

2014 -- S 2602

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LC004477
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO CRIMINAL OFFENSES - TRAFFICKING OF PERSONS AND
INVOLUNTARY SERVITUDE

Introduced By: Senators Lynch, Goldin, and Gallo

Date Introduced: March 04, 2014

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-67-3 and 11-67-5 of the General Laws in Chapter 11-67
2 entitled "Trafficking of Persons and Involuntary Servitude" are hereby amended to read as
3 follows:

4 **11-67-3. Trafficking of persons for forced labor or commercial sexual activity. --**

5 Whoever knowingly:

6 (a) Recruits, entices, harbors, transports, provides, or obtains by any means, or attempts
7 to recruit, entice, harbor, transport provide, or obtain by any means, another person, intending or
8 knowing that the person will be subjected to forced labor ~~in order to commit~~ or a commercial
9 sexual activity; or

10 (b) Benefits, financially or by receiving anything of value, from knowing participation in
11 a venture which has engaged in an act described in violation of section 11-67-2, or 11-67-3, is
12 guilty of a felony and subject to not more than twenty (20) years imprisonment or a fine of not
13 more than twenty thousand dollars (\$20,000), or both; provided, however, that this subsection
14 shall not apply to a "victim" as defined in this chapter.

15 **11-67-5. Forfeitures. --** ~~(a) A person who is found in a criminal proceeding to be in~~
16 ~~violation of section 11-67-2 or 11-67-3 shall forfeit to the state of Rhode Island any profits or~~
17 ~~proceeds and any interest or property he or she has acquired or maintained in violation of this act,~~
18 ~~that the sentencing court determines, after a forfeiture hearing, to have been acquired or~~

1 ~~maintained as a result of maintaining a person in involuntary servitude or participating in~~
2 ~~trafficking in persons for forced labor in order to commit a criminal sexual activity.~~

3 ~~(b) The court shall upon petition by the attorney general at any time following~~
4 ~~sentencing, conduct a hearing to determine whether any property or property interest is subject to~~
5 ~~forfeiture under this section. At the forfeiture hearing the state shall have the burden of~~
6 ~~establishing by a preponderance of the evidence that property or property interests are subject to~~
7 ~~forfeiture under this section.~~

8 ~~(c) In any action brought by the state of Rhode Island under this section, wherein any~~
9 ~~restraining order, injunction, or prohibition or any other action in connection with any property or~~
10 ~~interest subject to forfeiture under this section is sought, the court shall first determine whether~~
11 ~~there is probable cause to believe that the person or persons so charged have committed the~~
12 ~~offense of involuntary servitude, involuntary servitude of a minor, or trafficking in persons for~~
13 ~~forced labor or commercial sexual activity and whether the property or property interest is subject~~
14 ~~to forfeiture pursuant to this section.~~

15 ~~(d) All monies forfeited and the sale proceeds of all other property forfeited and seized~~
16 ~~under this section shall be deposited in the general fund. Any proceeds derived directly from a~~
17 ~~violation of this chapter are subject to seizure and forfeiture and further proceedings shall be had~~
18 ~~for their forfeiture as is prescribed by law in chapter 21 of title 12.~~

19 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would clarify the criminal offense of human trafficking. This act would also
- 2 revise the procedures governing forfeitures of proceeds seized from human trafficking.
- 3 This act would take effect upon passage.

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