

2014 -- H 7612 SUBSTITUTE A

LC004475/SUB A/3

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO CRIMINAL OFFENSES - TRAFFICKING OF PERSONS AND
INVOLUNTARY SERVITUDE

Introduced By: Representatives Messier, Williams, Martin, Serpa, and Ferri

Date Introduced: February 26, 2014

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-67-3 and 11-67-5 of the General Laws in Chapter 11-67
2 entitled "Trafficking of Persons and Involuntary Servitude" are hereby amended to read as
3 follows:

4 **11-67-3. Trafficking of persons for forced labor or commercial sexual activity. – (a)**

5 It shall be unlawful for any person to ~~Whoever~~ knowingly:

6 ~~(a) (1) Recruits, entices, harbors, transports, provides, or obtains~~ Recruit, entice, harbor,
7 transport, provide, or obtain by any means, or ~~attempts~~ attempt to recruit, entice, harbor, transport
8 provide, or obtain by any means, another person, intending or knowing that the person will be
9 subjected to forced labor ~~in order to commit a~~ or commercial sexual activity prohibited by § 11-
10 67-2; or

11 ~~(b) (2) Benefits~~ Benefit, financially or by receiving anything of value, from knowing
12 participation in a venture which has engaged in an act described in violation of section 11-67-2,
13 or 11-67-3;

14 (b) Any person found in violation of subsection (a) of this section is guilty of a felony
15 and upon conviction, is subject to not more than twenty (20) years imprisonment or a fine of not
16 more than twenty thousand dollars (\$20,000), or both; provided, however, that this subsection
17 shall not apply to a "victim" as defined in this chapter.

18 (c) No person shall be charged under this section if his or her conduct falls within § 11-

1 34.1-2 ("prostitution"), unless the person derives a financial benefit from the commercial sexual
2 activity of the victim.

3 (d) No person shall be charged under this section if his or her conduct falls within § 11-
4 34.1-3 ("procurement of sexual conduct for a fee"), unless the person derives a financial benefit
5 from the commercial sexual activity of the victim.

6 **11-67-5. Forfeitures. --** ~~(a) A person who is found in a criminal proceeding to be in~~
7 ~~violation of section 11-67-2 or 11-67-3 shall forfeit to the state of Rhode Island any profits or~~
8 ~~proceeds and any interest or property he or she has acquired or maintained in violation of this act,~~
9 ~~that the sentencing court determines, after a forfeiture hearing, to have been acquired or~~
10 ~~maintained as a result of maintaining a person in involuntary servitude or participating in~~
11 ~~trafficking in persons for forced labor in order to commit a criminal sexual activity.~~

12 ~~(b) The court shall upon petition by the attorney general at any time following~~
13 ~~sentencing, conduct a hearing to determine whether any property or property interest is subject to~~
14 ~~forfeiture under this section. At the forfeiture hearing the state shall have the burden of~~
15 ~~establishing by a preponderance of the evidence that property or property interests are subject to~~
16 ~~forfeiture under this section.~~

17 ~~(c) In any action brought by the state of Rhode Island under this section, wherein any~~
18 ~~restraining order, injunction, or prohibition or any other action in connection with any property or~~
19 ~~interest subject to forfeiture under this section is sought, the court shall first determine whether~~
20 ~~there is probable cause to believe that the person or persons so charged have committed the~~
21 ~~offense of involuntary servitude, involuntary servitude of a minor, or trafficking in persons for~~
22 ~~forced labor or commercial sexual activity and whether the property or property interest is subject~~
23 ~~to forfeiture pursuant to this section.~~

24 ~~(d) All monies forfeited and the sale proceeds of all other property forfeited and seized~~
25 ~~under this section shall be deposited in the general fund. Any proceeds derived directly from a~~
26 violation of this chapter are subject to seizure and forfeiture and further proceedings shall be had
27 for their forfeiture as is prescribed by law in chapter 21 of title 12.

28 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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- 1 This act would make technical amendments to the sections of the "Trafficking of Persons
- 2 and Involuntary Servitude" chapter of the general laws.
- 3 This act would take effect upon passage.

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