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To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2321

1 AN ACT TO CREATE A CIVIL CAUSE OF ACTION FOR ENGAGING IN
2 HUMAN TRAFFICKING OR WILLFULLY, INTENTIONALLY AND KNOWINGLY
3 BENEFITTING FROM PARTICIPATION IN HUMAN TRAFFICKING; TO DEFINE
4 TERMS; TO PROVIDE THAT A DEFENDANT WHO ENGAGES IN HUMAN
5 TRAFFICKING OR WHO WILLFULLY, INTENTIONALLY AND KNOWINGLY BENEFITS
6 FROM PARTICIPATING IN A VENTURE THAT TRAFFICKS ANOTHER PERSON IS
7 LIABLE TO THE PERSON TRAFFICKED FOR DAMAGES PROXIMATELY CAUSED BY
8 THE TRAFFICKING OF THAT PERSON BY THE DEFENDANT OR VENTURE; TO
9 PROVIDE FOR SHAREHOLDER OR MEMBER LIABILITY; TO CLARIFY THAT THE
10 OCCURRENCE OF HUMAN TRAFFICKING ON THE PROPERTY OF ONE NOT ENGAGED
11 IN OR BENEFITTING FROM SUCH HUMAN TRAFFICKING SHALL NOT, IN AND OF
12 ITSELF, SUBJECT THE PROPERTY OWNER TO LIABILITY; AND FOR RELATED
13 PURPOSES.

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

15 **SECTION 1.** For purposes of this act, the following words
16 shall have the meanings ascribed herein unless the context
17 requires otherwise:

18 (a) "Human trafficking" means the actions that
19 constitute an offense under Section 97-3-54.1 or 97-3-54.3.

20 (b) "Venture" means any group of two (2) or more
21 individuals associated in fact, whether or not a legal entity.

22 **SECTION 2.** (1) A defendant who engages in human trafficking
23 or who willfully, intentionally and knowingly benefits from



24 participating in a venture that trafficks another person is liable
25 to the person trafficked, as provided by this act, for damages
26 proximately caused by the trafficking of that person by the
27 defendant or venture.

28 (2) The occurrence of human trafficking on the property of
29 one not engaged in or benefitting from such human trafficking
30 shall not, in and of itself, subject the property owner to
31 liability under this act.

32 (3) It is not a defense to liability under this act that a
33 defendant has been acquitted or has not been prosecuted or
34 convicted under Section 97-3-54.1 or Section 97-3-54.4, or has
35 been convicted of a different offense or of a different type or
36 class of offense, for the conduct that is alleged to give rise to
37 liability under this act.

38 (4) The cause of action created by this section is in
39 addition to any other remedy provided by common law or statute.

40 **SECTION 3.** (1) A claimant who prevails in a suit under this
41 act may be awarded:

42 (a) Compensatory damages, including damages for mental
43 anguish even if an injury other than mental anguish is not shown;

44 (b) Court costs; and

45 (c) Reasonable attorney's fees.

46 (2) In addition to an award under subsection (1) of this
47 section, a claimant who prevails in a suit under this act may



48 recover punitive damages subject to the provisions of Section
49 11-1-65.

50 **SECTION 4.** A person who engages in human trafficking or who
51 willfully, intentionally and knowingly benefits from participating
52 in a venture that trafficks another person and who is found liable
53 under this act for any amount of damages proximately caused by the
54 trafficking is jointly liable with any other defendant found
55 liable under this act for the entire amount of damages proximately
56 caused by the trafficking.

57 **SECTION 5.** This act shall be liberally construed and applied
58 to promote its underlying purpose to protect persons from human
59 trafficking and provide adequate remedies to victims of human
60 trafficking.

61 **SECTION 6.** This act shall take effect and be in force from
62 and after July 1, 2022.

