



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
First Regular Session

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## **HB 2116: human trafficking; civil action; liability**

**Sponsor: Representative Bolick, LD 20**  
**Committee on Criminal Justice Reform**

### **Overview**

Outlines liability of intentionally or knowingly benefiting from participating in a venture that traffics another person.

### **History**

A person commits a class 4 felony if a person knowingly obtains the labor or services of another person by doing any of the following:

- 1) Causing or threatening to cause bodily injury to that person or another person;
- 2) Restraining or threatening to restrain that person or another person without lawful authority and against that person's will; or
- 3) Withholding that person's governmental records, identifying information or other personal property. ([A.R.S. § 13-1306](#)).

A person commits a class 2 felony if a person knowingly traffics another person who is eighteen years of age or older with either of the following:

- 1) The intent to cause the other person to engage in any prostitution or sexually explicit performance by deception, force or coercion; or
- 2) The knowledge that the other person will engage in any prostitution or sexually explicit performance by deception, coercion or force. ([A.R.S. § 13-1307](#)).

### **Provisions**

1. Outlines liability of intentionally or knowingly benefitting from participating in a venture that traffics another person. (Sec. 1)
2. Asserts that a person who knowingly and intentionally engages in or benefits from the trafficking of a person is liable for damages. (Sec. 1)
3. States it is not a defense to liability if the person was acquitted, prosecuted or convicted of a different criminal offense. (Sec. 1)
4. States that a person or entity can be held liable for damages for the trafficking of another person if the trafficked person can prove the person or entity received a direct personal benefit from the action. (Sec. 1)
5. Entitles a person who has been trafficked to be awarded the following:
  - a) Actual damages, including damages for mental distress, even if an injury other than mental distress is not shown;
  - b) Court costs and reasonable attorney fees; and
  - c) Exemplary damages. (Sec. 1)
6. Defines *person*, *traffics another person* and *trafficking of another person*. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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