

116TH CONGRESS
1ST SESSION

H. R. 5080

To amend title 18, United States Code, to establish a rebuttable presumption that certain Federal offenses were induced by coercion if a defendant was the victim of trafficking when such offense was committed, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2019

Mr. SPANO (for himself, Mr. HASTINGS, Mr. DIAZ-BALART, Mr. DEUTCH, and Mr. WALTZ) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 18, United States Code, to establish a rebuttable presumption that certain Federal offenses were induced by coercion if a defendant was the victim of trafficking when such offense was committed, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Help Obtaining Pre-
5 sumption of Exoneration for Victims of Human Traf-

1 ficking Act” or the “HOPE for Victims of Human Traf-
 2 ficking Act”.

3 **SEC. 2. AMENDMENTS TO THE TRAFFICKING VICTIMS PRO-**
 4 **TECTION ACT OF 2000.**

5 Section 103 of the Trafficking Victims Protection Act
 6 of 2000 (22 U.S.C. 7102) is amended—

7 (1) in paragraph (16), by striking “paragraph
 8 (9)” and inserting “paragraph (11)”; and

9 (2) in paragraph (17), by striking “paragraph
 10 (9) or (10)” and inserting “paragraph (11) or
 11 (12)”.

12 **SEC. 3. HUMAN TRAFFICKING DEFENSE.**

13 (a) IN GENERAL.—Chapter 1 of title 18, United
 14 States Code, is amended by adding at the end the fol-
 15 lowing:

16 **“§ 28. Human trafficking defense**

17 “(a) PRESUMPTION.—Any defendant who establishes
 18 by a preponderance of the evidence that the defendant was
 19 a victim of trafficking at the time at which the defendant
 20 committed an offense under subsection (b) shall create a
 21 rebuttable presumption that the offense was induced by
 22 coercion.

23 “(b) OFFENSES.—An offense described in this sub-
 24 section is—

1 “(1) an offense under section 1384 (relating to
2 prostitution near military and naval establishments);

3 “(2) an offense under section 1581, 1582,
4 1583, 1584, 1585, 1586, 1587, 1588, 1590,
5 1591(a), 1591(b), 1592, 1593A, 1594(a), or
6 1594(b);

7 “(3) an offense under section 2421(a),
8 2421a(a), 2421a(b), 2422, 2424(a), or 2425;

9 “(4) an offense under section 401, 404, or 406
10 of the Controlled Substances Act (21 U.S.C. 841,
11 844, or 846); or

12 “(5) any offense that is not a crime of violence
13 (as such term is defined in subsection (a) of section
14 16).

15 “(c) SEALING.—In any proceeding in which a defense
16 under this section is raised, any record or part of the pro-
17 ceeding related to such defense shall, on motion, be placed
18 under seal until such time as a conviction is entered for
19 the offense.

20 “(d) POST-CONVICTION RELIEF.—An individual’s
21 failure to assert or failed assertion of a defense under this
22 section may not preclude the individual from asserting as
23 a mitigating factor in a proceeding for any post-conviction
24 relief, that at the time of the commission of the acts con-
25 stituting the offense, the defendant was a victim of traf-

1 ficking and committed the acts under duress, force, or co-
2 ercion.

3 “(e) AID TO VICTIMS.—An individual’s failure to as-
4 sert or failed assertion of a defense under this section may
5 not be used for the purpose of disqualifying the individual
6 from participating in any federally funded program that
7 aids victims of human trafficking.

8 “(f) DEFINITIONS.—In this section, the terms ‘coer-
9 cion’ and ‘victim of trafficking’ have the meanings given
10 such terms in section 103 of the Trafficking Victims Pro-
11 tection Act of 2000 (22 U.S.C. 7102).”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 for chapter 1 of title 18, United States Code, is amended
14 by adding at the end the following:

“28. Human trafficking defense.”.

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