

**Pending
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 553

BY: Committee

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

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

9 97-3-54.1. (1) (a) A person who recruits, entices,
10 harbors, transports, provides or obtains by any means, or attempts
11 to recruit, entice, harbor, transport, provide or obtain by any
12 means, another person, intending or knowing that the person will
13 be subjected to forced labor or services, or who benefits, whether
14 financially or by receiving anything of value from participating
15 in an enterprise that he knows or reasonably should have known has



16 engaged in such acts, shall be guilty of the crime of human
17 trafficking.

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

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



41 commercial sexual activity, sexually explicit performance, or the
42 production of sexually oriented material, or that the defendant
43 reasonably believed that the minor was eighteen (18) years of age
44 or older.

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

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

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

64 (b) An employee of the enterprise engages in conduct
65 that constitutes an offense under this chapter and the commission



66 of the offense was part of a pattern of illegal activity for the
67 benefit of the enterprise, which an agent of the enterprise either
68 knew was occurring or recklessly disregarded, and the agent failed
69 to take effective action to stop the illegal activity.

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

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

82 (4) In addition to the mandatory reporting provisions
83 contained in Section 97-5-51, any person who has reasonable cause
84 to suspect a minor under the age of eighteen (18) is a trafficked
85 person shall immediately make a report of the suspected child
86 abuse or neglect to the Department of Human Services and to the
87 Statewide Human Trafficking Coordinator. The Department of Human
88 Services shall then immediately notify the law enforcement agency
89 in the jurisdiction where the suspected child abuse or neglect
90 occurred as required in Section 43-21-353, and the department



91 shall also commence an initial investigation into the suspected
92 abuse or neglect as required in Section 43-21-353. A minor who
93 has been identified as a victim of trafficking shall not be liable
94 for criminal activity in violation of this section.

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

97 (a) Is a victim; and

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

103 **SECTION 2.** (1) Through collaboration and coordination with
104 governmental and nongovernmental agencies and service providers to
105 improve the state's capacity for identifying victims of human
106 trafficking and providing safety and services for those victims,
107 the Center for Violence Prevention shall facilitate a
108 victim-centered, collaborative, statewide response to victims of
109 human trafficking, as well as missing, runaway and endangered
110 children.

111 (2) Subject to the availability of funds, responsibilities
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) Collaborating with law enforcement and government
119 agencies to assist in missing, runaway, and endangered children
120 cases;

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

123 (d) In collaboration with law enforcement and other
124 pertinent governmental and nongovernmental agencies, facilitating
125 the establishment and implementation of regional rapid-response
126 teams, which shall include members of law enforcement,
127 sexual-assault nurse examiners, and victim advocates to assess,
128 investigate, and screen for health and forensic evidence. The
129 teams shall be structured in such a way as not to impede ongoing
130 law enforcement investigation and shall not be deemed to replace
131 or interfere with the duties of other statutorily created
132 multidisciplinary teams;

133 (e) Collaborating with members of local and regional
134 law enforcement, investigative services, detectives and other
135 personnel needed for investigations;

136 (f) Operating a statewide human trafficking hotline;

137 (g) Collecting and evaluating data on human trafficking
138 in Mississippi and submitting reports regarding approved
139 benchmarks to the Legislature, the Governor's Office and the
140 Department of Mental Health as requested;



141 (h) Conducting other appropriate activities associated
142 with human trafficking investigation and response such as mental
143 health counseling, substance abuse treatment, and other needed
144 treatment for victims, to the extent that such activities do not
145 impede or interfere with the statutory duties of other
146 governmental and nongovernmental agencies; and

147 (i) Seeking funding, including grants, subject to the
148 availability of funds. This paragraph (i) shall not be construed
149 to affect the authority of any other governmental or
150 nongovernmental agency to seek funding for activities pertaining
151 to human trafficking and missing, runaway and endangered children.

152 **SECTION 3.** Section 1 of this act shall take effect and be in
153 force from and after July 1, 2016, and the remainder of this act
154 shall take effect and be in force from and after its passage.

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

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

