

1 AN ACT relating to human trafficking.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 431 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Human trafficking" has the same meaning as KRS 529.010;

7 (b) "Legal standing" means the right or capacity of a victim service provider to
8 file legal claims based upon the provider's direct involvement in anti-
9 trafficking efforts or victim assistance;

10 (c) "Victim of human trafficking" has the same meaning as KRS 529.010; and

11 (d) "Victim service provider" means a nongovernmental, nonprofit
12 organization established under KRS Chapter 273 or 273A that is actively
13 engaged in providing services to or advocacy for victims of human
14 trafficking, including counseling, rehabilitation, legal assistance, and
15 support with reintegration into society.

16 (2) (a) A victim service provider shall have legal standing to file a civil action
17 against any defendant convicted of any human trafficking offense under
18 KRS Chapter 529 if the victim of the offense has not proceeded as provided
19 in KRS 431.082 or any other applicable statute or common law right of
20 action.

21 (b) Before initiating any civil action under this section, the provider shall give
22 notice to any human trafficking victim directly impacted by the human
23 trafficking actions of the defendant.

24 (c) Each victim shall be given a reasonable opportunity to join the civil action
25 as a plaintiff.

26 (3) If a victim elects to not join the civil action as a plaintiff, the victim service
27 provider shall retain the right to proceed independently in its own name.

- 1 (4) Any victim service provider proceeding under this section shall give written notice
2 to the Attorney General of the proceeding, and the Attorney General may join as
3 a plaintiff to the action.
- 4 (5) The victim service provider shall maintain comprehensive documentation of the
5 provided services to victims of human trafficking and of the process of notifying
6 and inviting the victims to join the legal action. The documentation shall be
7 available for review by the Attorney General upon request, and by the court as
8 determined by the court.
- 9 (6) A prevailing plaintiff shall be entitled to all damages provided under KRS
10 431.082.
- 11 (7) Money damages received under this section shall be distributed to any
12 participating victim and victim service provider in amounts determined by the
13 jury or the court if the matter was tried without a jury. Any remaining damages
14 shall be remitted to the human trafficking victims fund established in KRS
15 529.140.