

HOUSE BILL NO. 191

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on _____)

(Patron Prior to Substitute—Delegate Convirs-Fowler)

A BILL to amend and reenact § 18.2-361.1 of the Code of Virginia, relating to victims of sex trafficking; minors; immunity to arrest or prosecution for prostitution.

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-361.1 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-361.1. Victims of sex trafficking; affirmative defense; immunity for minors.**

A. For the purposes of this section:

"Qualifying offense" means a charge for a violation of § 18.2-346 or 18.2-347.

"Victim of sex trafficking" means any person charged with a qualifying offense in the Commonwealth who committed such offense as a direct result of being solicited, invited, recruited, encouraged, forced, intimidated, or deceived by another to engage in acts of prostitution or unlawful sexual intercourse for money or its equivalent, as described in § 18.2-346, regardless of whether any other person has been charged or convicted of an offense related to the sex trafficking of such person.

B. It is an affirmative defense to prosecution of a qualifying offense if at the time of the offense leading to such charge, such person was a victim of sex trafficking and (i) was coerced to engage in the offense through the use of force or intimidation or (ii) such offense was committed at the direction of another person other than the individual with whom the person engaged in the acts of prostitution or unlawful sexual intercourse for such money or its equivalent.

C. No minor shall be subject to arrest or prosecution for a qualifying offense. Such minor shall be referred to the local department of social services. No law-enforcement officer acting in good faith shall be found liable for false arrest if it is later determined that the minor arrested was immune from prosecution under this subsection.