

By: Senator(s) Doty

To: Judiciary, Division B

SENATE BILL NO. 2655

1 AN ACT TO AMEND SECTION 97-3-54.4, MISSISSIPPI CODE OF 1972,
2 TO ADD ADDITIONAL CIRCUMSTANCES THAT CONSTITUTE COERCION UNDER THE
3 HUMAN TRAFFICKING LAW; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-3-54.4, Mississippi Code of 1972, is
6 amended as follows:

7 97-3-54.4. For the purposes of the Mississippi Human
8 Trafficking Act the following words and phrases shall have the
9 meanings ascribed herein unless the context clearly requires
10 otherwise:

11 (a) "Act" or "this act" means the Mississippi Human
12 Trafficking Act.

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

15 (c) "Blackmail" means obtaining property or things of
16 value of another by threatening to (i) inflict bodily injury on
17 anyone; or (ii) commit any other criminal offense.

18 (d) "Coerce" or "coercion" means:



19 (i) Causing or threatening to cause bodily harm to
20 any person, physically restraining, abducting or confining any
21 person, or threatening to physically restrain, abduct or confine
22 any person;

23 (ii) Exposing or threatening to expose any fact or
24 information or disseminating or threatening to disseminate any
25 fact or information that would tend to subject a person to
26 criminal or immigration proceedings, hatred, contempt or ridicule;

27 (iii) * * * The actual or threatened destruction,
28 concealment, removal, confiscation or possession of any actual or
29 purported passport or other immigration document, or any other
30 actual or purported government identification document of any
31 person;

32 (iv) Providing a controlled substance to, or
33 withholding or threatening to withhold a controlled substance
34 from, a person for the purpose of compelling the person to engage
35 in labor or sexual servitude against the person's will;

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

38 (vi) Abusing or threatening to abuse a position of
39 power, the law, or legal process;

40 (vii) Using blackmail;

41 (viii) Using an individual's personal services as
42 payment or satisfaction of a real or purported debt when: 1. the
43 reasonable value of the services is not applied toward the



44 liquidation of the debt; 2. the length of the services is not
45 limited and the nature of the services is not defined; 3. the
46 principal amount of the debt does not reasonably reflect the value
47 of the items or services for which the debt is incurred; or 4. the
48 individual is prevented from acquiring accurate and timely
49 information about the disposition of the debt; * * *

50 (ix) Using any scheme, plan or pattern of conduct
51 intended to cause any person to believe that, if the person did
52 not perform the labor or services, that the person or another
53 person would suffer serious harm or physical restraint * * *, or
54 abduction;

55 (x) Extortion as defined in Section 97-3-82(2);

56 (xi) The use of the physical or mental impairment
57 of a vulnerable person, as that term is defined in Section
58 43-47-5; or

59 (xii) Fraud or deception.

60 (e) "Commercial sexual activity" means any sex act on
61 account of which anything of value is given to, promised to, or
62 received by any person.

63 (f) "Enterprise" means any individual, sole
64 proprietorship, partnership, corporation, union or other legal
65 entity, or any association or group of individuals associated in
66 fact regardless of whether a legal entity has been formed pursuant
67 to any state, federal or territorial law. It includes illicit as



68 well as licit enterprises and governmental as well as other
69 entities.

70 (g) "Financial harm" includes, but is not limited to,
71 extortion as defined by Section 97-3-82, Mississippi Code of 1972,
72 or violation of the usury law as defined by Chapter 17, Title
73 75, * * * Mississippi Code of 1972.

74 (h) "Forced labor or services" means labor or services
75 that are performed or provided by another person and are obtained
76 or maintained through coercion.

77 (i) "Labor" means work of economic or financial value.

78 (j) "Maintain" means, in relation to labor or services,
79 to secure continued performance thereof, regardless of any initial
80 agreement on the part of the trafficked person to perform such
81 labor or service.

82 (k) "Minor" means a person under the age of eighteen
83 (18) years.

84 (l) "Obtain" means, in relation to labor or services,
85 to secure performance thereof.

86 (m) "Pecuniary damages" means any of the following:

87 (i) The greater of the gross income or value to
88 the defendant of the victim's labor or services, including sexual
89 services, not reduced by the expense the defendant incurred as a
90 result of maintaining the victim, or the value of the victim's
91 labor or services calculated under the minimum wage and overtime



92 provisions of the Fair Labor Standards Act, 29 USCS Section 201 et
93 seq., whichever is higher;

94 (ii) If it is not possible or in the best interest
95 of the victim to compute a value under subparagraph (i) of this
96 paragraph (m), the equivalent of the value of the victim's labor
97 or services if the victim had provided labor or services that were
98 subject to the minimum wage and overtime provisions of the Fair
99 Labor Standards Act, 29 USCS 201 et seq.;

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

- 102 1. Medical services;
- 103 2. Therapy or psychological counseling;
- 104 3. Temporary housing;
- 105 4. Transportation;
- 106 5. Childcare;
- 107 6. Physical and occupational therapy or
108 rehabilitation;
- 109 7. Funeral, interment, and burial services;
110 reasonable attorney's fees and other legal costs; and
- 111 8. Other expenses incurred by the victim.

112 (n) "Serious harm" means harm, whether physical or
113 nonphysical, including psychological, economic or reputational, to
114 an individual that would compel a reasonable person in similar
115 circumstances as the individual to perform or continue to perform
116 labor or services to avoid incurring the harm.



117 (o) "Services" means an ongoing relationship between a
118 person and the actor in which the person performs activities under
119 the supervision of or for the benefit of the actor or a third
120 party and includes, without limitation, commercial sexual
121 activity, sexually explicit performances, or the production of
122 sexually explicit materials.

123 (p) "Sexually explicit performance" means a live or
124 public act or show intended to arouse or satisfy the sexual
125 desires or appeal to the prurient interests of patrons.

126 (q) "Trafficked person" means a person subjected to the
127 practices prohibited by this act regardless of whether a
128 perpetrator is identified, apprehended, prosecuted or convicted,
129 and is a term used interchangeably with the terms "victim,"
130 "victim of trafficking" and "trafficking victim."

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

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

135 **SECTION 2.** This act shall take effect and be in force from
136 and after July 1, 2020.

