

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 381

BY: Committee

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

9 **SECTION 1.** Section 97-3-107, Mississippi Code of 1972, is
10 amended as follows:
11 97-3-107. (1) Any person who willfully, maliciously and
12 repeatedly follows or harasses another person, or who makes a
13 credible threat, with the intent to place that person in
14 reasonable fear of death or great bodily injury is guilty of the
15 crime of stalking, and upon conviction thereof shall be punished
16 by imprisonment in the county jail for not more than one (1) year
17 or by a fine of not more than One Thousand Dollars (\$1,000.00), or
18 by both such fine and imprisonment. A violation of this
19 subsection by a person required to register as a sex offender for
20 a sex offense listed in Section 45-33-23, in this state or another
21 jurisdiction, whether state, federal or military, where the victim
22 is under the age of eighteen (18) years, is a felony subject to a
23 fine of Two Thousand Dollars (\$2,000.00) and imprisonment for two
24 (2) years in the State Penitentiary.
25 (2) Any person who violates subsection (1) of this section
26 when there is a valid temporary restraining order, ex parte
27 protective order, protective order after hearing, court approved

28 consent agreement, or an injunction issued by a municipal,
29 justice, county, circuit or chancery court, federal or tribal
30 court or by a foreign court of competent jurisdiction in effect
31 prohibiting the behavior described in subsection (1) of this
32 section against the same party, shall be punishable by
33 imprisonment in the county jail for not more than one (1) year and
34 by a fine of not more than One Thousand Five Hundred Dollars
35 (\$1,500.00). A violation of this subsection by a person required
36 to register as a sex offender for a sex offense listed in Section
37 45-33-23, in this state or another jurisdiction, whether state,
38 federal or military, where the victim is under the age of eighteen
39 (18) years, is a felony subject to a fine of Three Thousand
40 Dollars (\$3,000.00) and imprisonment for two (2) years in the
41 State Penitentiary.

42 (3) A second or subsequent conviction occurring within seven
43 (7) years of a prior conviction under subsection (1) of this
44 section against the same victim, and involving an act of violence
45 or "a credible threat" of violence as defined in subsection (5) of
46 this section, shall be punishable by imprisonment for not more
47 than three (3) years and by a fine of not more than Two Thousand
48 Dollars (\$2,000.00). A second or subsequent conviction under this
49 subsection by a person required to register as a sex offender for
50 a sex offense listed in Section 45-33-23, in this state or another
51 jurisdiction, whether state, federal or military, where the victim
52 is under the age of eighteen (18) years, is punishable by
53 imprisonment for six (6) years in the State Penitentiary and a
54 fine of Four Thousand Dollars (\$4,000.00).

55 (4) For the purposes of this section, "harasses" means a
56 knowing and willful course of conduct directed at a specific
57 person which seriously alarms, annoys, or harasses the person, and
58 which serves no legitimate purpose. The course of conduct must be
59 such as would cause a reasonable person to suffer substantial

60 emotional distress, and must actually cause substantial emotional
61 distress to the person. "Course of conduct" means a pattern of
62 conduct composed of a series of acts over a period of time,
63 however short, evidencing a continuity of purpose.
64 Constitutionally protected activity is not included within the
65 meaning of "course of conduct."

66 (5) For the purposes of this section, "a credible threat"
67 means a threat made with the intent and the apparent ability to
68 carry out the threat so as to cause the person who is the target
69 of the threat to reasonably fear for his or her safety.

70 **SECTION 2.** Sections 2 through 6 of this act may be known and
71 cited as the Mississippi Anti-Human Trafficking Act.

72 **SECTION 3.** (1) (a) A person who recruits, entices,
73 harbors, transports, provides or obtains by any means, or attempts
74 to recruit, entice, harbor, transport, provide or obtain by any
75 means, another person, intending or knowing that the person will
76 be subjected to forced labor or services, shall be guilty of the
77 crime of human-trafficking.

78 (b) A person who knowingly subjects, or attempts to
79 subject, another person to forced labor or services shall be
80 guilty of the crime of procuring involuntary servitude.

81 (c) A person who knowingly subjects, or attempts to
82 subject, or who recruits, entices, harbors, transports, provides
83 or obtains by any means, or attempts to recruit, entice, harbor,
84 transport, provide or obtain by any means, a minor, knowing that
85 the minor will engage in commercial sexual activity,
86 sexually-explicit performance, or the production of sexually
87 oriented material, or causes or attempts to cause a minor to
88 engage in commercial sexual activity, sexually-explicit
89 performance, or the production of sexually oriented material,
90 shall be guilty of procuring sexual servitude of a minor and shall

91 be punished by commitment to the custody of the Department of
92 Corrections as follows:

93 (i) In cases involving a minor who is sixteen (16)
94 or seventeen (17) years of age and not involving forced labor or
95 services, for not more than twenty (20) years;

96 (ii) In cases in which the minor is fifteen (15)
97 years of age or younger and not involving forced labor or
98 services, for not more than twenty-five (25) years; and

99 (iii) In cases involving a minor of any age in
100 which the violation involved forced labor or services, for not
101 more than thirty (30) years.

102 (2) A person who is convicted of an offense set forth in
103 subsection (1)(a) or (b) of this section, or who benefits, whether
104 financially or by receiving anything of value, from participation
105 in a venture that has engaged in an act described in this section,
106 shall be committed to the custody of the Department of Corrections
107 for not more than twenty (20) years.

108 **SECTION 4.** Anyone who knowingly destroys, conceals, removes,
109 confiscates or possesses, or attempts to destroy, conceal, remove,
110 confiscate or possess, any actual or purported passport or other
111 immigration document, or any other actual or purported government
112 identification document of any person to prevent or restrict, or
113 attempt to prevent or restrict, without lawful authority, the
114 person's liberty to move or travel in order to maintain the labor
115 or services of that person, when the person is or has been a
116 victim of a violation set out in Section 3 of this act, shall be
117 punished by commitment to the custody of the Department of
118 Corrections for not more than five (5) years.

119 **SECTION 5.** A person who knowingly aids, abets or conspires
120 with one or more persons to violate Sections 2 through 6 of this
121 act shall be considered a principal in the offense and shall be

122 indicted and punished as such whether the principal has been
123 previously convicted or not.

124 **SECTION 6.** For the purposes of Sections 2 through 6 of this
125 act, the following words and phrases shall have the meanings
126 ascribed herein unless the context clearly requires otherwise:

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

129 (b) "Blackmail" means obtaining property or things of
130 value of another by threatening to (i) inflict bodily injury on
131 anyone; (ii) commit any other criminal offense; or (iii) expose
132 any secret tending to subject any person to hatred, contempt or
133 ridicule.

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

137 (d) "Financial harm" includes, but is not limited to,
138 extortion as defined by Section 97-3-82, Mississippi Code of 1972,
139 or violation of the usury law as defined by Title 75, Chapter 17,
140 Mississippi Code of 1972.

141 (e) "Forced labor or services" means labor or services
142 that are performed or provided by another person and are obtained
143 or maintained through an actor:

144 (i) Causing or threatening to cause serious harm
145 to any person;

146 (ii) Physically restraining or threatening to
147 physically restrain any person;

148 (iii) Abusing or threatening to abuse the law or
149 legal process;

150 (iv) Knowingly destroying, concealing, removing,
151 confiscating or possessing any actual or purported passport or
152 other immigration document, or any other actual or purported
153 government identification document, of another person;

154 (v) Using blackmail;

155 (vi) Causing or threatening to cause financial harm
156 to any person; or

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

161 (f) "Labor" means work of economic or financial value.

162 (g) "Maintain" means, in relation to labor or services,
163 to secure continued performance thereof, regardless of any initial
164 agreement on the part of the trafficked person to perform such
165 labor or service.

166 (h) "Minor" means a person under the age of eighteen
167 (18) years.

168 (i) "Obtain" means, in relation to labor or services,
169 to secure performance thereof.

170 (j) "Services" means an ongoing relationship between a
171 person and the actor in which the person performs activities under
172 the supervision of or for the benefit of the actor or a third
173 party. Commercial sexual activity and sexually-explicit
174 performances shall be considered services under Sections 2 through
175 6 of this act.

176 (k) "Sexually-explicit performance" means a live or
177 public act or show intended to arouse or satisfy the sexual
178 desires or appeal to the prurient interests of patrons.

179 (l) "Trafficked person" means a person subjected to the
180 practices prohibited by this act and is a term used
181 interchangeably with the terms "victim of trafficking" and
182 "trafficking victim."

183 (m) "Venture" means any group of two (2) or more
184 individuals associated in fact, whether or not a legal entity.

185 (n) "Sexually oriented material" shall have the meaning
186 ascribed in Section 97-5-27, Mississippi Code of 1972.

187 **SECTION 7.** Section 1 of this act shall take effect and be in
188 force from and after its passage, and the remainder of this act
189 shall take effect and be in force from and after July 1, 2006.

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

1 AN ACT TO AMEND SECTION 97-3-107, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT CERTAIN STALKING VIOLATIONS BY REGISTERED SEX
3 OFFENDERS SHALL BE FELONIES; TO CREATE THE ANTI-HUMAN TRAFFICKING
4 ACT; TO ENACT DEFINITIONS; TO PROHIBIT TRAFFICKING OF PERSONS FOR
5 FORCED LABOR OR SERVICES, INVOLUNTARY SERVITUDE, SEXUAL SERVITUDE
6 OF A MINOR, AND TO PROVIDE FOR LIABILITY OF AN ACCOMPLICE IN THOSE
7 ACTS; AND FOR RELATED PURPOSES.