

HOUSE BILL NO. 633

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice

on _____)

(Patron Prior to Substitute--Delegate Cherry)

A BILL to amend and reenact §§ 8.01-42.4, 18.2-47, and 18.2-356 of the Code of Virginia, relating to forced labor or service; penalties.

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-42.4, 18.2-47, and 18.2-356 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-42.4. Civil action for trafficking in persons.

A. Any person injured by reason of (i) a violation of subsection B of § 18.2-47 or clause (iii), (iv), or (v) of § 18.2-48; (ii) a violation of § 18.2-348, 18.2-348.1, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, or 18.2-368; or (iii) a felony violation of § 18.2-346.01 may sue therefor and recover compensatory damages, punitive damages, and reasonable attorney fees and costs.

B. No action shall be commenced under this section more than seven years after the later of the date on which such person (i) was no longer subject to the conduct prohibited by subsection B of § 18.2-47 or clause (iii), (iv), or (v) of § 18.2-48 or § 18.2-348, 18.2-348.1, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, or 18.2-368 or under a felony violation of § 18.2-346.01 or (ii) attained 18 years of age.

C. The provisions of this section shall apply whether or not an individual has been charged with or convicted of any of the alleged violations listed in subsection A.

§ 18.2-47. Abduction and kidnapping defined; forced labor; punishment.

A. Any person who, by force, intimidation or deception, and without legal justification or excuse, seizes, takes, transports, detains or secretes another person with the intent to deprive such other person of his personal liberty or to withhold or conceal him from any person, authority or institution lawfully entitled to his charge, shall be deemed guilty of "abduction."

27 B. Any person who, by force, intimidation or deception, and without legal justification or excuse,
28 obtains the labor or services of another person, or seizes, takes, transports, detains or secretes another
29 person or threatens to do so, with the intent to subject him to forced labor or services, shall be deemed
30 guilty of "abduction." For purposes of this subsection, the term "intimidation" shall include destroying,
31 concealing, confiscating, withholding, or threatening to withhold a passport, immigration document, or
32 other governmental identification~~or,~~ threatening to report another as being illegally present in the United
33 States, or threatening to separate another from or to harm a family member.

34 C. The provisions of this section shall not apply to any law-enforcement officer in the performance
35 of his duty. The terms "abduction" and "kidnapping" shall be synonymous in this Code. Except as provided
36 in subsection D, abduction of a minor shall be punished as a Class 2 felony. Abduction for which no
37 punishment is otherwise prescribed shall be punished as a Class 5 felony.

38 D. If an offense under subsection A is committed by the parent or a family or household member,
39 as defined in § 16.1-228, who has been ordered custody or visitation of the person abducted and punishable
40 as contempt of court in any proceeding then pending, the offense shall be a Class 1 misdemeanor in
41 addition to being punishable as contempt of court. However, such offense, if committed by the parent or
42 a family or household member, as defined in § 16.1-228, who has been ordered custody or visitation of
43 the person abducted and punishable as contempt of court in any proceeding then pending and the person
44 abducted is removed from the Commonwealth by the abducting parent or a family or household member,
45 as defined in § 16.1-228, who has been ordered custody or visitation, shall be a Class 6 felony in addition
46 to being punishable as contempt of court.

47 **§ 18.2-356. Receiving money for procuring person; penalties.**

48 Any person who receives any money or other valuable thing for or on account of (i) procuring for
49 or placing in a house of prostitution or elsewhere any person for the purpose of causing such person to
50 engage in unlawful sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus or any act in
51 violation of § 18.2-361, or touching of the unclothed genitals or anus of another person with the intent to
52 sexually arouse or gratify~~or,~~ (ii) causing any person to engage in ~~forced labor or services,~~ concubinage,
53 prostitution, or the manufacture of any obscene material or child pornography; or (iii) causing any person

54 to engage in forced labor or services or providing or obtaining labor or services by any act in violation of
55 subsection B of § 18.2-47 is guilty of a Class 4 felony. Any person who violates clause (i) or (ii) with a
56 person under the age of 18 is guilty of a Class 3 felony.

57 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
58 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
59 **appropriation is _____ for periods of imprisonment in state adult correctional facilities;**
60 **therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia**
61 **Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-**
62 **19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is _____ for**
63 **periods of commitment to the custody of the Department of Juvenile Justice.**

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