

ASSEMBLY, No. 2038

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Co-Sponsored by:

Assemblywomen Chaparro, Timberlake and Speight

SYNOPSIS

Provides for civil actions against persons or entities profiting from commission of human trafficking offenses, or maintaining victims of such offenses.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/13/2020)

1 **AN ACT** concerning civil actions by persons injured as a result of
2 the commission of human trafficking offenses, and amending
3 P.L.2013, c.51.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 4 of P.L.2013, c.51 (C.2C:13-8.1) is amended to
9 read as follows:

10 4. a. Any person injured, including injury due to the loss of
11 moneys or property, real or personal, as a result of the commission
12 of **by an actor and all those acting in concert with that actor who**
13 **committed** a human trafficking offense in violation of section 1 of
14 P.L.2005, c.77 (C.2C:13-8), or section 5 of P.L.2013, c.51
15 (C.2C:13-9), may bring a civil action in any court of competent
16 jurisdiction against: (1) the **actor and** offender; (2) all those
17 acting in concert with that **actor** offender; (3) all those knowingly
18 deriving a pecuniary benefit from the offense, whether or not these
19 parties are acting in concert with the offender; and (4) all those
20 knowingly maintaining any victim of the offense, whether or not
21 these parties are acting in concert with the offender. A civil action
22 brought under this section shall not preclude the application of any
23 other civil, administrative, or criminal remedy under any other
24 provision of law.

25 b. (1) The standard of proof in a civil action brought pursuant
26 to this section is a preponderance of the evidence, and the fact that a
27 prosecution against the offending actor is not instituted or,
28 whenever instituted, terminates without a conviction, shall not
29 preclude a civil action.

30 (2) A final judgment rendered in favor of the State in any
31 criminal proceeding shall estop the defendant from denying the
32 same conduct in any civil action brought pursuant to this section.

33 c. In any civil action brought pursuant to this section, the court
34 shall, in addition to any other appropriate legal or equitable relief,
35 including damages for pain and suffering, recovery of reasonable
36 costs for necessary medical, dental, and psychological services and
37 punitive damages, award damages in an amount that is the greater
38 of:

39 (1) the gross income or value to the defendant of the injured
40 party's labor or services; or

41 (2) the value of the injured party's labor or services as
42 determined by the "New Jersey Prevailing Wage Act," P.L.1963,
43 c.150 (C.34:11-56.25 et seq.), the "New Jersey State Wage and
44 Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.), the Seasonal
45 Farm Labor Act, P.L.1945, c.71 (C.34:9A-1 et seq.), the laws

EXPLANATION – Matter enclosed in bold-faced brackets **[thus] in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 concerning the regulation of child labor in chapter 2 of Title 34 of
2 the Revised Statutes, or any other applicable State law, and the
3 "Fair Labor Standards Act of 1938," 29 U.S.C. s.201 et seq., or any
4 other applicable federal law.

5 d. In addition to any damages, penalty, injunction, or other
6 appropriate relief awarded in an action brought pursuant to this
7 section, the court may award to the injured person bringing suit
8 reasonable attorney's fees and costs.

9 (cf: P.L.2013, c.51, s.4)

10
11 2. This act shall take effect immediately.
12
13

14 STATEMENT
15

16 This bill would provide for civil actions against persons or
17 entities knowingly profiting from the commission of human
18 trafficking offenses, or maintaining the victims of such offenses,
19 even though such parties are not "acting in concert" with the
20 offender and thus not involved in any agreed-upon conspiracy with
21 the offender. In other words, these parties could be subject to a
22 civil suit if they are aware of human trafficking offenses and allow
23 such offenses to continue while receiving a pecuniary benefit from
24 such, or by maintaining the trafficking victims.

25 The bill thus would expand the statute providing for human
26 trafficking civil actions, section 4 of P.L.2013, c.51 (C.2C:13-8.1),
27 beyond its current scope, which addresses suits against any person
28 who commits the human trafficking offense and any conspiring
29 parties who are "acting in concert" with that person.