

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-361.1 of the Code of Virginia, relating to victims of sex trafficking;*  
3 *minors; immunity to arrest or prosecution for prostitution.*

4 [H 191]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 18.2-361.1 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 18.2-361.1. Victims of sex trafficking; affirmative defense; immunity for minors.**

9 A. For the purposes of this section:

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

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

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

21 C. *No minor shall be subject to arrest or prosecution for a qualifying offense if at the time of the offense*  
22 *leading to such arrest or charge, such minor was a victim of sex trafficking. Such minor shall be referred to*  
23 *the local department of social services for a human trafficking or other assessment pursuant to*  
24 *§ 63.2-1506.1. A law-enforcement officer or the local department of social services may take custody of the*  
25 *minor pursuant to § 63.2-1517. No law-enforcement officer acting in good faith shall be found liable for false*  
26 *arrest if it is later determined that the minor arrested was immune from prosecution under this subsection.*

ENROLLED

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