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Senate Bill 590 (as introduced 10-3-13)

*(Senate-passed version)*

Sponsor: Senator John Proos

Committee: Families, Seniors and Human Services

Date Completed: 1-28-14

### **CONTENT**

**The bill would create the "Human Trafficking Victims Compensation Act" to provide that a person who violated Chapter 67A (Human Trafficking) of the Michigan Penal Code would be liable to the victim for economic and noneconomic damages resulting from the violation.**

A victim would be entitled to damages to the extent he or she sustained the damages, regardless of whether the victim suffered any physical injury as a result of the violation. A victim also would be entitled to damages regardless of whether the damages sustained were foreseeable to the violator, and regardless of whether the violator was charged with or convicted of a violation of Chapter 67A.

An action to recover damages would have to be filed within three years after the last violation that was the subject of the action occurred.

The proposed Act would not affect any right that a victim had to recover damages under other law.

The damages for which a violator would be liable would include, but not be limited to, all of the following:

- Physical pain and suffering.
- Mental anguish.
- Fright and shock.
- Denial of social pleasure and enjoyment.
- Embarrassment, humiliation, or mortification.
- Disability.
- Disfigurement.
- Aggravation of a preexisting ailment or condition.
- Reasonable expenses of necessary medical or psychological care, treatment, and services.
- Loss of earnings or earning capacity.
- Damage to property.
- Any other necessary and reasonable expense incurred as a result of the violation.

### **BACKGROUND**

Chapter 67A of the Michigan Penal Code prescribes felony penalties for various activities involving forced labor or services, including the following:

- Subjecting a person to forced labor or services by physically harming or restraining the person, by abusing the law or legal process, by confiscating or destroying the person's passport or immigration document, or by using blackmail or exerting financial control over the person.
- Recruiting, enticing, or transporting another person with the intent or knowledge that he or she will be subjected to forced labor or services.
- Knowingly providing or obtaining the labor or services of another by force, fraud, or coercion.
- Recruiting, harboring, or transporting a person for labor or services for the purpose of holding him or her in involuntary servitude or debt bondage.

Chapter 67A also makes it a felony to recruit, entice, harbor, transport, or obtain a minor knowing that he or she will be used for child sexually abusive activity.

Legislative Analyst: Suzanne Lowe

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.