

By: Senator(s) Tollison, Albritton

To: Judiciary, Division B

SENATE BILL NO. 2951

1 AN ACT TO CREATE THE ANTI-HUMAN TRAFFICKING ACT; TO ENACT
2 DEFINITIONS; TO PROHIBIT TRAFFICKING OF PERSONS FOR FORCED LABOR
3 OR SERVICES, INVOLUNTARY SERVITUDE, SEXUAL SERVITUDE OF A MINOR,
4 AND UNLAWFUL CONDUCT WITH RESPECT TO DOCUMENTS IN FURTHERANCE OF
5 TRAFFICKING OR INVOLUNTARY SERVITUDE, AND TO PROVIDE FOR LIABILITY
6 OF AN ACCOMPLICE IN THOSE ACTS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** For the purposes of this act, the following words
9 and phrases shall have the meanings ascribed herein unless the
10 context clearly requires otherwise:

11 (a) "Actor" means a person who violates any of the
12 provisions of this act.

13 (b) "Extortion" means obtaining property or things of
14 value of another by threatening to (i) inflict bodily injury on
15 anyone; (ii) to commit any other criminal offense; or (iii) expose
16 any secret tending to subject any person to hatred, contempt or
17 ridicule.

18 (c) "Commercial sexual activity" means any sex act on
19 account of which anything of value is given to, promised to, or
20 received by any person.

21 (d) "Debt bondage" means the status or condition of a
22 debtor arising from a pledge by the debtor of his or her personal
23 services or of those of a person under his or her control as a
24 security for debt, if the value of those services as reasonably
25 assessed is not applied toward the liquidation of the debt or the
26 length and nature of those services are not reasonably limited and
27 defined.

28 (e) "Financial harm" includes, but is not limited to,
29 extortion as defined by Section 97-3-82, Mississippi Code of 1972,

30 violation of the usury law as defined by Title 75, Chapter 17,
31 Mississippi Code of 1972, or employment contracts that violate
32 Section 15-3-1, Mississippi Code of 1972.

33 (f) "Forced labor or services" means labor or services,
34 that are performed or provided by another person and are obtained
35 or maintained through an actor:

36 (i) Causing or threatening to cause serious harm
37 to any person;

38 (ii) Physically restraining or threatening to
39 physically restrain any person;

40 (iii) Abusing or threatening to abuse the law or
41 legal process;

42 (iv) Knowingly destroying, concealing, removing,
43 confiscating or possessing any actual or purported passport or
44 other immigration document, or any other actual or purported
45 government identification document, of another person;

46 (v) Using extortion;

47 (vi) Causing or threatening to cause financial
48 harm to any person or using financial control over any person; or

49 (vii) Using any scheme, plan or pattern intended
50 to cause any person to believe that, if the person did not perform
51 such labor or services, that person or another person would suffer
52 serious harm or physical restraint.

53 (g) "Labor" means work of economic or financial value.

54 (h) "Maintain" means, in relation to labor or services,
55 to secure continued performance thereof, regardless of any initial
56 agreement on the part of the trafficked person to perform such
57 labor or service.

58 (i) "Minor" means a person under the age of eighteen
59 (18) years.

60 (j) "Obtain" means, in relation to labor or services,
61 to secure performance thereof.

62 (k) "Services" means an ongoing relationship between a
63 person and the actor in which the person performs activities under
64 the supervision of or for the benefit of the actor or a third
65 party. Commercial sexual activity and sexually explicit
66 performances shall be considered services under this act.

67 (l) "Sexually-explicit performance" means a live or
68 public act or show intended to arouse or satisfy the sexual
69 desires or appeal to the prurient interests of patrons.

70 (m) "Trafficked person" means a person subjected to the
71 practices prohibited by this act and is a term used
72 interchangeably with the terms "victim of trafficking" and
73 "trafficking victim."

74 (n) "Venture" means any group of two (2) or more
75 individuals associated in fact, whether or not a legal entity.

76 (o) "Sexually oriented material" is defined by Section
77 97-5-27, Mississippi Code of 1972.

78 (p) "Human Trafficking" includes, but is not limited
79 to, one or more of the following:

80 (i) To trade or barter individuals for forced
81 labor or services;

82 (ii) Involuntary servitude;

83 (iii) Sexual servitude, or unlawful conduct with
84 respect to documents in furtherance of forced labor or services,
85 involuntary servitude, or sexual conduct.

86 **SECTION 2. Trafficking of Persons for Forced Labor or**

87 **Services.** (1) Whoever knowingly:

88 (a) Recruits, entices, harbors, transports, provides or
89 obtains by any means, or attempts to recruit, entice, harbor,
90 transport, provide or obtain by any means, another person,
91 intending or knowing that the person will be subjected to forced
92 labor or services; or

93 (b) Benefits, whether financially or by receiving
94 anything of value, from participation in a venture that has

95 engaged in an act described in violation of subsection (2) or (3)
96 of this section, shall be committed to the custody of the
97 Department of Corrections for not more than twenty (20) years.

98 (2) **Involuntary Servitude.** Whoever knowingly subjects, or
99 attempts to subject, another person to forced labor or services
100 shall be punished by commitment to the custody of the Department
101 of Corrections for not more than twenty (20) years.

102 (3) **Sexual Servitude of a Minor.** Whoever knowingly
103 subjects, or attempts to subject, or who recruits, entices,
104 harbors, transports, provides or obtains by any means, or attempts
105 to recruit, entice, harbor, transport, provide or obtain by any
106 means, a minor knowing that the minor will engage in commercial
107 sexual activity, sexually-explicit performance, or the production
108 of sexually oriented material or causes or attempts to cause a
109 minor to engage in commercial sexual activity, sexually-explicit
110 performance, or the production of sexually oriented material shall
111 be punished by commitment to the custody of the Department of
112 Corrections as follows:

113 (a) In cases involving a minor between the ages of
114 sixteen (16) and eighteen (18) years, not involving force or
115 threat of force, for not more than twenty (20) years;

116 (b) In cases in which the minor had not attained the
117 age of sixteen (16) years, not involving force or threat of force,
118 for not more than twenty-five (25) years; and

119 (c) In cases in which the violation was sexual
120 servitude of a minor, for not more than thirty (30) years.

121 (4) **Unlawful Conduct with Respect to Documents in**
122 **Furtherance of Trafficking or Involuntary Servitude.** Anyone who
123 knowingly destroys, conceals, removes, confiscates or possesses,
124 or attempts to destroy, conceal, remove, confiscate or possess,
125 any actual or purported passport or other immigration document, or
126 any other actual or purported government identification document,
127 of any person to prevent or restrict or attempt to prevent or

128 restrict, without lawful authority, the person's liberty to move
129 or travel in order to maintain the labor or services of that
130 person, when the person is or has been a victim of a violation set
131 out in subsection (1), (2) or (3) shall be punished by commitment
132 to the custody of the Department of Corrections for not more than
133 five (5) years.

134 (5) **Accomplice liability.** Whoever knowingly aids abets or
135 conspires with one or more persons to violate subsection (1), (2),
136 (3) or (4) of this section shall be punishable in the same manner
137 as for a completed violation of that subsection.

138 **SECTION 3.** This act shall take effect and be in force from
139 and after July 1, 2006.