

By: Representatives Cockerham, Felsher

To: Judiciary A

HOUSE BILL NO. 1404

1 AN ACT TO PROVIDE A CIVIL CAUSE OF ACTION FOR ENGAGING IN
2 HUMAN TRAFFICKING OR INTENTIONALLY OR KNOWINGLY BENEFITTING FROM
3 PARTICIPATION IN HUMAN TRAFFICKING; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** For purposes of this act, the following words and
6 phrases shall have the meanings described herein, unless the
7 context clearly requires otherwise:

8 (a) "Enterprise" shall have the meaning ascribed in
9 Section 97-3-54.4.

10 (b) "Human trafficking" means the actions that
11 constitute an offense of human trafficking under Section
12 97-3-54.1, and commercial sexual exploitation of children.

13 (c) "Venture" shall have the meaning ascribed in
14 Section 97-3-54.4, Mississippi Code of 1972.

15 **SECTION 2.** (a) A person who engages in human trafficking or
16 who intentionally or knowingly benefits from participating in a
17 venture or enterprise that traffics another person shall be liable
18 to the person trafficked as provided by this act, for damages



19 arising from the trafficking of the person by the defendant,
20 venture or enterprise.

21 (b) It shall not be a defense to liability under this act
22 that a person has been acquitted, has not been prosecuted or
23 convicted under Section 97-3-54.1, or has been convicted of any
24 other offense, for the conduct that is alleged to give rise to
25 liability under this act.

26 (c) The cause of action created by this section shall be
27 exclusive of any other remedy provided by common law or statute.

28 **SECTION 3.** Any shareholder or member of that entity shall be
29 jointly and severally liable with the entity to the person
30 trafficked for damages arising from the trafficking of that person
31 if the person demonstrates that the shareholder or member caused
32 the entity to be used for the purpose of trafficking that person
33 and did traffic that person for the direct personal benefit of the
34 shareholder or member.

35 **SECTION 4.** (1) A claimant who prevails in a suit under this
36 chapter shall be awarded:

37 (a) Actual damages, including damages for mental
38 anguish even if an injury other than mental anguish is not shown;

39 (b) Court costs; and

40 (c) Reasonable attorney's fees.

41 (d) In addition to an award under subsection (1), a
42 claimant who prevails in a suit under this chapter may recover
43 exemplary damages.



44 **SECTION 5.** A person who engages in human trafficking or who
45 intentionally or knowingly benefits from participating in a
46 venture or enterprise that traffics another person and is found
47 liable under this chapter or other law for any amount of damages
48 arising from the trafficking shall be jointly liable with any
49 other defendant for the entire amount of damages arising from the
50 trafficking.

51 **SECTION 6.** This act shall be liberally construed and applied
52 to promote its underlying purpose to protect persons from human
53 trafficking and provide adequate remedies to victims of human
54 trafficking.

55 **SECTION 7.** This act shall take effect and be in force from
56 and after July 1, 2022.

