

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

931V0398

HOUSE BILL NO. 1161

Introduced by: Representatives Haggar (Jenna), Anderson, Bolin, Campbell, Conzet, Craig, Cronin, Ecklund, Feickert, Gosch, Greenfield, Haggar (Don), Heinemann (Leslie), Hickey, Hoffman, Killer, Kirschman, Latterell, Magstadt, Mickelson, Munsterman, Nelson, Olson (Betty), Peterson, Qualm, Rasmussen, Ring, Rounds, Schoenfish, Soli, Stalzer, Steele, Verchio, Werner, Westra, and Wink and Senators Lederman, Begalka, Bradford, Jensen, Jones (Chuck), Kirkeby, Maher, Monroe, Rampelberg, Rave, and Welke

1 FOR AN ACT ENTITLED, An Act to establish a cause of action for wrongful human
2 trafficking.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. A victim of human trafficking pursuant to chapter 22-49, or any federal human
5 trafficking offense, may bring a civil cause of action for wrongful human trafficking against the
6 person who committed the offense for actual and compensatory damages, punitive damages,
7 treble damages, exemplary damages, injunctive relief, and any other appropriate civil relief.

8 In a civil action filed pursuant to this Act, the court shall award a prevailing victim
9 reasonable attorney's fees and court costs.

10 The court may not use contributory negligence to reduce or reapportion the damages
11 awarded to the victim pursuant to this Act.

12 An award pursuant to this Act is not subject to the homestead exemption provided pursuant



1 to § 43-45-3.

2 Section 2. A cause of action filed pursuant to section 1 of this Act must be filed no later than

3 ten years after the later of the date when the victim:

4 (1) Is freed from the human trafficking situation; or

5 (2) Attains eighteen years of age.

6 Section 3. Nothing in this Act precludes any other remedy available to the victim under

7 federal law or the laws of this state.