House Amendments to Senate Bill No. 2321

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

- 22 **SECTION 1.** For purposes of this act, the following words
- 23 shall have the meanings ascribed herein unless the context
- 24 requires otherwise:
- 25 (a) "Human trafficking" means the actions that
- 26 constitute an offense under Section 97-3-54.1 or 97-3-54.3.
- (b) "Venture" means any group of two (2) or more
- 28 individuals associated in fact, whether or not a legal entity.
- 29 **SECTION 2.** (1) A defendant who engages in human trafficking
- 30 or who willfully, intentionally and knowingly benefits from
- 31 participating in a venture that trafficks another person is liable
- 32 to the person trafficked, as provided by this act, for damages
- 33 proximately caused by the trafficking of that person by the
- 34 defendant or venture.
- 35 (2) The occurrence of human trafficking on the property of
- 36 one not engaged in or benefitting from such human trafficking
- 37 shall not, in and of itself, subject the property owner to
- 38 liability under this act.

- 39 (3) It is not a defense to liability under this act that a
- 40 defendant has been acquitted or has not been prosecuted or
- 41 convicted under Section 97-3-54.1 or Section 97-3-54.4, or has
- 42 been convicted of a different offense or of a different type or
- 43 class of offense, for the conduct that is alleged to give rise to
- 44 liability under this act.
- 45 (4) The cause of action created by this section is in
- 46 addition to any other remedy provided by common law or statute.
- 47 **SECTION 3.** (1) A claimant who prevails in a suit under this
- 48 act may be awarded:
- 49 (a) Compensatory damages, including damages for mental
- 50 anguish even if an injury other than mental anguish is not shown;
- 51 (b) Court costs; and
- 52 (c) Reasonable attorney's fees.
- 53 (2) In addition to an award under subsection (1) of this
- 54 section, a claimant who prevails in a suit under this act may
- 55 recover punitive damages subject to the provisions of Section
- 56 11-1-65.
- 57 **SECTION 4.** A person who engages in human trafficking or who
- 58 willfully, intentionally and knowingly benefits from participating
- 59 in a venture that trafficks another person and who is found liable
- 60 under this act for any amount of damages proximately caused by the
- 61 trafficking is jointly liable with any other defendant found
- 62 liable under this act for the entire amount of damages proximately
- 63 caused by the trafficking.

- 64 **SECTION 5.** Sections 1 through 5 of this act shall be
- 65 liberally construed and applied to promote its underlying purpose
- 66 to protect persons from human trafficking and provide adequate
- 67 remedies to victims of human trafficking.
- 68 **SECTION 6.** Section 97-29-51, Mississippi Code of 1972, is
- 69 amended as follows:
- 70 97-29-51. (1) (a) A person commits the misdemeanor of
- 71 procuring the services of a prostitute if the person knowingly or
- 72 intentionally pays, or offers or agrees to pay, money or other
- 73 property to another person for having engaged in, or on the
- 74 understanding that the other person will engage in, sexual
- 75 intercourse or sexual conduct with the person or with any other
- 76 person. "Sexual conduct" includes cunnilingus, fellatio,
- 77 masturbation of another, anal intercourse or the causing of
- 78 penetration to any extent and with any object or body part of the
- 79 genital or anal opening of another.
- 80 (b) Upon conviction under this subsection, a person
- 81 shall be punished by a fine not exceeding Two Hundred Dollars
- 82 (\$200.00) or by confinement in the county jail for not more than
- 83 six (6) months, or both. A second or subsequent violation of this
- 84 section shall be a felony, punishable by a fine not exceeding One
- 85 Thousand Dollars (\$1,000.00), or by imprisonment in the custody of
- 86 the Department of Corrections for not more than two (2) years, or
- 87 both.
- 88 (c) However, in all cases, if the person whose services
- 89 are procured in violation of this subsection (1) is a minor under

- 90 eighteen (18) years of age, the person convicted shall be guilty
- 91 of a felony and shall, upon conviction, be punished by
- 92 imprisonment for not less than five (5) years, nor more than
- 93 thirty (30) years, or by a fine of not less than Fifty Thousand
- 94 Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars
- 95 (\$500,000.00), or both.
- 96 (d) Consent of a minor is not a defense to prosecution
- 97 under this subsection (1).
- 98 (2) (a) A person commits the felony of promoting
- 99 prostitution if the person:
- 100 (i) Knowingly or intentionally entices, compels,
- 101 causes, induces, persuades, or encourages by promise, threat,
- 102 violence, or by scheme or device, another person to become a
- 103 prostitute, engage in conduct in violation of Section 97-29-49,
- 104 regardless of whether the other person can be or is arrested for,
- 105 charged with or convicted of the offense of prostitution;
- 106 (ii) Knowingly or intentionally solicits or offers
- 107 or agrees to solicit, or receives or gives, or agrees to receive
- 108 or give any money or thing of value for soliciting, or attempting
- 109 to solicit, another person for the purpose of prostitution;
- 110 (iii) Knowingly induces, persuades, or encourages
- 111 a person to come into or leave this state for the purpose of
- 112 prostitution;
- 113 (iv) Having control over the use of a place or
- 114 vehicle, knowingly or intentionally permits another person to use
- 115 the place or vehicle for prostitution;

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                         Accepts, receives, levies or appropriates
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- 117 money or other property of value from a prostitute, without lawful
- consideration, with knowledge or reasonable cause to know it was 118
- earned, in whole or in part, from prostitution; or 119
- 120 (vi) Conducts, directs, takes, or transports, or
- 121 offers or agrees to take or transport, or aids or assists in
- 122 transporting, any person to any vehicle, conveyance, place,
- 123 structure, or building, or to any other person with knowledge or
- 124 reasonable cause to know that the purpose of such directing,
- taking or transporting is prostitution. 125
- 126 (b) Upon conviction, a person shall be punished by a
- 127 fine not exceeding Five Thousand Dollars (\$5,000.00) or by
- 128 imprisonment in the custody of the Department of Corrections for
- 129 not more than ten (10) years, or both. A second or subsequent
- 130 violation shall be punished by a fine not exceeding Twenty
- 131 Thousand Dollars (\$20,000.00) or by imprisonment in the custody of
- 132 the Department of Corrections for up to twenty (20) years, or
- 133 both.
- 134 However, in all cases, if the person whose services (C)
- 135 are promoted in violation of this subsection (2) is a minor under
- 136 eighteen (18) years of age, the person convicted shall be quilty
- of a felony and shall, upon conviction, be punished by 137
- imprisonment for not less than five (5) years, nor more than 138
- 139 thirty (30) years, or by a fine of not less than Fifty Thousand
- Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars 140
- 141 (\$500,000.00), or both. There is no requirement that the

- defendant have actual knowledge of the age of the person and consent of a minor is not a defense to prosecution under this section.
- If it is determined that a person suspected of or 145 146 charged with promoting prostitution is a trafficked person, as 147 defined by Section 97-3-54.4, that fact shall be considered a mitigating factor in any prosecution of that person for 148 149 prostitution, and the person shall be referred to appropriate 150 resources for assistance. If it is determined that a person 151 suspected of or charged with promoting prostitution is a minor 152 under eighteen (18) years of age who meets the definition of a 153 trafficked person as defined in Section 97-3-54.4, the minor is 154 immune from prosecution for promoting prostitution as a juvenile 155 or adult and provisions of Section 97-3-54.1(4) shall be 156 applicable.
- 157 (4) Any partnership, association, corporation or other 158 entity violating any provision of subsection (2) against the promotion of prostitution shall, upon conviction, be punished by a 159 160 fine not exceeding Fifty Thousand Dollars (\$50,000.00). 161 person whose services are promoted is under eighteen (18) years of 162 age, the partnership, association, corporation or other legal 163 entity convicted shall be punished by a fine not exceeding One 164 Million Dollars (\$1,000,000.00). There is no requirement that the 165 defendant have knowledge of the age of the person. Consent of a 166 minor is not a defense to prosecution under this section.

- 167 (5) Investigation and prosecution of a person, partnership,
- 168 association, corporation or other entity under this section shall
- 169 not preclude investigation or prosecution against that person,
- 170 partnership, association, corporation or other entity for a
- 171 violation of other applicable criminal laws, including, but not
- 172 limited to, the Mississippi Human Trafficking Act, Section 97-3-54
- 173 et seq.
- 174 **SECTION 7.** Section 97-3-54.7, Mississippi Code of 1972, is
- 175 amended as follows:
- 176 97-3-54.7. Forfeiture of assets and disposition of proceeds.
- 177 (1) In addition to any other civil or criminal penalties provided
- 178 by law, any property used in the commission of a violation of this
- 179 act shall be forfeited as provided herein.
- 180 (a) The following property shall be subject to
- 181 forfeiture if used or intended for use as an instrumentality in or
- 182 used in furtherance of a violation of this act:
- 183 (i) Conveyances, including aircraft, vehicles or
- 184 vessels;
- 185 (ii) Books, records, telecommunication equipment,
- 186 or computers;
- 187 (iii) Money or weapons;
- 188 (iv) Everything of value furnished, or intended to
- 189 be furnished, in exchange for an act in violation and all proceeds
- 190 traceable to the exchange;
- 191 (v) Negotiable instruments and securities;

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192 (vi) Any property, real or personal, directly or
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193 indirectly acquired or received in a violation or as an inducement

- 194 to violate;
- 195 (vii) Any property traceable to proceeds from a
- 196 violation; and
- 197 (viii) Any real property, including any right,
- 198 title and interest in the whole of or any part of any lot or tract
- 199 of land used in furtherance of a violation of this act.
- 200 (b) (i) No property used by any person as a common
- 201 carrier in the transaction of business as a common carrier is
- 202 subject to forfeiture under this section unless it appears that
- 203 the owner or other person in charge of the property is a
- 204 consenting party or privy to a violation of this act;
- 205 (ii) No property is subject to forfeiture under
- 206 this section by reason of any act or omission proved by the owner
- 207 thereof to have been committed or omitted without his knowledge or
- 208 consent; if the confiscating authority has reason to believe that
- 209 the property is a leased or rented property, then the confiscating
- 210 authority shall notify the owner of the property within five (5)
- 211 days of the confiscation or within five (5) days of forming reason
- 212 to believe that the property is a leased or rented property;
- 213 (iii) Forfeiture of a property encumbered by a
- 214 bona fide security interest is subject to the interest of the
- 215 secured party if he neither had knowledge of nor consented to the
- 216 act or omission.

- (2) No property shall be forfeited under the provisions of this section, to the extent of the interest of an owner, by reason of any act or omission established by him to have been committed
- 220 or omitted without his knowledge or consent.
- 221 (3) Seizure without process may be made if the seizure is 222 incident to an arrest or a search under a search warrant or an 223 inspection under an administrative inspection warrant.
- (4) (a) When any property is seized under this section,
 proceedings shall be instituted within a reasonable period of time
 from the date of seizure or the subject property shall be
 immediately returned to the party from whom seized.
- 228 A petition for forfeiture shall be filed by the 229 Attorney General or a district attorney in the name of the State 230 of Mississippi, the county, or the municipality, and may be filed 231 in the county in which the seizure is made, the county in which 232 the criminal prosecution is brought, or the county in which the 233 owner of the seized property is found. Forfeiture proceedings may 234 be brought in the circuit court or the county court if a county 235 court exists in the county and the value of the seized property is 236 within the jurisdictional limits of the county court as set forth 237 in Section 9-9-21. A copy of the petition shall be served upon 238 the following persons by service of process in the same manner as
- 240 (i) The owner of the property, if address is 241 known;

in civil cases:

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- 242 (ii) Any secured party who has registered his lien
- 243 or filed a financing statement as provided by law, if the identity
- 244 of the secured party can be ascertained by the entity filing the
- 245 petition by making a good faith effort to ascertain the identity
- 246 of the secured party;
- 247 (iii) Any other bona fide lienholder or secured
- 248 party or other person holding an interest in the property in the
- 249 nature of a security interest of whom the seizing law enforcement
- 250 agency has actual knowledge; and
- 251 (iv) Any person in possession of property subject
- 252 to forfeiture at the time that it was seized.
- 253 (5) If the property is a motor vehicle susceptible of
- 254 titling under the Mississippi Motor Vehicle Title Law and if there
- 255 is any reasonable cause to believe that the vehicle has been
- 256 titled, inquiry of the Department of Revenue shall be made as to
- 257 what the records of the Department of Revenue show as to who is
- 258 the record owner of the vehicle and who, if anyone, holds any lien
- 259 or security interest that affects the vehicle.
- 260 (6) If the property is a motor vehicle and is not titled in
- 261 the State of Mississippi, then an attempt shall be made to
- 262 ascertain the name and address of the person in whose name the
- 263 vehicle is licensed, and if the vehicle is licensed in a state
- 264 which has in effect a certificate of title law, inquiry of the
- 265 appropriate agency of that state shall be made as to what the
- 266 records of the agency show as to who is the record owner of the
- 267 vehicle and who, if anyone, holds any lien, security interest or

- other instrument in the nature of a security device that affects the vehicle.
- 270 If the property is of a nature that a financing 271 statement is required by the laws of this state to be filed to 272 perfect a security interest affecting the property and if there is 273 any reasonable cause to believe that a financing statement 274 covering the security interest has been filed under the laws of 275 this state, inquiry of the appropriate office designated in 276 Section 75-9-501, shall be made as to what the records show as to 277 who is the record owner of the property and who, if anyone, has

filed a financing statement affecting the property.

- 279 If the property is an aircraft or part thereof and if (8) 280 there is any reasonable cause to believe that an instrument in the 281 nature of a security device affects the property, inquiry of the Mississippi Department of Transportation shall be made as to what 282 283 the records of the Federal Aviation Administration show as to who 284 is the record owner of the property and who, if anyone, holds an 285 instrument in the nature of a security device which affects the 286 property.
- 287 (9) If the answer to an inquiry states that the record owner
 288 of the property is any person other than the person who was in
 289 possession of it when it was seized, or states that any person
 290 holds any lien, encumbrance, security interest, other interest in
 291 the nature of a security interest, mortgage or deed of trust that
 292 affects the property, the record owner and also any lienholder,
 293 secured party, other person who holds an interest in the property

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- 294 in the nature of a security interest, or holder of an encumbrance,
- 295 mortgage or deed of trust that affects the property is to be named
- 296 in the petition of forfeiture and is to be served with process in
- 297 the same manner as in civil cases.
- 298 (10) If the owner of the property cannot be found and served
- 299 with a copy of the petition of forfeiture, or if no person was in
- 300 possession of the property subject to forfeiture at the time that
- 301 it was seized and the owner of the property is unknown, there
- 302 shall be filed with the clerk of the court in which the proceeding
- 303 is pending an affidavit to such effect, whereupon the clerk of the
- 304 court shall publish notice of the hearing addressed to "the
- 305 Unknown Owner of ," filling in the blank space with
- 306 a reasonably detailed description of the property subject to
- 307 forfeiture. Service by publication shall contain the other
- 308 requisites prescribed in Section 11-33-41, and shall be served as
- 309 provided in Section 11-33-37, for publication of notice for
- 310 attachments at law.
- 311 (11) No proceedings instituted pursuant to the provisions of
- 312 this section shall proceed to hearing unless the judge conducting
- 313 the hearing is satisfied that this section has been complied with.
- 314 Any answer received from an inquiry required by this section shall
- 315 be introduced into evidence at the hearing.
- 316 (12) (a) An owner of a property that has been seized shall
- 317 file an answer within thirty (30) days after the completion of
- 318 service of process. If an answer is not filed, the court shall
- 319 hear evidence that the property is subject to forfeiture and

320 forfeit the property to the seizing law enforcement agency. If an

321 answer is filed, a time for hearing on forfeiture shall be set

322 within thirty (30) days of filing the answer or at the succeeding

323 term of court if court would not be in session within thirty (30)

324 days after filing the answer. The court may postpone the

325 forfeiture hearing to a date past the time any criminal action is

326 pending against the owner upon request of any party.

- 327 (b) If the owner of the property has filed an answer
- 328 denying that the property is subject to forfeiture, then the
- 329 burden is on the petitioner to prove that the property is subject
- 330 to forfeiture. However, if an answer has not been filed by the
- 331 owner of the property, the petition for forfeiture may be
- 332 introduced into evidence and is prima facie evidence that the
- 333 property is subject to forfeiture. The burden of proof placed
- 334 upon the petitioner in regard to property forfeited under the
- 335 provisions of this chapter shall be by a preponderance of the
- 336 evidence.
- 337 (c) At the hearing any claimant of any right, title or
- 338 interest in the property may prove his lien, encumbrance, security
- 339 interest, other interest in the nature of a security interest,
- 340 mortgage or deed of trust to be bona fide and created without
- 341 knowledge or consent that the property was to be used so as to
- 342 cause the property to be subject to forfeiture.
- 343 (d) If it is found that the property is subject to
- 344 forfeiture, then the judge shall forfeit the property. However,
- 345 if proof at the hearing discloses that the interest of any bona

- 346 fide lienholder, secured party, other person holding an interest
- 347 in the property in the nature of a security interest, or any
- 348 holder of a bona fide encumbrance, mortgage or deed of trust is
- 349 greater than or equal to the present value of the property, the
- 350 court shall order the property released to him. If the interest
- 351 is less than the present value of the property and if the proof
- 352 shows that the property is subject to forfeiture, the court shall
- 353 order the property forfeited.
- 354 (13) Unless otherwise provided herein, all personal property
- 355 which is forfeited under this section shall be liquidated and,
- 356 after deduction of court costs and the expense of liquidation, the
- 357 proceeds shall be divided as follows:
- 358 (a) If only one (1) law enforcement agency participates
- 359 in the underlying criminal case out of which the forfeiture
- arises, fifty percent (50%) of the proceeds shall be forwarded to
- 361 the State Treasurer and deposited in the * * * Victims of Human
- 362 Trafficking and Commercial Sexual Exploitation Fund, and fifty
- 363 percent (50%) shall be deposited and credited to the budget of the
- 364 participating law enforcement agency.
- 365 (b) If more than one (1) law enforcement agency
- 366 participates in the underlying criminal case out of which the
- 367 forfeiture arises, fifty percent (50%) of the proceeds shall be
- 368 forwarded to the State Treasurer and deposited in the * * *
- 369 Victims of Human Trafficking and Commercial Sexual Exploitation
- 370 Fund, twenty-five percent (25%) of the proceeds shall be deposited
- 371 and credited to the budget of the law enforcement agency whose

- 372 officers initiated the criminal case and twenty-five percent (25%)
- 373 shall be divided equitably between or among the other
- 374 participating law enforcement agencies, and shall be deposited and
- 375 credited to the budgets of the participating law enforcement
- 376 agencies. In the event that the other participating law
- 377 enforcement agencies cannot agree on the division of their
- 378 twenty-five percent (25%), a petition shall be filed by any one of
- 379 them in the court in which the civil forfeiture case is brought
- 380 and the court shall make an equitable division.
- 381 (14) All money forfeited under this section shall be
- 382 divided, deposited and credited in the same manner as provided in
- 383 subsection (13).
- 384 (15) All real estate forfeited under the provisions of this
- 385 section shall be sold to the highest and best bidder at a public
- 386 auction for cash, the auction to be conducted by the chief law
- 387 enforcement officer of the initiating law enforcement agency, or
- 388 his designee, at such place, on such notice and in accordance with
- 389 the same procedure, as far as practicable, as is required in the
- 390 case of sales of land under execution at law. The proceeds of the
- 391 sale shall first be applied to the cost and expense in
- 392 administering and conducting the sale, then to the satisfaction of
- 393 all mortgages, deeds of trust, liens and encumbrances of record on
- 394 the property. The remaining proceeds shall be divided, forwarded
- 395 and deposited in the same manner as provided in subsection (13).
- 396 (16) (a) Any county or municipal law enforcement agency may
- 397 maintain, repair, use and operate for official purposes all

398 property described in subsection (1)(a)(i) of this section that 399 has been forfeited to the agency if it is free from any interest 400 of a bona fide lienholder, secured party or other party who holds 401 an interest in the property in the nature of a security interest. 402 The county or municipal law enforcement agency may purchase the 403 interest of a bona fide lienholder, secured party or other party 404 who holds an interest so that the property can be released for its 405 If the property is a motor vehicle susceptible of titling 406 under the Mississippi Motor Vehicle Title Law, the law enforcement 407 agency shall be deemed to be the purchaser, and the certificate of 408 title shall be issued to it as required by subsection (9) of this

- 410 (b) (i) If a vehicle is forfeited to or transferred to 411 a sheriff's department, then the sheriff may transfer the vehicle 412 to the county for official or governmental use as the board of 413 supervisors may direct.
- (ii) If a vehicle is forfeited to or transferred to a police department, then the police chief may transfer the vehicle to the municipality for official or governmental use as the governing authority of the municipality may direct.
- 418 (c) If a motor vehicle forfeited to a county or
 419 municipal law enforcement agency becomes obsolete or is no longer
 420 needed for official or governmental purposes, it may be disposed
 421 of in accordance with Section 19-7-5 or in the manner provided by
 422 law for disposing of municipal property.

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section.

- 423 (17) The forfeiture procedure set forth in this section is
- 424 the sole remedy of any claimant, and no court shall have
- 425 jurisdiction to interfere therewith by replevin, injunction,
- 426 supersedeas or in any other manner.
- 427 **SECTION 8.** Section 97-3-54.9, Mississippi Code of 1972, is
- 428 amended as follows:
- 429 97-3-54.9. Statewide Human Trafficking Coordinator; duties.
- 430 (1) There is created the position of statewide human trafficking
- 431 coordinator within the Mississippi Bureau of Investigation of the
- 432 Department of Public Safety office. The duties of the coordinator
- 433 shall be as follows:
- 434 (a) Coordinate the implementation of this act;
- 435 (b) Evaluate state efforts to combat human trafficking;
- 436 (c) Collect data on human trafficking activity within
- 437 the state on an ongoing basis, including types of activities
- 438 reported, efforts to combat human trafficking, and impact on
- 439 victims and on the state;
- (d) Exclude from publicly released portions of the data
- 441 collected under subsection (1)(c) the identity of any victim and
- 442 the victim's family;
- (e) Promote public awareness about human trafficking,
- 444 remedies and services for victims, and national hotline
- 445 information;
- (f) Create and maintain a website to publicize the
- 447 coordinator's work;

448 (g) Submit to the Legislature an annual report of its

449 evaluation under subsection (1)(b) and any other annual report

450 required by law, including any recommendations, and summary of

451 data collected under subsection (1)(c) and any other data

452 otherwise required by law to be collected by the coordinator;

453 * * *

454 (* * *h) Assist in the creation and operations of

455 local human trafficking task forces or working groups around the

456 state, including serving on a task force or a multidisciplinary

457 child protection team;

458 (* * *i) Conduct other activities, including, but not

459 limited to, applying for grants to enhance investigation and

460 prosecution of trafficking offenses or to improve victim services

461 to combat human trafficking within this state which are

462 appropriate; and

463 (* * *j) Perform any other duties specifically

464 required by law for the coordinator.

465 (2) The coordinator shall be authorized to seek input and

assistance from state agencies, nongovernmental agencies, service

providers and other individuals in the performance of the

468 foregoing duties.

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469 (3) Each state agency, board and commission shall be

470 required to fully cooperate with the coordinator in the

471 performance of the duties of that position.

472 (4) Every investigation of an offense under this chapter

473 shall be reported to the coordinator by the initiating law

- 474 enforcement agency pursuant to quidelines established by the 475 coordinator.
- 476 Notwithstanding the provisions of Section 43-21-261,
- 477 disclosure by any state agency, nongovernmental agency, service
- 478 provider or local or state law enforcement agency of
- 479 nonidentifying information regarding a minor victim to the
- coordinator for the purposes of evaluating and collecting data 480
- 481 regarding trafficking offenses in the state is specifically
- 482 authorized.
- SECTION 9. Section 97-3-54.8, Mississippi Code of 1972, which 483
- 484 provides for the Victims of Human Trafficking Fund, is repealed.
- 485 SECTION 10. This act shall take effect and be in force from
- 486 and after July 1, 2022, and shall stand repealed on June 30, 2022.

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

1 AN ACT TO CREATE A CIVIL CAUSE OF ACTION FOR ENGAGING IN HUMAN TRAFFICKING OR WILLFULLY, INTENTIONALLY AND KNOWINGLY 2

BENEFITTING FROM PARTICIPATION IN HUMAN TRAFFICKING; TO DEFINE 3

4 TERMS; TO PROVIDE THAT A DEFENDANT WHO ENGAGES IN HUMAN

5 TRAFFICKING OR WHO WILLFULLY, INTENTIONALLY AND KNOWINGLY BENEFITS

FROM PARTICIPATING IN A VENTURE THAT TRAFFICKS ANOTHER PERSON IS

- 6 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
- OCCURRENCE OF HUMAN TRAFFICKING ON THE PROPERTY OF ONE NOT ENGAGED 10
- IN OR BENEFITTING FROM SUCH HUMAN TRAFFICKING SHALL NOT, IN AND OF 11
- ITSELF, SUBJECT THE PROPERTY OWNER TO LIABILITY; TO AMEND SECTION 12
- 13 97-29-51, MISSISSIPPI CODE OF 1972, TO CLARIFY THE CRIME OF
- PROMOTION OF PROSTITUTION; TO AMEND SECTION 97-3-54.7, MISSISSIPPI 14
- CODE OF 1972, TO REVISE WHERE THE PROCEEDS OF FORFEITED ASSETS 15
- 16 FROM HUMAN TRAFFICKING ARE DEPOSITED; TO AMEND SECTION 97-3-54.9,
- 17 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO
- REPEAL SECTION 97-3-54.8, MISSISSIPPI CODE OF 1972, WHICH PROVIDES 18
- 19 FOR THE "RELIEF FOR VICTIMS OF HUMAN TRAFFICKING FUND"; AND FOR
- 20 RELATED PURPOSES.

HR12\SB2321A.1J

Andrew Ketchings Clerk of the House of Representatives