

By: Representative Newman

To: Judiciary B

HOUSE BILL NO. 158

1 AN ACT TO CREATE THE "JUSTICE FOR TRAFFICKED MINORS ACT";
2 AMEND SECTION 97-3-54.1, MISSISSIPPI CODE OF 1972, TO INCREASE THE
3 PENALTY FOR HUMAN TRAFFICKING OF A MINOR TO A MANDATORY MINIMUM OF
4 LIFE IMPRISONMENT; TO AMEND SECTION 97-29-51, MISSISSIPPI CODE OF
5 1972, TO INCREASE THE PENALTY FOR PROCUREMENT OF PROSTITUTION OF A
6 MINOR TO A MANDATORY MINIMUM OF LIFE IMPRISONMENT; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** This act shall be known and may be cited as the
10 "Justice for Trafficked Minors Act".

11 **SECTION 2.** Section 97-3-54.1, Mississippi Code of 1972, is
12 amended as follows:

13 97-3-54.1. (1) (a) A person who coerces, recruits,
14 entices, harbors, transports, provides or obtains by any means, or
15 attempts to coerce, recruit, entice, harbor, transport, provide or
16 obtain by any means, another person, intending or knowing that the
17 person will be subjected to forced labor or services, or who
18 benefits, whether financially or by receiving anything of value
19 from participating in an enterprise that he knows or reasonably



20 should have known has engaged in such acts, shall be guilty of the
21 crime of human trafficking.

22 (b) A person who knowingly purchases the forced labor
23 or services of a trafficked person or who otherwise knowingly
24 subjects, or attempts to subject, another person to forced labor
25 or services or who benefits, whether financially or by receiving
26 anything of value from participating in an enterprise that he
27 knows or reasonably should have known has engaged in such acts,
28 shall be guilty of the crime of procuring involuntary servitude.

29 (c) Except as otherwise provided in this section, a
30 person who knowingly subjects, or attempts to subject, or who
31 recruits, entices, harbors, transports, provides or obtains by any
32 means, or attempts to recruit, entice, harbor, transport, provide
33 or obtain by any means, a minor, knowing that the minor will
34 engage in commercial sexual activity, sexually explicit
35 performance, or the production of sexually oriented material, or
36 causes or attempts to cause a minor to engage in commercial sexual
37 activity, sexually explicit performance, or the production of
38 sexually oriented material, shall be guilty of procuring sexual
39 servitude of a minor and shall be punished by commitment to the
40 custody of the Department of Corrections for not less than twenty
41 (20) years nor more than life in prison, * * * by a fine of not
42 less than Fifty Thousand Dollars (\$50,000.00) nor more than Five
43 Hundred Thousand Dollars (\$500,000.00), or both, or life
44 imprisonment as authorized by this paragraph. It is not a defense



in a prosecution under this section that a minor consented to engage in the commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, or that the defendant reasonably believed that the minor was eighteen (18) years of age or older. In any prosecution under this paragraph (c) where the defendant is nineteen (19) years of age or older and the trafficking victim is a minor, the court shall sentence the defendant to a minimum of life imprisonment.

(2) If the victim is not a minor, a person who is convicted of an offense set forth in subsection (1)(a) or (b) of this section shall be committed to the custody of the Department of Corrections for not less than two (2) years nor more than twenty (20) years, or by a fine of not less than Ten Thousand Dollars (\$10,000.00) nor more than One Hundred Thousand Dollars (\$100,000.00), or both. If the victim of the offense is a minor, a person who is convicted of an offense set forth in subsection (1)(a) or (b) of this section shall be committed to the custody of the Department of Corrections for not less than twenty (20) years nor more than life in prison, or by a fine of not less than Twenty Thousand Dollars (\$20,000.00) nor more than One Hundred Thousand Dollars (\$100,000.00), or both.

(3) An enterprise may be prosecuted for an offense under this chapter if:

(a) An agent of the enterprise knowingly engages in conduct that constitutes an offense under this chapter while



70 acting within the scope of employment and for the benefit of the
71 entity.

72 (b) An employee of the enterprise engages in conduct
73 that constitutes an offense under this chapter and the commission
74 of the offense was part of a pattern of illegal activity for the
75 benefit of the enterprise, which an agent of the enterprise either
76 knew was occurring or recklessly disregarded, and the agent failed
77 to take effective action to stop the illegal activity.

78 (c) It is an affirmative defense to a prosecution of an
79 enterprise that the enterprise had in place adequate procedures,
80 including an effective complaint procedure, designed to prevent
81 persons associated with the enterprise from engaging in the
82 unlawful conduct and to promptly correct any violations of this
83 chapter.

84 (d) The court may consider the severity of the
85 enterprise's offense and order penalties, including: (i) a fine
86 of not more than One Million Dollars (\$1,000,000.00); (ii)
87 disgorgement of profit; and (iii) debarment from government
88 contracts. Additionally, the court may order any of the relief
89 provided in Section 97-3-54.7.

90 (4) In addition to the mandatory reporting provisions
91 contained in Sections 43-21-353 and 97-5-51, any person who has
92 reasonable cause to suspect that a minor under the age of eighteen
93 (18) is a trafficked person shall immediately make a report of the
94 suspected child abuse or neglect to the Department of Child



95 Protection Services and to the Statewide Human Trafficking
96 Coordinator. The Department of Child Protection Services or the
97 Statewide Human Trafficking Coordinator, whichever is applicable,
98 shall then immediately notify the law enforcement agency in the
99 jurisdiction where the suspected child abuse, neglect or
100 trafficking occurred as required in Section 43-21-353, and the
101 department that received the report shall also commence an initial
102 investigation into the suspected abuse or neglect as required in
103 Section 43-21-353. The department that received such report shall
104 provide an annual report to the Speaker of the Mississippi House
105 of Representatives, the Lieutenant Governor, the Chairpersons of
106 the House and Senate Judiciary Committees that includes the number
107 of reports received, the number of cases screened in or out, the
108 number of cases in which care and services were provided as a
109 result of the report, and the type of care and services that were
110 provided. A minor who has been identified as a victim of
111 trafficking shall not be liable for criminal activity in violation
112 of this section.

113 (5) It is an affirmative defense in a prosecution under this
114 act that the defendant:

- 115 (a) Is a victim; and
116 (b) Committed the offense under a reasonable
117 apprehension created by a person that, if the defendant did not
118 commit the act, the person would inflict serious harm on the



defendant, a member of the defendant's family, or a close associate.

SECTION 3. Section 97-29-51, Mississippi Code of 1972, is amended as follows:

97-29-51. (1) (a) A person commits the misdemeanor of procuring the services of a prostitute if the person knowingly or intentionally pays, or offers or agrees to pay, money or other property to another person for having engaged in, or on the understanding that the other person will engage in, sexual intercourse or sexual conduct with the person or with any other person. "Sexual conduct" includes cunnilingus, fellatio, masturbation of another, anal intercourse or the causing of penetration to any extent and with any object or body part of the genital or anal opening of another.

(b) Upon conviction under this subsection, a person shall be punished by a fine not exceeding Two Hundred Dollars (\$200.00) or by confinement in the county jail for not more than six (6) months, or both. A second or subsequent violation of this section shall be a felony, punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or both.

(c) * * * Except as otherwise provided in this section, in all cases, if the person whose services are procured in violation of this subsection (1) is a minor under eighteen (18)



144 years of age, the person convicted shall be guilty of a felony and
145 shall, upon conviction, be punished by imprisonment for not less
146 than five (5) years, nor more than thirty (30) years, * * * by a
147 fine of not less than Fifty Thousand Dollars (\$50,000.00) nor more
148 than Five Hundred Thousand Dollars (\$500,000.00), or both, or life
149 imprisonment as authorized by this paragraph (c). In any
150 prosecution under this paragraph where the defendant is nineteen
151 (19) years of age or older and the trafficking victim is a minor,
152 the court shall sentence the defendant to a minimum of life
153 imprisonment.

154 (d) Consent of a minor is not a defense to prosecution
155 under this subsection (1).

156 (2) (a) A person commits the felony of promoting
157 prostitution if the person:

158 (i) Knowingly or intentionally entices, compels,
159 causes, induces, persuades, or encourages by promise, threat,
160 violence, or by scheme or device, another person to become a
161 prostitute, engage in conduct in violation of Section 97-29-49,
162 regardless of whether the other person can be or is arrested for,
163 charged with or convicted of the offense of prostitution;

164 (ii) Knowingly or intentionally solicits or offers
165 or agrees to solicit, or receives or gives, or agrees to receive
166 or give any money or thing of value for soliciting, or attempting
167 to solicit, another person for the purpose of prostitution;



168 (iii) Knowingly induces, persuades, or encourages
169 a person to come into or leave this state for the purpose of
170 prostitution;

171 (iv) Having control over the use of a place or
172 vehicle, knowingly or intentionally permits another person to use
173 the place or vehicle for prostitution;

174 (v) Accepts, receives, levies or appropriates
175 money or other property of value from a prostitute, without lawful
176 consideration, with knowledge or reasonable cause to know it was
177 earned, in whole or in part, from prostitution; or

178 (vi) Conducts, directs, takes, or transports, or
179 offers or agrees to take or transport, or aids or assists in
180 transporting, any person to any vehicle, conveyance, place,
181 structure, or building, or to any other person with knowledge or
182 reasonable cause to know that the purpose of such directing,
183 taking or transporting is prostitution.

184 (b) Upon conviction, a person shall be punished by a
185 fine not exceeding Five Thousand Dollars (\$5,000.00) or by
186 imprisonment in the custody of the Department of Corrections for
187 not more than ten (10) years, or both. A second or subsequent
188 violation shall be punished by a fine not exceeding Twenty
189 Thousand Dollars (\$20,000.00) or by imprisonment in the custody of
190 the Department of Corrections for up to twenty (20) years, or
191 both.



192 (c) However, in all cases, if the person whose services
193 are promoted in violation of this subsection (2) is a minor under
194 eighteen (18) years of age, the person convicted shall be guilty
195 of a felony and shall, upon conviction, be punished by
196 imprisonment for not less than five (5) years, nor more than
197 thirty (30) years, or by a fine of not less than Fifty Thousand
198 Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars
199 (\$500,000.00), or both. There is no requirement that the
200 defendant have actual knowledge of the age of the person, and
201 consent of a minor is not a defense to prosecution under this
202 section.

203 (3) If it is determined that a person suspected of or
204 charged with promoting prostitution is a trafficked person, as
205 defined by Section 97-3-54.4, that fact shall be considered a
206 mitigating factor in any prosecution of that person for
207 prostitution, and the person shall be referred to appropriate
208 resources for assistance. If it is determined that a person
209 suspected of or charged with promoting prostitution is a minor
210 under eighteen (18) years of age who meets the definition of a
211 trafficked person as defined in Section 97-3-54.4, the minor is
212 immune from prosecution for promoting prostitution as a juvenile
213 or adult and provisions of Section 97-3-54.1(4) shall be
214 applicable.

215 (4) Any partnership, association, corporation or other
216 entity violating any provision of subsection (2) against the



217 promotion of prostitution shall, upon conviction, be punished by a
218 fine not exceeding Fifty Thousand Dollars (\$50,000.00). If the
219 person whose services are promoted is under eighteen (18) years of
220 age, the partnership, association, corporation or other legal
221 entity convicted shall be punished by a fine not exceeding One
222 Million Dollars (\$1,000,000.00). There is no requirement that the
223 defendant have knowledge of the age of the person. Consent of a
224 minor is not a defense to prosecution under this section.

225 (5) Investigation and prosecution of a person, partnership,
226 association, corporation or other entity under this section shall
227 not preclude investigation or prosecution against that person,
228 partnership, association, corporation or other entity for a
229 violation of other applicable criminal laws, including, but not
230 limited to, the Mississippi Human Trafficking Act, Section 97-3-54
231 et seq.

232 **SECTION 4.** This act shall take effect and be in force from
233 and after July 1, 2025.

