



HOUSE BILL 200

CRIMES AND OFFENSES; DISCOURAGE HUMAN TRAFFICKING; INCREASE PENALTIES; PROVISIONS

Signed into law by Governor Nathan Deal on Tuesday, May 3, 2011, at My Sister's House in the Atlanta Mission.

Key provisions:

- Revises the section of law “Trafficking of persons for labor or sexual servitude”
 - Expands the definition of coercion to include:
 - Both (the threat of and) exposing information—already in the law—and (the threat of and) disseminating information
 - Providing a controlled substance for the purpose of compelling a person to engage in labor or sexual servitude against his/her will
 - Causing financial harm or using financial control
 - Expands the definition of sexual servitude to include performance involving sexually explicit conduct
 - Explicitly excludes the following from factoring into a criminal defense argument:
 - The age of the victim
 - The victim’s sexual history or history of commercial sexual activity
 - The victim’s connection by blood or marriage to the accused or anyone involved in his/her trafficking
 - Increases the minimum sentence from 1 year to 10 years and allows for a fine of up to \$100,000
 - Creates a new penalty for cases involving the trafficking of minors using coercion or deception: 25 to 50 years or life in prison and/or a fine of up to \$100,000
 - Provides for the forfeiture to the state of all property used in or derived from a violation of this law

- Expands crimes eligible for victim compensation to include this crime of sexual trafficking and victims eligible for victim compensation to include persons who suffer a serious mental or emotional trauma as a result of being trafficked
 - Explicitly defines these trafficking victims as having good cause for receiving an award in absence of a prompt report

- Creates a new penalty for pimping, pandering, and prostitution violations involving minors under the age of 16: 10 to 30 years and/or a fine of up to \$100,000

- Allows victims of trafficking to claim the defense of coercion or deception while being trafficked if accused of sexual crimes

- Amends law enforcement’s notification requirements to include notifying trafficking victims of compensation available through the federal government



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- Addresses the training of law enforcement officers investigating crimes involving trafficking persons for labor or sexual servitude
 - Provides for the use, monitoring, and funding of the incorporation of training materials and information regarding methods for:
 - Identifying, reporting, and combating trafficking
 - Providing proper or alternatives to detention facilities for victims of trafficking, including providing information on therapeutic facilities for victims
 - Assisting trafficking victims, including providing information on available social services

OCGA 16-3-6, 16-5-46, 16-6-13, 17-15-2, 17-15-8, 17-17-6, 35-1-16, 35-3-4.3