

By: Representatives Currie, Crawford, Campbell, Morgan, Bennett, Byrd, Eubanks, Powell, Miles, Bell (65th), Dortch, Banks, Hines, Johnson (94th), Kinkade, Willis

To: Judiciary B

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 553

1 AN ACT TO AMEND SECTION 97-3-54.1, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE PENALTY FOR HUMAN TRAFFICKING; TO DESIGNATING THE  
3 CENTER FOR VIOLENCE PREVENTION AS THE LEAD ORGANIZATION TO  
4 FACILITATE A VICTIM-CENTERED, COLLABORATIVE, STATEWIDE RESPONSE TO  
5 VICTIMS OF HUMAN TRAFFICKING, AS WELL AS MISSING, RUNAWAY, AND  
6 ENDANGERED CHILDREN; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 97-3-54.1, Mississippi Code of 1972, is  
9 amended as follows:

10 97-3-54.1. (1) (a) A person who recruits, entices,  
11 harbors, transports, provides or obtains by any means, or attempts  
12 to recruit, entice, harbor, transport, provide or obtain by any  
13 means, another person, intending or knowing that the person will  
14 be subjected to forced labor or services, or who benefits, whether  
15 financially or by receiving anything of value from participating  
16 in an enterprise that he knows or reasonably should have known has  
17 engaged in such acts, shall be guilty of the crime of  
18 human-trafficking.

19 (b) A person who knowingly purchases the forced labor  
20 or services of a trafficked person or who otherwise knowingly



21 subjects, or attempts to subject, another person to forced labor  
22 or services or who benefits, whether financially or by receiving  
23 anything of value from participating in an enterprise that he  
24 knows or reasonably should have known has engaged in such acts,  
25 shall be guilty of the crime of procuring involuntary servitude.

26 (c) A person who knowingly subjects, or attempts to  
27 subject, or who recruits, entices, harbors, transports, provides  
28 or obtains by any means, or attempts to recruit, entice, harbor,  
29 transport, provide or obtain by any means, a minor, knowing that  
30 the minor will engage in commercial sexual activity, sexually  
31 explicit performance, or the production of sexually oriented  
32 material, or causes or attempts to cause a minor to engage in  
33 commercial sexual activity, sexually explicit performance, or the  
34 production of sexually oriented material, shall be guilty of  
35 procuring sexual servitude of a minor and shall be punished by  
36 commitment to the custody of the Department of Corrections for not  
37 less \* \* \* than thirty (30) years up to life imprisonment, or by a  
38 fine of not less than \* \* \* One Hundred Thousand Dollars  
39 (\$100,000.00) nor more than Five Hundred Thousand Dollars  
40 (\$500,000.00), or both. It is not a defense in a prosecution  
41 under this section that a minor consented to engage in the  
42 commercial sexual activity, sexually explicit performance, or the  
43 production of sexually oriented material, or that the defendant  
44 reasonably believed that the minor was eighteen (18) years of age  
45 or older.



46 (2) If the victim is not a minor, a person who is convicted  
47 of an offense set forth in subsection (1)(a) or (b) of this  
48 section shall be committed to the custody of the Department of  
49 Corrections for not less than \* \* \* twenty-five (25) years \* \* \*  
50 up to life imprisonment, or by a fine of not less than \* \* \* Fifty  
51 Thousand Dollars (\$50,000.00) nor more than \* \* \* Two Hundred  
52 Fifty Thousand Dollars (\$250,000.00), or both. If the victim of  
53 the offense is a minor, a person who is convicted of an offense  
54 set forth in subsection (1)(a) or (b) of this section shall be  
55 committed to the custody of the Department of Corrections for not  
56 less than five (5) years nor more than twenty (20) years, or by a  
57 fine of not less than Twenty Thousand Dollars (\$20,000.00) nor  
58 more than One Hundred Thousand Dollars (\$100,000.00), or both.

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

61 (a) An agent of the enterprise knowingly engages in  
62 conduct that constitutes an offense under this chapter while  
63 acting within the scope of employment and for the benefit of the  
64 entity.

65 (b) An employee of the enterprise engages in conduct  
66 that constitutes an offense under this chapter and the commission  
67 of the offense was part of a pattern of illegal activity for the  
68 benefit of the enterprise, which an agent of the enterprise either  
69 knew was occurring or recklessly disregarded, and the agent failed  
70 to take effective action to stop the illegal activity.



71 (c) It is an affirmative defense to a prosecution of an  
72 enterprise that the enterprise had in place adequate procedures,  
73 including an effective complaint procedure, designed to prevent  
74 persons associated with the enterprise from engaging in the  
75 unlawful conduct and to promptly correct any violations of this  
76 chapter.

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

83 (4) In addition to the mandatory reporting provisions  
84 contained in Section 97-5-51, any person who has reasonable cause  
85 to suspect a minor under the age of eighteen (18) is a trafficked  
86 person shall immediately make a report of the suspected child  
87 abuse or neglect to the Department of Human Services and to the  
88 Statewide Human Trafficking Coordinator. The Department of Human  
89 Services shall then immediately notify the law enforcement agency  
90 in the jurisdiction where the suspected child abuse or neglect  
91 occurred as required in Section 43-21-353, and the department  
92 shall also commence an initial investigation into the suspected  
93 abuse or neglect as required in Section 43-21-353. A minor who  
94 has been identified as a victim of trafficking shall not be liable  
95 for criminal activity in violation of this section.



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

98 (a) Is a victim; and

99 (b) Committed the offense under a reasonable  
100 apprehension created by a person that, if the defendant did not  
101 commit the act, the person would inflict serious harm on the  
102 defendant, a member of the defendant's family, or a close  
103 associate.

104 (6) Any person who violates the provisions of this act shall  
105 be subject to forfeiture of assets as provided in Section  
106 97-3-54.7.

107 **SECTION 2.** (1) The Center for Violence Prevention shall  
108 facilitate a victim-centered, collaborative, statewide response to  
109 victims of human trafficking, as well as missing, runaway, and  
110 endangered children.

111 (2) Responsibilities of the Center for Violence Prevention  
112 will include:

113 (a) Implementing a coordinated and comprehensive plan  
114 to provide human trafficking victims with necessary services,  
115 including emergency screening, therapeutic intervention,  
116 trauma-informed advocacy and case management, and placement  
117 recommendations;

118 (b) Assisting in missing, runaway, and endangered  
119 children cases;



120 (c) Providing emergency shelter for adult and child  
121 victims of human trafficking;

122 (d) Establishing and implementing regional rapid  
123 response teams, which shall include members of law enforcement,  
124 sexual assault nurse examiners, and victim advocates to assess,  
125 investigate, and screen for health and forensic evidence;

126 (e) Overseeing operational law enforcement task forces  
127 consisting of members of local and regional law enforcement,  
128 investigative services, detectives, and other personnel needed for  
129 investigations;

130 (f) Fostering collaboration and coordination among  
131 governmental and nongovernmental agencies and service providers to  
132 improve the state's capacity for identifying victims of human  
133 trafficking and providing safety and services for those victims;

134 (g) Operating a statewide human trafficking hotline;

135 (h) Collecting and evaluating data on human trafficking  
136 in Mississippi and submitting reports to the Legislature as  
137 requested;

138 (i) Conducting other appropriate activities; and

139 (j) Seeking funding, including grants, subject to the  
140 availability of funds.

141 **SECTION 3.** This act shall take effect and be in force from  
142 and after July 1, 2016.

