

HB80 INTRODUCED



1 HB80
2 WM679EE-1
3 By Representative Brown
4 RFD: Judiciary
5 First Read: 04-Feb-25
6 PFD: 06-Jan-25



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SYNOPSIS:

Under existing law, human trafficking in the first degree is a crime committed when a person: (i) subjects an individual to labor servitude or sexual servitude, (ii) when a person obtains, recruits, solicits, induces, threatens, restrains, transports, or provides a minor for the purpose of causing the minor to engage in sexual servitude, or (iii) knowingly gives monetary consideration to engage in any sexual conduct with a minor. Human trafficking in the first degree is a Class A felony.

Under existing law, human trafficking in the second degree is a crime committed when a person: (i) knowingly benefits from participation in a venture or engagement for the purpose of sexual servitude or labor servitude, (ii) knowingly recruits, entices, solicits, harbors, transports, restrains, or provides another individual for the purpose of labor servitude or sexual servitude; or (iii) obstructs the enforcement of the human trafficking laws. Human trafficking in the second degree is a Class B felony.

This bill would further provide for the crime of human trafficking in the second degree by specifying that the crime is committed by any person who aids another in the commission of a human trafficking



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29 offense, hinders the prosecution of a human trafficking
30 offense, or provides material support or resources in
31 the furtherance of human trafficking.

32 This bill would further provide for restitution
33 awarded to a victim of human trafficking in the first
34 or second degree.

35 Also under existing law, a victim of human
36 trafficking in the first or second degree may file a
37 civil action against a person who trafficked the
38 victim.

39 This bill would also further provide for the
40 award of damages in a civil human trafficking action.

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A BILL

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TO BE ENTITLED

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AN ACT

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47 Relating to human trafficking; to amend Sections
48 13A-6-151, 13A-6-153, 13A-6-155, 13A-6-156, 13A-6-157, and
49 13A-6-158, Code of Alabama 1975, to further provide for the
50 crime of human trafficking; to further provide for an award of
51 restitution; to further provide for civil actions for human
52 trafficking and the award of damages; and to add Section
53 13A-6-157.2 to the Code of Alabama 1975, to further provide
54 for issue preclusion in a civil human trafficking action under
55 certain conditions.

56 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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57 Section 1. Sections 13A-6-151, 13A-6-153, 13A-6-155,
58 13A-6-156, 13A-6-157, and 13A-6-158, Code of Alabama 1975, are
59 amended to read as follows:

60 "§13A-6-151

61 As used in this article, the following terms have the
62 following, or any combination of the following, meanings
63 ascribed to them by this section:

64 (1) AID. Raises, solicits, collects, or provides
65 material support or resources with the intent that such will
66 be used, in whole or in part, to plan, prepare, carry out, or
67 otherwise assist another.

68 ~~(1)~~ (2) COERCE or COERCION. Any of the following:

69 a. Causing or threatening to cause physical injury or
70 mental suffering to any person, physically restraining or
71 confining any person, or threatening to physically restrain or
72 confine any person or otherwise causing the person performing
73 or providing labor or services to believe that the person or
74 another person will suffer physical injury, mental suffering,
75 physical restraint, or confinement.

76 b. Implementing any scheme, plan, or pattern intended
77 to cause a person to believe that failure to perform an act
78 would result in physical injury, mental suffering, or physical
79 restraint of any person.

80 c. Destroying, concealing, removing, confiscating, or
81 withholding from the person or another person, or threatening
82 to destroy, conceal, remove, confiscate, or withhold from the
83 person or another person, the person's or any person's actual
84 or purported government records, immigration documents,



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85 identifying information, or personal or real property.

86 d. Exposing or threatening to expose any fact or
87 information that if revealed would tend to subject a person to
88 criminal prosecution, criminal or immigration proceedings,
89 hatred, contempt, or ridicule.

90 e. Threatening to report the person or another person
91 to immigration officials or to other law enforcement officials
92 or otherwise blackmailing or extorting the person or another
93 person.

94 f. Use or threatened use of a law or legal process,
95 whether administrative, civil, or criminal, in any manner for
96 any purpose for which the law was not designed, in order to
97 exert pressure on another person to cause that person or
98 another person to take some action or refrain from taking some
99 action.

100 g. Controlling a person's access to medications or a
101 controlled substance, as the term is defined in Section
102 20-2-2.

103 h. Rape, sodomy, or any other sex offense pursuant to
104 Section 15-20A-5, or attempted or threatened rape, sodomy, or
105 any other sex offense pursuant to Section 15-20A-5 of any
106 person.

107 ~~(2)~~ (3) DECEPTION. Any of the following:

108 a. Creating or confirming an impression of any existing
109 fact or past event which is false and which the accused knows
110 or believes to be false.

111 b. Exerting financial control over the person or
112 another person by placing the person or another person under



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113 the actor's control as a security or payment of a debt, if the
114 value of the services as reasonably assessed is not applied
115 toward the liquidation of the debt or the length and nature of
116 those services are not respectively limited and defined or the
117 principal amount of the debt does not reasonably reflect the
118 value of the items or services for which debt was incurred or
119 by preventing a person from acquiring information pertinent to
120 the disposition of the debt, referenced in this paragraph.

121 c. Promising benefits or the performance of services
122 that the accused does not intend to be delivered. Evidence of
123 failure to deliver benefits or perform services standing alone
124 shall not be sufficient to authorize a conviction under this
125 article.

126 d. Using any scheme, plan, or pattern, whether overt or
127 subtle, intended to cause any person to believe that, if the
128 person did not perform such labor, services, acts, or
129 performances, the person or another person would suffer
130 physical injury or mental suffering.

131 (4) HINDERS PROSECUTION. Any of the following:

132 a. Harbors or conceals a person whom who the defendant
133 knows or should have known is a trafficking victim or a
134 violinator of this article.

135 b. Warns another individual of an impending arrest or
136 apprehension or otherwise aids the person in avoiding arrest
137 or apprehension from law enforcement.

138 c. Suppresses or conceals any physical evidence that
139 the defendant knows or should have known would aid in the
140 discovery, arrest, or apprehension of a trafficking victim or



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141 a violator of this article.

142 d. Obstructs, interferes with, or prevents the
143 enforcement of this article.

144 ~~(3)~~ (5) LABOR SERVITUDE. Work or service of economic or
145 financial value which is performed or provided by another
146 person and is induced or obtained by coercion or deception.

147 (6) MATERIAL SUPPORT OR RESOURCES. Currency or other
148 financial securities, financial services, instruments of
149 value, lodging, training, safehouses, false documentation or
150 identification, communications equipment, computer equipment
151 or software, facilities, weapons, intoxicating substances,
152 personnel, transportation, or other physical assets. The term
153 does not include the provision of medical attention by a
154 licensed health care provider or religious materials.

155 ~~(4)~~ (7) MENTAL SUFFERING. A high degree of mental pain
156 or emotional disturbances, such as distress, anxiety, public
157 humiliation, or psychosomatic physical symptoms. It is more
158 than mere disappointment, anger, resentment, wounded pride, or
159 embarrassment and must be a direct result of the crime of
160 human trafficking.

161 ~~(5)~~ (8) MINOR. A person under ~~the age of 19~~ years of
162 age.

163 ~~(6)~~ (9) PHYSICAL INJURY. Impairment of physical
164 condition or substantial pain.

165 ~~(7)~~ (10) SEXUAL CONDUCT. Any of the following acts:

166 a. Sexual Intercourse. This term shall have its
167 ordinary meaning and occurs upon a penetration, however
168 slight; emission is not required.



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169 b. Sodomy. As defined under Section 13A-6-60.

170 c. Sexual Contact. As defined under Section 13A-6-60.

171 d. Sexual Torture. As ~~defined~~described under Section
172 13A-6-65.1.

173 e. Sexually Explicit Performances. An act or show
174 intended to arouse, satisfy the sexual desires of, or appeal
175 to the prurient interests of patrons or viewers, whether
176 public or private, live, photographed, recorded, videotaped,
177 or projected over the Internet.

178 f. Commercial Sex Acts. Any sex act on account of which
179 anything of value is given, promised to, or received, directly
180 or indirectly, by any person.

181 ~~(8)~~ (11) SEXUAL SERVITUDE.

182 a. Except as provided in paragraph b., any sexual
183 conduct for which anything of value is directly or indirectly
184 given, promised to, or received by any person, which conduct
185 is induced or obtained by coercion or deception from a person.

186 b. If the sexual conduct is with a minor or with any
187 person who is incapable of consent by reason of being
188 incapacitated, as defined in Section 13A-6-60, no coercion or
189 deception is required.

190 ~~(9)~~ (12) TRAFFICKING VICTIM. Any person, including
191 minors, subjected to labor servitude, sexual servitude, or
192 involuntary servitude."

193 "§13A-6-153

194 (a) A person commits the crime of human trafficking in
195 the second degree if the person knowingly does any of the
196 following:



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197 (1) ~~A person knowingly benefits,~~Benefits financially or
198 ~~by receiving~~receives anything of value, from participation in
199 a venture or engagement for the purpose of sexual servitude or
200 labor servitude.

201 (2) ~~A person knowingly recruits~~Recruits, entices,
202 solicits, induces, harbors, transports, holds, restrains,
203 provides, maintains, subjects, or obtains by any means another
204 ~~person~~individual for the purpose of labor servitude or sexual
205 servitude.

206 (3) Provides aid to another in furtherance of a
207 violation of this article.

208 (4) Provides material support or resources to another
209 in furtherance of a violation of this article.

210 (5) Hinders prosecution of a violation of this article.

211 ~~(3)~~ (b) A corporation, or any other legal entity other
212 than an individual, may be prosecuted for human trafficking in
213 the second degree for an act or omission only if an agent of
214 the corporation or entity performs the conduct which is an
215 element of the crime while acting within the scope of his or
216 her office or employment and on behalf of the corporation or
217 entity, and the commission of the crime was either authorized,
218 requested, commanded, performed, or within the scope of the
219 person's employment on behalf of the corporation or entity or
220 constituted a pattern of conduct that an agent of the
221 corporation or entity knew or should have known was occurring.

222 ~~(4) Any person who obstructs, or attempts to obstruct,~~
223 ~~or in any way interferes with or prevents the enforcement of~~
224 ~~this section shall be guilty of a Class B felony.~~



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225 ~~(b)~~ (c) Human trafficking in the second degree is a
226 Class B felony."

227 "§13A-6-155

228 (a) ~~A person or entity convicted of~~ Upon conviction for
229 any violation of this article, the defendant shall be ordered
230 to pay mandatory restitution to the trafficking victim,
231 ~~prosecutorial, or law enforcement entity, with the.~~ Any
232 proceeds from property forfeited under Section 13A-6-156 shall
233 ~~applied~~ first be applied to payment of restitution.

234 Restitution ~~under this section~~ shall include ~~items~~ all of the
235 following:

236 (1) Any item covered under Article 4A, ~~commencing with~~
237 ~~Section 15-18-65~~ of Chapter 18 of Title 15, ~~and any of the~~
238 ~~following:~~.

239 ~~(1)~~ (2) Costs of medical and psychological treatment,
240 including physical and occupational therapy and
241 rehabilitation, ~~at the court's discretion.~~

242 ~~(2)~~ (3) Costs of necessary transportation, temporary
243 housing, and child care, ~~at the court's discretion.~~

244 ~~(3) Cost of the investigation and prosecution,~~
245 ~~attorney's fees, and other court-related costs such as victim~~
246 ~~advocate fees.~~ (4) Any pecuniary damages or loss to the
247 trafficking victim ordered pursuant to a hearing held as
248 provided in Section 15-18-67.

249 ~~(4)~~ (5) The greater of: a. (i) the value of the human
250 trafficking victim's labor as guaranteed under the minimum
251 wage and overtime provisions of the Fair Labor Standards Act;
252 or ~~b.~~ (ii) the gross income or value to the defendant of the



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253 victim's labor servitude or sexual servitude engaged in by the
254 victim while in the human trafficking situation.

255 ~~(5)~~ (6) Return of a trafficking victim's property, cost
256 of damage to property, or full value of property if destroyed
257 or damaged beyond repair.

258 ~~(6)~~ (7) Expenses incurred by a victim and any household
259 members or other family members in relocating away from the
260 defendant or his or her associates, including, but not limited
261 to, deposits for utilities and telephone service, deposits for
262 rental housing, temporary lodging and food expenses, clothing,
263 and personal items. ~~Expenses incurred pursuant to this section
264 shall be verified by law enforcement to be necessary for the
265 personal safety of the victim or household or family members,
266 or by a mental health treatment provider to be necessary for
267 the emotional well-being of the victim.~~

268 ~~(7)~~ (8) Any and all other losses suffered by the
269 trafficking victim as a result of any violation of this
270 article.

271 (b) For purposes of this section, the return of the
272 trafficking victim to his or her home country or other absence
273 of the trafficking victim from the jurisdiction shall not
274 prevent the trafficking victim from receiving restitution.

275 (c) In addition to restitution ordered under subsection
276 (a), upon petition by the district attorney and approval of
277 the amounts by the court, the court shall order the defendant
278 to pay restitution to the primary investigative and
279 prosecutorial entities for any legitimate cost incurred in the
280 course of the investigation and prosecution."



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281 "§13A-6-156

282 (a) A person who commits the offense of human
283 trafficking in the first degree or human trafficking in the
284 second degree shall forfeit to the State of Alabama any
285 profits or proceeds and any real or personal property or
286 interest in property ~~that he or she has acquired or maintained~~
287 ~~that~~ the sentencing court determines to have been acquired or
288 maintained as a result of or in association with ~~committing~~
289 ~~human trafficking in the first degree or human trafficking in~~
290 ~~the second degree~~ the offense.

291 (b) Any proceeds realized from any assets seized shall
292 ~~first be used to~~ be distributed in the following order of
293 priority:

294 (1) To pay restitution to trafficking victims ~~and~~
295 ~~subsequently to~~.

296 (2) To pay any damages awarded to trafficking victims
297 in a civil action pursuant to Section 13A-6-157. ~~Any remaining~~
298 ~~assets shall go toward~~

299 (3) To pay the cost of the investigation and
300 prosecution ~~and the remaining assets shall~~.

301 (4) To be remitted to ~~funding~~ the Alabama Crime Victims
302 Compensation Fund."

303 "§13A-6-157

304 (a) An individual who is a victim of any human
305 trafficking offense under this article may bring a civil
306 action in the appropriate state court.

307 (b) Venue for any action brought under this section
308 shall be in the county in which the offense was committed or



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309 in any other county into or through which the ~~person upon whom~~
310 ~~it was committed may have been~~victim was carried in the
311 commission of the offense. If venue is proper in more than one
312 county, venue shall be in either county.

313 (c) The court ~~may shall~~ award ~~actual~~all of the
314 following to a prevailing plaintiff:

315 (1) Actual damages, ~~compensatory.~~

316 (2) Compensatory damages, ~~punitive.~~

317 (3) Punitive damages, ~~of not less than three times the~~
318 amount of actual damages.

319 (4) Damages for noneconomic loss, including, but not
320 limited to, damages or loss due to pain, suffering,
321 inconvenience, physical impairment, physical disfigurement,
322 loss of society and companionship, and loss of consortium.

323 (5) Attorney fees, court costs, costs of investigation,
324 and costs of litigation reasonably incurred in the trial and
325 appellate courts.

326 (6) Any injunctive relief, ~~and any or~~ other appropriate
327 relief. ~~A prevailing plaintiff shall also be awarded~~
328 ~~attorney's fees and costs.~~

329 (7) Treble damages shall be awarded on proof of actual
330 damages where defendant's acts were willful and malicious.

331 ~~(d) The court shall award a prevailing plaintiff~~
332 ~~attorney's fees and costs.~~

333 (d) When two or more persons are liable for one or more
334 violations under this article, each person shall be liable
335 jointly and severally for all damages, attorney fees, and
336 other costs awarded under this section.



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337 (e) Upon commencement of any action brought under this
338 section, the clerk of the court shall mail a copy of the
339 complaint or other initial pleading to the office of the
340 Attorney General and, upon entry of any injunction, judgment,
341 or decree in the action, shall mail a copy of the injunction,
342 judgment, or decree to the office of the Attorney General.

343 (f) This section does not preclude any other remedy
344 available to the victim under federal law or the laws of this
345 state."

346 "§13A-6-158

347 (a) (1) Except as provided in subsection (c), an action
348 for an offense defined by this article where the victim is not
349 a minor shall be brought within five years from the date the
350 victim was removed or escaped from the human trafficking
351 situation.

352 (2) Any statute of limitations that would otherwise
353 preclude prosecution for an offense involving the trafficking
354 of a minor, or the physical or sexual abuse of a minor, shall
355 be tolled until such time as the victim has reached ~~the age of~~
356 19 years of age.

357 (3) The running of the statute of limitations shall be
358 suspended where a ~~person~~victim entitled to bring a claim of an
359 offense defined by this article could not have reasonably
360 discovered the crime due to circumstances resulting from the
361 human trafficking situation, such as psychological trauma,
362 cultural and linguistic isolation, and the inability to access
363 services.

364 (b) Any statute of limitation period imposed for the



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365 filing of a civil action under this article will not begin to
366 run until the plaintiff discovers both that the sex trade act
367 occurred and that the defendant caused, was responsible for,
368 or profited from the sex trade act.

369 (1) If the plaintiff is a minor, ~~then~~ the limitation
370 period will not commence running until he or she has reached
371 the age of majority.

372 (2) If the plaintiff is under a disability at the time
373 the cause of action accrues, so that it is impossible or
374 impractical for him or her to bring an action, ~~then~~ the time
375 of the disability is not part of the time limited for the
376 commencement of the action. Disability includes, but is not
377 limited to, insanity, imprisonment, or other incapacity or
378 incompetence.

379 (3) If the plaintiff's injury is caused by two or more
380 acts that are part of a continuing series of sex trade acts by
381 the same defendant, then the limitation period will not
382 commence running until the last sex trade act in the
383 continuing series occurs.

384 (4) If the plaintiff is subject to threats,
385 intimidation, manipulation, or fraud perpetrated by the
386 defendant or by any person acting in the interest of the
387 defendant, then the time when these acts occur will not be
388 part of the time limited for the commencement of this action.

389 (5) If the defendant is subject to criminal prosecution
390 for a violation of this article, the limitations period will
391 not run until the prosecution is concluded.

392 (c) There shall be no limitation period for civil



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393 actions brought under this article by the Attorney General."

394 Section 2. Section 13A-6-157.2 is added to the Code of
395 Alabama 1975, to read as follows:

396 §13A-6-157.2

397 A final judgment or decree rendered in favor of the
398 state in any criminal prosecution under this article shall
399 preclude the defendant from denying the essential facts
400 established in that proceeding in any subsequent civil action
401 against the defendant.

402 Section 3. This act shall become effective on October
403 1, 2025.