

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2305: Human trafficking; revise penalties and definitions.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

CONFEREES FOR THE SENATE

CONFEREES FOR THE HOUSE

X (SIGNED)
Hopson

X (SIGNED)
Cockerham

X (SIGNED)
DeBar

X (SIGNED)
White

X (SIGNED)
Watson

X (SIGNED)
Ford