

By: Senator(s) McCaughn, Boyd

To: Judiciary, Division A

SENATE BILL NO. 2321

1 AN ACT TO CREATE A CIVIL CAUSE OF ACTION FOR ENGAGING IN
 2 HUMAN TRAFFICKING OR INTENTIONALLY AND KNOWINGLY BENEFITTING FROM
 3 PARTICIPATION IN HUMAN TRAFFICKING; TO DEFINE TERMS; TO PROVIDE
 4 THAT A DEFENDANT WHO ENGAGES IN HUMAN TRAFFICKING OR WHO
 5 INTENTIONALLY OR KNOWINGLY BENEFITS FROM PARTICIPATING IN A
 6 VENTURE THAT TRAFFICS ANOTHER PERSON IS LIABLE TO THE PERSON
 7 TRAFFICKED FOR DAMAGES ARISING FROM THE TRAFFICKING OF THAT PERSON
 8 BY THE DEFENDANT OR VENTURE; TO PROVIDE FOR SHAREHOLDER OR MEMBER
 9 LIABILITY; TO PROVIDE FOR JOINT LIABILITY; AND FOR RELATED
 10 PURPOSES.

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

12 **SECTION 1.** For purposes of this act, the following words
 13 shall have the meanings ascribed herein unless the context
 14 requires otherwise:

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

17 (b) "Venture" shall have the meaning defined in Section
 18 97-3-54.4(r).

19 **SECTION 2.** (1) A defendant who engages in human trafficking
 20 or who intentionally or knowingly benefits from participating in a
 21 venture that traffics another person is liable to the person



22 trafficked, as provided by this act, for damages arising from the
23 trafficking of that person by the defendant or venture.

24 (2) It is not a defense to liability under this chapter that
25 a defendant has been acquitted or has not been prosecuted or
26 convicted under Section 97-3-54.1 or Section 97-3-54.4, or has
27 been convicted of a different offense or of a different type or
28 class of offense, for the conduct that is alleged to give rise to
29 liability under this act.

30 (3) The cause of action created by this section is
31 cumulative of any other remedy provided by common law or statute.

32 **SECTION 3.** (1) This act applies to a legal entity governed
33 by Title 79 of the Mississippi Code of 1972.

34 (2) Notwithstanding any provision of Title 79 of the
35 Mississippi Code of 1972, if a legal entity described by
36 subsection (1) of this section is liable under Section 2 of this
37 act, a shareholder or member of that entity is jointly and
38 severally liable with the entity to the person trafficked for
39 damages arising from the trafficking of that person if the person
40 demonstrates that the shareholder or member caused the entity to
41 be used for the purpose of trafficking that person and did traffic
42 that person for the direct personal benefit of the shareholder or
43 member.

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



- 46 (a) Actual damages, including damages for mental
47 anguish even if an injury other than mental anguish is not shown;
48 (b) Court costs; and
49 (c) Reasonable attorney's fees.

50 (2) In addition to an award under subsection (1) of this
51 section, a claimant who prevails in a suit under this chapter may
52 recover punitive damages under Section 11-1-65.

53 **SECTION 5.** A person who engages in human trafficking or who
54 intentionally or knowingly benefits from participating in a
55 venture that traffics another person and is found liable under
56 this act or other law for any amount of damages arising from the
57 trafficking is jointly liable with any other defendant for the
58 entire amount of damages arising from the trafficking.

59 **SECTION 6.** This act shall be liberally construed and applied
60 to promote its underlying purpose to protect persons from human
61 trafficking and provide adequate remedies to victims of human
62 trafficking.

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

