

HUMAN TRAFFICKING CIVIL ACTION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses a civil action for human trafficking.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ clarifies the requirements for bringing a civil action for human trafficking; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

RENUMBERS AND AMENDS:

78B-3-113, (Renumbered from 77-38-15, as last amended by Laws of Utah 2022, Chapter 430)

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78B-3-113**, which is renumbered from Section 77-38-15 is renumbered and amended to read:

[~~77-38-15~~]. **78B-3-113**. **Right of action for a victim of a human trafficking**



28 **offense.**

29 (1) ~~[A victim of a person that commits any of the following offenses may bring a civil~~
30 ~~action against that person:]~~ As used in this section:

31 (a) "Human trafficking offense" means an offense for:

32 ~~[(a)]~~ (i) human trafficking for labor under Section 76-5-308;

33 ~~[(b)]~~ (ii) human trafficking for sexual exploitation under Section 76-5-308.1;

34 ~~[(c)]~~ (iii) human smuggling under Section 76-5-308.3;

35 ~~[(d)]~~ (iv) human trafficking of a child under Section 76-5-308.5;

36 ~~[(e)]~~ (v) aggravated human trafficking under Section 76-5-310;

37 ~~[(f)]~~ (vi) aggravated human smuggling under Section 76-5-310.1; or

38 ~~[(g)]~~ (vii) benefitting from human trafficking under Section 76-5-309.

39 (b) "Victim" means an individual against whom a human trafficking offense has been
40 committed.

41 (2) A victim has a right of action against a person that committed a human trafficking
42 offense against the victim to recover:

43 (a) ~~[The court may award]~~ actual damages, compensatory damages, punitive damages,
44 injunctive relief, or any other appropriate relief~~[-]~~ for the human trafficking offense; and

45 (b) ~~[The court may award]~~ treble damages on proof of actual damages for the human
46 trafficking offense if the court finds that the person's acts were willful and malicious.

47 ~~[(3) In an action under this section, the court shall award a prevailing victim reasonable~~
48 ~~attorney fees and costs.]~~

49 ~~[(4)]~~ (3) ~~[An action under this section shall be commenced no later than 10 years after~~
50 ~~the later of:]~~ Notwithstanding any other statute of limitation or repose that may be applicable to
51 an action described in this section, a victim may only bring an action described in this section
52 within 10 years after the later of:

53 (a) the day on which the victim was freed from the human trafficking or human
54 smuggling situation;

55 (b) the day on which the victim ~~[attains]~~ reaches 18 years old; or

56 (c) if the victim was unable to bring an action due to a disability, the day on which the
57 victim's disability ends.

58 ~~[(5)]~~ (4) The time period described in Subsection ~~[(4)]~~ (3) is tolled during a period of

59 time when the victim fails to bring an action due to the person:

60 (a) inducing the victim to delay filing the action;

61 (b) preventing the victim from filing the action; or

62 (c) threatening and causing duress upon the victim in order to prevent the victim from
63 filing the action.

64 ~~[(6) The court shall offset damages awarded to the victim under this section by any
65 restitution paid to the victim under Title 77, Chapter 38b, Crime Victims Restitution Act.]~~

66 (5) The court shall credit any restitution paid by the person to the victim as described in
67 Subsection [77-38b-303\(5\)\(b\)](#).

68 (6) The court shall award reasonable attorney fees and costs as described in Subsection
69 [77-38b-303\(7\)](#) in an action brought under this section.

70 ~~[(7) A victim may bring an action described in this section in any court of competent
71 jurisdiction where:]~~

72 (7) (a) Notwithstanding Chapter 3a, Venue for Civil Actions, a victim shall bring an
73 action under this section in the county in which:

74 [(a)] (i) ~~[a violation described in Subsection (1)]~~ the human trafficking offense
75 occurred;

76 [(b)] (ii) the victim resides; or

77 [(c)] (iii) ~~[the person that commits the offense resides or has a place of business]~~ the
78 defendant resides at the commencement of the action.

79 (b) If the defendant is a business organization as defined in Section [78B-3a-101](#), the
80 residence of the business organization is as described in Section [78B-3a-104](#).

81 (8) If the victim is deceased or otherwise unable to represent the victim's own interests
82 ~~[in court]~~ in the action, a legal guardian, family member, representative of the victim, or court
83 appointee may bring an action under this section on behalf of the victim.

84 (9) This section does not preclude any other remedy available to the victim under the
85 laws of this state or under federal law.

86 Section 2. **Effective date.**

87 This bill takes effect on May 1, 2024.