000.00), or both.

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

58                 (a) An agent of the enterprise knowingly engages in  
59 conduct that constitutes an offense under this chapter while  
60 acting within the scope of employment and for the benefit of the  
61 entity.

62                 (b) An employee of the enterprise engages in conduct  
63 that constitutes an offense under this chapter and the commission  
64 of the offense was part of a pattern of illegal activity for the  
65 benefit of the enterprise, which an agent of the enterprise either  
66 knew was occurring or recklessly disregarded, and the agent failed  
67 to take effective action to stop the illegal activity.



68 (c) It is an affirmative defense to a prosecution of an  
69 enterprise that the enterprise had in place adequate procedures,  
70 including an effective complaint procedure, designed to prevent  
71 persons associated with the enterprise from engaging in the  
72 unlawful conduct and to promptly correct any violations of this  
73 chapter.

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

80 (4) In addition to the mandatory reporting provisions  
81 contained in Sections 43-21-353 and 97-5-51, any person who has  
82 reasonable cause to suspect that a minor under the age of eighteen  
83 (18) is a trafficked person shall immediately make a report of the  
84 suspected child abuse or neglect to the Department of Human  
85 Services and to the Statewide Human Trafficking Coordinator. The  
86 Department of Human Services shall then immediately notify the law  
87 enforcement agency in the jurisdiction where the suspected child  
88 abuse or neglect occurred as required in Section 43-21-353, and  
89 the department shall also commence an initial investigation into  
90 the suspected abuse or neglect as required in Section 43-21-353.  
91 A minor who has been identified as a victim of trafficking shall  
92 not be liable for criminal activity in violation of this section.



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

95 (a) Is a victim; and

96 (b) Committed the offense under a reasonable  
97 apprehension created by a person that, if the defendant did not  
98 commit the act, the person would inflict serious harm on the  
99 defendant, a member of the defendant's family, or a close  
100 associate.

101 **SECTION 2.** This act shall take effect and be in force from  
102 and after July 1, 2019.

