

50 STATE COMPENDIUM
CHILD VICTIMS

Project Coordinator

Andrea Schillaci
Hurwitz & Fine, P.C.
Buffalo, NY

For additional information, questions, or updates, please contact the Harmonie Group liaison for the state in question. [Click here](#) to access the Harmonie online firm directory.

Questions presented:

- What is the statute of limitations for civil sexual assault cases?
- Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?
- If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.
- Is there a cap on damages and, if so, what is it?
- Has your state enacted legislation to combat human trafficking?
- If so, please provide a summary of the statute.

DISCLAIMER: Harmonie has attempted to collect the most recent information on the status of the items published here. However, please note that due to the constant nature of change that occurs in all areas of the law, it will be impossible for this information to be up to date at all times. Each case and set of facts is different. This material is provided for general information and is not legal advice. For the latest, please go to the Harmonie directory and contact the Harmonie firm in the jurisdiction you wish to have an update on, and they can guide you accordingly.

ALABAMA

What is the statute of limitations for civil sexual assault cases?

Alabama has no special statute of limitations for such. Claims must be brought within two years of the date of the injury under Alabama Code § 6-2-38.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

No. The Alabama Supreme Court has not adopted a discovery rule or any provision for repressed memory claims. Many states have provided a basic suspension of the statute of limitations ("tolling") for civil actions while a person is a minor, but Alabama is not one of them.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

N/A

Is there a cap on damages and, if so, what is it?

There is no compensatory tort cap. However, there is a cap on punitive damages. In Alabama, punitive damages are capped at three times compensatory damages or \$500,000, whichever is greater. Ala. Code § 6-11-21. In cases involving physical injury, state law does limit punitive damages to no more than three times the compensatory damages of the party claiming punitive damages or \$1.5 million, whichever is greater. Ala. Code § 6-11-21(d). However, the caps on damages are removed altogether in actions for wrongful death or intentional infliction of physical injury. Ala. Code § 6-11-21(j).

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Alabama Criminal Code 13A-6-150 to 13A-6-163

Alabama Criminal Code § 13A-6-152

(a) A person commits the crime of human trafficking in the first degree if:

(1) He or she knowingly subjects another person to labor servitude or sexual servitude.

(2) He or she knowingly obtains, recruits, entices, solicits, induces, threatens, isolates, harbors, holds, restrains, transports, provides, or maintains any minor for the purpose of causing a minor to engage in sexual servitude.

(3) He or she knowingly gives monetary consideration or any other thing of value to engage in any sexual conduct with a minor or an individual he or she believes to be a minor.

(b) For purposes of this section, it is not required that the defendant have knowledge of a minor victim's age, nor is reasonable mistake of age a defense to liability under this section.

(c) A corporation, or any other legal entity other than an individual, may be prosecuted for human trafficking in the first degree for an act or omission only if an agent of the corporation or entity performs the conduct which is an element of the crime while acting within the scope of his or her office or employment and on behalf of the corporation or entity, and the commission of the crime was either authorized, requested, commanded,

performed, or within the scope of the person's employment on behalf of the corporation or entity or constituted a pattern of conduct that an agent of the corporation or entity knew or should have known was occurring.

(d) Any person who obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section shall be guilty of a Class A felony.

(e) Human trafficking in the first degree is a Class A felony.

Alabama Criminal Code § 13A-6-153

(a) A person commits the crime of human trafficking in the second degree if:

(1) A person knowingly benefits, financially or by receiving anything of value, from participation in a venture or engagement for the purpose of sexual servitude or labor servitude.

(2) A person knowingly recruits, entices, solicits, induces, harbors, transports, holds, restrains, provides, maintains, subjects, or obtains by any means another person for the purpose of labor servitude or sexual servitude.

(3) A corporation, or any other legal entity other than an individual, may be prosecuted for human trafficking in the second degree for an act or omission only if an agent of the corporation or entity performs the conduct which is an element of the crime while acting within the scope of his or her office or employment and on behalf of the corporation or entity, and the commission of the crime was either authorized, requested, commanded, performed, or within the scope of the person's employment on behalf of the corporation or entity or constituted a pattern of conduct that an agent of the corporation or entity knew or should have known was occurring.

(4) Any person who obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section shall be guilty of a Class B felony.

(b) Human trafficking in the second degree is a Class B felony.

Alabama Criminal Code § 13A-6-157

(a) An individual who is a victim of human trafficking may bring a civil action in the appropriate state court .

(b) Venue for any action brought under this section shall be in the county in which the offense was committed or in any other county into or through which the person upon whom it was committed may have been carried in the commission of the offense. If venue is proper in more than one county, venue shall be in either county.

(c) The court may award actual damages, compensatory damages, punitive damages, injunctive relief, and any other appropriate relief. A prevailing plaintiff shall also be awarded attorney's fees and costs. Treble damages shall be awarded on proof of actual damages where defendant's acts were willful and malicious.

(d) The court shall award a prevailing plaintiff attorney's fees and costs.

(e) Upon commencement of any action brought under this section, the clerk of the court shall mail a copy of the complaint or other initial pleading to the office of the Attorney General and, upon entry of any injunction, judgment, or decree in the action, shall mail a copy of the injunction, judgment, or decree to the office of the Attorney General.

(f) This section does not preclude any other remedy available to the victim under federal law or the laws of this state.

ALASKA

What is the statute of limitations for civil sexual assault cases?

The civil statute of limitations in Alaska varies drastically, depending on the age of the victim and the severity of the abuse. For childhood sex abuse, the statute of limitations is as follows: cases involving felony sex abuse of a minor or unlawful exploitation has no statute of limitations (AS 09.10.065), and cases involving misdemeanor sex abuse of a minor/incest has a three-year statute of limitations starting from the victim's 18th birthday or from when the crime could have been reasonably discovered. This involves Alaska's delayed discovery/realization statute. AS § 09.10.140. Discovery is defined as when "the plaintiff discovered or through use of reasonable diligence should have discovered that the act caused the injury or condition." As for adult civil claims, the statutes of limitations are as follows: cases involving felony sexual assault has no statute of limitations (AS 09.10.065), cases involving felony indecent exposure has a three-year statute of limitations starting from the event, and cases involving misdemeanor sexual assault has a three-year statute of limitations starting from the act.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Cases involving misdemeanor sex abuse of a minor/incest has a three-year statute of limitations starting from the victim's 18th birthday or from when the crime could have been reasonably discovered. This involves Alaska's delayed discovery/realization statute. AS § 09.10.140. Discovery is defined as when "the plaintiff discovered or through use of reasonable diligence should have discovered that the act caused the injury or condition." In relevant part this statute provides that if a person entitled to bring a child sex assault civil action is under the age of majority, or incompetent by reason of mental illness/mental disability, then the time of the disability is not included as part of the time limit for the commencement of the action. However, it is important to note that the statute of limitations is not extended in any case longer than two years after the disability ceases, with little exceptions.

Is there a cap on damages and, if so, what is it?

For Sexual Assault Cases, there are caps on both noneconomic damages and punitive damages. Alaska caps punitive damages at three times compensatory damages or \$500,000, whichever is greater. Alaska Stat. § 09.17.020(f). If the conduct is "motivated by financial gain and the adverse consequences of the conduct were actually known by the defendant," the cap is raised to four times the compensatory damages, four times the aggregate amount of financial gain the defendant received as a result of the misconduct, or \$7 million, whichever is greater. Alaska Stat. § 09.17.020(g). Fifty percent of all punitive damage awards are deposited into the state's general fund. Alaska Stat. § 09.17.020(j). Next, noneconomic damages are capped at the greater of \$400,000 or the injured party's life expectancy in years multiplied by \$8,000. Alaska Stat. § 09.17.010(b). This cap is raised to the greater of \$1 million or \$25,000 multiplied by the plaintiff's life expectancy in the

event of “severe permanent physical impairment or severe disfigurement.” Alaska Stat. § 09.17.010(c).

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Alaska Statutes Criminal Law § 11.41.360. Human trafficking in the first degree

(a) A person commits the crime of human trafficking in the first degree if the person compels or induces another person to engage in sexual conduct, adult entertainment, or labor in the state by force or threat of force against any person, or by deception.

(b) In this section,

(1) “adult entertainment” means the conduct described in AS 23.10.350(f)(1)--(3) ;

(2) “deception” has the meaning given in AS 11.46.180 ;

(3) “sexual conduct” has the meaning given in AS 11.66.150 .

(c) Human trafficking in the first degree is a class A felony.

Alaska Statutes Criminal Law § 11.41.365. Human trafficking in the second degree

(a) A person commits the crime of human trafficking in the second degree if the person obtains a benefit from the commission of human trafficking under AS 11.41.360 , with reckless disregard that the benefit is a result of the trafficking.

(b) Human trafficking in the second degree is a class B felony.

ARIZONA

What is the statute of limitations for civil sexual assault cases?

The statute of limitations for civil sexual abuse/assault varies depending on the facts involved. Generally, victims have 2 years from the date of the crime/incident to file a civil lawsuit. However, the statute of limitations may be tolled under limited circumstances, particularly when the victim was a minor under 18. Recently, new legislation was enacted in 2019, in which the statute of limitations for civil child sex abuse lawsuits in Arizona was extended. Under the new law, (1) victims sexually abused as minors now have until the age of 30 to file civil lawsuits, and (2) child sex abuse victims of any age may file civil lawsuits until December 31, 2020. A.R.S. § 12-514. However, to meet the second part of the law, the victim must prove their claim by clear and convincing evidence, which is a higher standard than a preponderance of the evidence, which still applies to victims who file suit by age 30. Prior to this amendment, a victim only had a mere two years after turning 18 to file a lawsuit against the perpetrator who committed sexual misconduct against them when they were a minor. This revised statute also allows claims to be brought against a non-perpetrator. However, to do such, the victim must show that the non-perpetrator had actual knowledge by clear and convincing evidence and that the non-perpetrator “knew or otherwise had actual notice of any misconduct that creates an unreasonable risk of sexual conduct or sexual contact with a minor by an employee, a volunteer, a representative or an agent.” Here, punitive damages are not recoverable.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Recently, new legislation was enacted in 2019, the statute of limitations for civil child sex abuse lawsuits in Arizona was extended. Under the new law, (1) victims sexually abused as minors now have until the age of 30 to file civil lawsuits, and (2) child sex abuse victims of any age may file civil lawsuits until December 31, 2020. A.R.S. § 12-514.

Ariz. Rev. Stat. § 12-514

A. Notwithstanding sections 12-505, 12-511 and 12-542, an action for the recovery of damages that is based on either of the following shall be commenced within twelve years after the plaintiff reaches eighteen years of age and not afterward:

1. An injury that a minor suffers as a result of another person's negligent or intentional act if that act is a cause of sexual conduct or sexual contact committed against the minor.
2. The failure to report pursuant to section 13-3620 sexual conduct or sexual contact committed against a minor.

B. For the purposes of this section:

1. "Person" means an individual, the united states, this state or a public or private corporation, local government unit, public agency, partnership, association, firm, trust or estate or any other legal entity.
2. "Sexual conduct" means sexual conduct as proscribed by section 13-1405.
3. "Sexual contact" has the same meaning prescribed in section 13-1401.

Is there a cap on damages and, if so, what is it?

There is no cap on punitive damages stated in Arizona law. In fact, the Arizona Constitution prohibits passing law that would limit the amount of damages in personal injury or wrongful death actions. However, Arizona case law has also interpreted the Due Process Clause to prohibit grossly excessive or arbitrary awards. *See* Ariz. Const., art. II, § 31. Additionally, Arizona applies the collateral source rule to allow a plaintiff to recover even if damages were not actually sustained. It is important to note that punitive damages are not recoverable when claims are brought against a non-perpetrator.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Arizona Revised Statutes § 13-1307. Sex trafficking; classification; definitions

A. It is unlawful for a person to knowingly traffic another person who is eighteen years of age or older with either of the following:

1. The intent to cause the other person to engage in any prostitution or sexually explicit performance by deception, force or coercion.
2. The knowledge that the other person will engage in any prostitution or sexually explicit performance by deception, coercion or force.

B. A person who violates this section is guilty of a class 2 felony.

C. For the purposes of this section:

1. "Coercion" includes:

(a) Abusing or threatening to abuse the law or the legal system.

(b) Knowingly destroying, concealing, removing, confiscating, possessing or withholding another person's actual or purported passport or other immigration document, government issued identification document, government record or personal property.

(c) Extortion.

(d) Causing or threatening to cause financial harm to any person.

(e) Facilitating or controlling another person's access to a controlled substance.

2. "Force" includes causing or threatening to cause serious harm to another person or physically restraining or threatening to physically restrain another person.

3. "Sexually explicit performance" means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interest of patrons.

4. "Traffic" means to entice, recruit, harbor, provide, transport or otherwise obtain another person.

Arizona Revised Statutes § 13-1308. Trafficking of persons for forced labor or services; classification; definitions

A. It is unlawful for a person to either:

1. Knowingly traffic another person with the intent to or knowledge that the other person will be subject to forced labor or services.

2. Knowingly benefit, financially or by receiving anything of value, from participation in a venture that has engaged in an act in violation of section 13-1306, section 13-1307, this section or section 13-3212, subsection A, paragraph 9 or 10.

B. A violation of this section is a class 2 felony.

C. For the purposes of this section:

1. "Forced labor or services":

(a) Means labor or services that are performed or provided by another person and that are obtained through a person's either:

(i) Causing or threatening to cause serious physical injury to any person.

(ii) Restraining or threatening to physically restrain another person.

(iii) Knowingly destroying, concealing, removing, confiscating, possessing or withholding another person's actual or purported passport or other immigration document, government issued identification document, government record or personal property.

(iv) Abusing or threatening to abuse the law or the legal system.

(v) Extortion.

(vi) Causing or threatening to cause financial harm to any person.

(vii) Facilitating or controlling another person's access to a controlled substance.

(b) Does not include ordinary household chores and reasonable disciplinary measures between a parent or legal guardian and the parent's or legal guardian's child.

2. "Traffic" means to entice, recruit, harbor, provide, transport or otherwise obtain another person by deception, coercion or force.

Arizona Revised Statutes § 13-3212. Child sex trafficking; classification; increased punishment; definition

A. A person commits child sex trafficking by knowingly:

1. Causing any minor to engage in prostitution.
2. Using any minor for the purposes of prostitution.
3. Permitting a minor who is under the person's custody or control to engage in prostitution.
4. Receiving any benefit for or on account of procuring or placing a minor in any place or in the charge or custody of any person for the purpose of prostitution.
5. Receiving any benefit pursuant to an agreement to participate in the proceeds of prostitution of a minor.
6. Financing, managing, supervising, controlling or owning, either alone or in association with others, prostitution activity involving a minor.
7. Transporting or financing the transportation of any minor with the intent that the minor engage in prostitution
8. Providing a means by which a minor engages in prostitution.
9. Enticing, recruiting, harboring, providing, transporting, making available to another or otherwise obtaining a minor with the intent to cause the minor to engage in prostitution or any sexually explicit performance.
10. Enticing, recruiting, harboring, providing, transporting, making available to another or otherwise obtaining a minor with the knowledge that the minor will engage in prostitution or any sexually explicit performance.

B. A person who is at least eighteen years of age commits child sex trafficking by knowingly:

1. Engaging in prostitution with a minor who is under fifteen years of age.
2. Engaging in prostitution with a minor who the person knows or should have known is fifteen, sixteen or seventeen years of age.
3. Engaging in prostitution with a minor who is fifteen, sixteen or seventeen years of age.

C. It is not a defense to a prosecution under subsection A and subsection B, paragraphs 1 and 2 of this section that the other person is a peace officer posing as a minor or a person assisting a peace officer posing as a minor.

D. Notwithstanding any other law, a sentence imposed on a person for any of the following shall be consecutive to any other sentence imposed on the person at any time:

1. A violation of subsection A or subsection B, paragraph 2 of this section involving a minor who is fifteen, sixteen or seventeen years of age.
2. A violation of subsection A, paragraph 9 or 10 of this section.

E. Child sex trafficking pursuant to subsection A of this section is a class 2 felony if the minor is under fifteen years of age and is punishable pursuant to section 13-705.

F. Child sex trafficking pursuant to subsection B, paragraph 1 of this section is a class 2 felony and is punishable pursuant to section 13-705.

G. If the minor is fifteen, sixteen or seventeen years of age, child sex trafficking pursuant to subsection A, paragraph 1, 2, 3, 4, 5, 6, 7 or 8 of this section is a class 2 felony, the person convicted shall be sentenced pursuant to this section and the person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served or commuted. The presumptive term may be

aggravated or mitigated within the range under this section pursuant to section 13-701, subsections C, D and E. The terms are as follows:

1. The term for a first offense is as follows:

Minimum	Presumptive	Maximum
10 years	13.5 years	24 years

2. The term for a defendant who has one historical prior felony conviction is as follows:

Minimum	Presumptive	Maximum
17 years	24 years	31 years

3. The term for a defendant who has two or more historical prior felony convictions is as follows:

Minimum	Presumptive	Maximum
24 years	31 years	38 years

H. If the minor is fifteen, sixteen or seventeen years of age, child sex trafficking pursuant to subsection A, paragraph 9 or 10 of this section is a class 2 felony.

I. If the minor is fifteen, sixteen or seventeen years of age, child sex trafficking pursuant to subsection B, paragraph 2 of this section is a class 2 felony, the person convicted shall be sentenced pursuant to this section and the person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by § 31-233, subsection A or B until the sentence imposed by the court has been served or commuted. The presumptive term may be aggravated or mitigated within the range under this section pursuant to § 13-701, subsections C, D and E. The terms are as follows:

1. The term for a first offense is as follows:

Minimum	Presumptive	Maximum
7 years	10.5 years	21 years

2. The term for a defendant who has one historical prior felony conviction is as follows:

Minimum	Presumptive	Maximum
14 years	15.75 years	28 years

3. The term for a defendant who has two or more historical prior felony convictions is as follows:

Minimum	Presumptive	Maximum
21 years	28 years	35 years

J. Child sex trafficking pursuant to subsection B, paragraph 3 of this section is a class 6 felony. If the court sentences the person to a term of probation, the court shall order that as an initial term of probation the person be imprisoned in the county jail for not less than one hundred eighty consecutive days. This jail term shall commence on the date of sentencing. The court may suspend ninety days of the jail sentence if the person has not previously been convicted of a violation of this section, a violation of section 13-3214 or a violation of any city or town ordinance that prohibits prostitution and that has the same or substantially similar elements as section 13-3214 and the person successfully completes an appropriate court ordered education or treatment program.

K. This section does not preclude the state from alleging and proving any other sentencing enhancements as provided by law.

L. For the purposes of this section, "sexually explicit performance" means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interest of patrons.

ARKANSAS

What is the statute of limitations for civil sexual assault cases?

The statute of limitations in Arkansas is three years. As for the civil statute of limitations for child sexual abuse cases, a survivor can file a civil claim until 21 years of age (18 years old, plus 3 years) or within 3 years of discovering the sexual assault. Ark. Code Ann. § 16-56-130.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Arkansas recognizes the discovery rule, which allows a survivor to bring a claim within three years of discovering “the effect of the injury or condition attributable to the childhood sexual abuse.” Ark. Code Ann. § 16-56-130. A normal statute of limitations window would bar many civil child sexual assault cases. However, this law was enacted so survivors could have an avenue for justice.

Arkansas Code § 16-56-130 - Civil actions based on sexual abuse.

(a) Notwithstanding any other statute of limitations or any other provision of law that can be construed to reduce the statutory period set forth in this section, any civil action based on sexual abuse which occurred when the injured person was a minor but is not discovered until after the injured person reaches the age of majority shall be brought within three (3) years from the time of discovery of the sexual abuse by the injured party.

(b) (1) A claim based on an assertion of more than one (1) act of sexual abuse is not limited to the injured party's first discovery of the relationship between any one (1) of those acts and the injury or condition, but may be based on the injured party's discovery of the effect of the series of acts.

(2) It is not necessary for the injured party to establish which act in a series of acts of childhood sexual abuse caused the injury or condition that is the subject of the lawsuit.

(c) For the purposes of this section:

(1) "Childhood sexual abuse" means sexual abuse which occurred when the injured person was a minor;

(2) "Minor" means a person of less than eighteen (18) years of age; and

(3) "Time of discovery" means when the injured party discovers the effect of the injury or condition attributable to the childhood sexual abuse.

Act 1036 was enacted on April 29, 2021, which added a new section: A.C.A. 16-118-117 “civil action for vulnerable victims of sexual abuse” which provides:

(a) of that provision adds definitions.

(b)(1) adds a statute of limitation provision as follows: “notwithstanding any other statute of limitation or any other law that may be construed to reduce the statutory period set forth in this section, *before he or she reaches 55 years of age* a vulnerable victim may bring a civil action against *any party who committed sexual abuse against the vulnerable*

victim or whose tortious conduct caused the vulnerable victim to be a victim of sexual abuse.

(2) “notwithstanding any other statute of limitation or any other law that may be construed to reduce the statutory period set forth in this section, a civil action similar to a civil action described in (b)(1) of this section, including a cause of action arising before, on, or after the effective date of this act, that was barred or dismissed due to a statute of limitation *is revived*, and the civil action may be *commenced not earlier than 6 months after and not later than 30 months after the effective date of this act*.

(c) This section does not apply to a claim that has already been litigated to finality on the merits in any court competent jurisdiction before the effective date of this act.

(d) The court may award actual damages, compensatory damages, punitive damages, injunctive relief, or any other appropriate relief in a civil action under this section.

Link to Act: [2021 Ark. ALS 1036](#), [2021 Ark. SB 676](#)

Is there a cap on damages and, if so, what is it?

Arkansas has no tort caps, and no cap on compensatory damages. In fact, the Arkansas Supreme Court declared a previously enacted statute capping punitive damages unconstitutional. *See Bayer CropScience LP v. Schafer*, 385 S.W.3d 822, 829–32 (Ark. 2011). Arkansas also recognizes the collateral source rule.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Arkansas Code § 5-18-101 to § 5-18-105

Arkansas Code § 5-18-103 - Trafficking of persons.

(a) A person commits the offense of trafficking of persons if he or she knowingly:

(1) Recruits, harbors, transports, obtains, entices, solicits, isolates, provides, or maintains a person knowing that the person will be subjected to involuntary servitude;

(2) Benefits financially or benefits by receiving anything of value from participation in a venture under subdivision (a)(1) of this section;

(3) Subjects a person to involuntary servitude; or

(4) Recruits, entices, solicits, isolates, harbors, transports, provides, maintains, or obtains a minor for commercial sexual activity.

(b) It is not a defense to prosecution under subdivision (a)(4) of this section that the actor:

(1) Did not have knowledge of a victim's age; or

(2) Mistakenly believed a victim was not a minor

(c) (1) Trafficking of persons is a Class A felony.

(2) Trafficking of persons is a Class Y felony if a victim was a minor at the time of the offense.

(d) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of two hundred fifty dollars (\$250) to be deposited into the Safe Harbor Fund for Sexually Exploited Children.

Arkansas Code § 5-18-104. Patronizing a victim of human trafficking

(a) A person commits the offense of patronizing a victim of human trafficking if he or she knowingly engages in commercial sexual activity with another person knowing that the other person is a victim of human trafficking.

(b)

(1) Patronizing a victim of human trafficking is a Class B felony.

(2) Patronizing a victim of human trafficking is a Class A felony if the victim was a minor at the time of the offense.

In more recent years, the Arkansas General Assembly has passed legislation addressing human trafficking. In 2019, they passed:

ACT 937- requires the Department of Education and the Department of Human Services to collaborate on providing awareness and training materials to local school districts on human trafficking that include strategies for the prevention of child trafficking.

ACT 842- includes evidence of a person's prior sexual conduct that was committed when the person was a victim of human trafficking under the state's rape shield law. Rape shield laws forbid certain evidence in a trial that is believed to be prejudicial and harassing.

ACT 536- amends the offenses that disqualify an individual from receiving a first-time teaching license or renewal of a teaching license, including adding as disqualifying offenses the trafficking a person or patronizing a victim of human trafficking.

CALIFORNIA

What is the statute of limitations for civil sexual assault cases?

California has been reforming their statute of limitations regarding sexual assault cases in recent years. Specifically, in 2018, the California State Assembly passed Assembly Bill 1619, which extends the statute of limitations for adult sexual assault cases from three years to ten years or allows victims to pursue damages for up to three years after the discovery of an assault, whichever date is later. However, this only applied to assaults that occurred on or after January 1, 2019. If one was assaulted before that date, they may only have three years from the date of the attack to file a claim. A newly enacted California bill, AB 1510, now incorporated as Section 340.16 of the Code of Civil Procedure, changes this and essentially make it easier for victims to pursue claims. It contains specific provisions recognizing “sexual assault or other inappropriate contact, communication, or activity of a sexual nature by a physician occurring at a student health center between January 1, 1988, and January 1, 2017,” and it allows for claims that would otherwise have been time-barred prior to Jan. 1, 2020. In other words, sexual assault victims no longer must file a claim within three years of the crime because they now have a full decade.

As for child sexual assault, victims had only until age 26 to file a lawsuit prior to October 2019. If they realized the assault as adults, they would be granted an additional three years from that time to file a suit. However, under Assembly Bill 218, which is now in effect as of January 2020, child sexual assault victims now have an additional 14 years, or until their 40th birthday. If they discovered the abuse later in life, the extended California statute of

limitations is now five years instead of the prior three years. The new statute even allows for a possible revival of claims that were previously barred by the old statute, if it is filed within three years.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Child sexual assault victims now have until their 40th birthday to file a claim. If they discovered the abuse later in life, the extended California statute of limitations is five years.

Assembly Bill No. 218, passed September 14, 2019 states:

Historically, California law required that an action for recovery of damages suffered as a result of childhood sexual abuse, as defined, be commenced within 8 years of the date the plaintiff attains the age of majority or within 3 years of the date the plaintiff discovers or reasonably should have discovered that the psychological injury or illness occurring after the age of majority was caused by sexual abuse, whichever occurs later, and provided that certain of those actions may not be commenced on or after the plaintiff's 26th birthday. The law also prohibited confidentiality provisions within a settlement agreement arising from a claim of childhood sexual abuse.

AB 218, now Section 340.1 of the Code of Civil Procedure, as amended by Chapter 423 of the Statutes of 2018, expands the definition of childhood sexual abuse, which redefines the tort as childhood sexual assault. This increases the time limit for commencing an action for recovery of damages suffered as a result of childhood sexual assault to 22 years from the date the plaintiff attains the age of majority or within 5 years of the date the plaintiff discovers or reasonably should have discovered that the psychological injury or illness occurring after the age of majority was caused by sexual assault, *whichever is later*. 340.1 now also provides for the recovery of up to treble damages against certain defendants in these actions, and would revive time-lapsed claims in certain circumstances.

In the past, the Government Claims Act, generally required the presentation of all claims for money or damages against local public entities. The Government Claims Act excludes from this requirement claims made for the recovery of damages suffered as a result of childhood sexual abuse, as defined, arising from conduct that occurred on or after January 1, 2009.

340.1 has now altered the reference from childhood sexual abuse to childhood sexual assault, as defined, and removes the requirement that the conduct occurred on or after that specified date. The bill would also make a conforming change to the provision governing confidentiality provisions in childhood sexual abuse claims.

Is there a cap on damages and, if so, what is it?

California has no cap on either punitive or compensatory damages. However, as for punitive damages, California courts apply four considerations to govern the amount of punitive damages awarded. (1) the reprehensibility of defendant's conduct; (2) the injury suffered by the victims; and (3) the wealth of the defendant. *See Bigler-Engler v Breg, Inc.*, 7 Cal App 5th 276, 213 (Cal. App. 5th 2017). Once again, California does recognize the collateral source rule. *See Howell v. Hamilton Meats & Provisions, Inc.*, 257 P.3d 1130 (Cal. 2011).

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

California Penal Code § 236 to 237

California Penal Code § 236.1

(a) A person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services, is guilty of human trafficking and shall be punished by imprisonment in the state prison for 5, 8, or 12 years and a fine of not more than five hundred thousand dollars (\$500,000).

(b) A person who deprives or violates the personal liberty of another with the intent to effect or maintain a violation of Section 266, 266h, 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, or 518 is guilty of human trafficking and shall be punished by imprisonment in the state prison for 8, 14, or 20 years and a fine of not more than five hundred thousand dollars (\$500,000).

(c) A person who causes, induces, or persuades, or attempts to cause, induce, or persuade, a person who is a minor at the time of commission of the offense to engage in a commercial sex act, with the intent to effect or maintain a violation of Section 266, 266h, 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, or 518 is guilty of human trafficking. A violation of this subdivision is punishable by imprisonment in the state prison as follows:
(1) Five, 8, or 12 years and a fine of not more than five hundred thousand dollars (\$500,000).

(2) Fifteen years to life and a fine of not more than five hundred thousand dollars (\$500,000) when the offense involves force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person.

(d) In determining whether a minor was caused, induced, or persuaded to engage in a commercial sex act, the totality of the circumstances, including the age of the victim, his or her relationship to the trafficker or agents of the trafficker, and any handicap or disability of the victim, shall be considered.

(e) Consent by a victim of human trafficking who is a minor at the time of the commission of the offense is not a defense to a criminal prosecution under this section.

(f) Mistake of fact as to the age of a victim of human trafficking who is a minor at the time of the commission of the offense is not a defense to a criminal prosecution under this section.

(g) The Legislature finds that the definition of human trafficking in this section is equivalent to the federal definition of a severe form of trafficking found in Section 7102(9) of Title 22 of the United States Code.

(h) For purposes of this chapter, the following definitions apply:

(1) “Coercion” includes a scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; the abuse or threatened abuse of the legal process; debt bondage; or providing and facilitating the possession of a controlled substance to a person with the intent to impair the person's judgment.

(2) “Commercial sex act” means sexual conduct on account of which anything of value is given or received by a person.

(3) “Deprivation or violation of the personal liberty of another” includes substantial and sustained restriction of another's liberty accomplished through force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person, under circumstances where the person receiving or apprehending the threat reasonably believes that it is likely that the person making the threat would carry it out.

(4) “Duress” includes a direct or implied threat of force, violence, danger, hardship, or retribution sufficient to cause a reasonable person to acquiesce in or perform an act which he or she would otherwise not have submitted to or performed; a direct or implied threat to destroy, conceal, remove, confiscate, or possess an actual or purported passport or immigration document of the victim; or knowingly destroying, concealing, removing, confiscating, or possessing an actual or purported passport or immigration document of the victim.

(5) “Forced labor or services” means labor or services that are performed or provided by a person and are obtained or maintained through force, fraud, duress, or coercion, or equivalent conduct that would reasonably overbear the will of the person.

(6) “Great bodily injury” means a significant or substantial physical injury.

(7) “Minor” means a person less than 18 years of age.

(8) “Serious harm” includes any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor, services, or commercial sexual acts in order to avoid incurring that harm.

(i) The total circumstances, including the age of the victim, the relationship between the victim and the trafficker or agents of the trafficker, and any handicap or disability of the victim, shall be factors to consider in determining the presence of “deprivation or violation of the personal liberty of another,” “duress,” and “coercion” as described in this section.

On Sept. 27, SB 970 was approved, which adds Section 12950.3 to the Government Code. The new law requires hotels and motels to provide at least 20 minutes of classroom or other effective interactive training/education regarding human-trafficking awareness to each employee who is likely to interact or come into contact with victims of human trafficking. Additionally, AB 2034 was signed into law, which amends Section 52.6 of the Civil Code of California. The amendment requires a variety of businesses to post a compliant notice regarding human trafficking in a conspicuous place near a public entrance of the establishment or in another conspicuous location in clear view of the public/employees.

What is the statute of limitations for civil sexual assault cases?

In general, one year.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

C.R.S. § 13-80-103.7 extends the statute of limitations for child victims of sexual assault to six years after the child reaches the age of 18. The statute also extends the limitations period to six years for any persons under disability, which include not only minors under the age of 18, but also anyone who was the victim of sexual assault perpetrated by someone in a position of trust and where the victim is unable to acknowledge the assault or offense. This extended limitations period can apply to adults as well as children, and extends the limitations period until six years after the disability is removed, i.e., the individual is able to acknowledge the assault or offense done to them.

Is there a cap on damages and, if so, what is it?

There is no cap for economic damages, but noneconomic damages are capped at \$468,010 for claims accruing before January 1, 2020, and capped at \$613,760 for claims accruing after January 1, 2020. The cap for noneconomic damages claims accruing before January 1, 2020 can be increased to \$936,030 upon a showing of clear and convincing evidence, and the cap for noneconomic damages for claims accruing after January 1, 2020 can be increased to \$1,227,530 upon a showing of clear and convincing evidence.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

C.R.S. §§ 18-3-503 and 18-3-504 make it a felony to engage in human trafficking. Section 503 applies to human trafficking for involuntary servitude, while Section 504 applies to human trafficking for sexual servitude.

Victims of either form of human trafficking may bring civil claims against any person who commits human trafficking pursuant to C.R.S. § 13-21-127.

CONNECTICUT

What is the statute of limitations for civil sexual assault cases?

In Connecticut, there is no statute of limitations when a victim brings a personal injury action to recover damages caused by sexual assault when the offender has been convicted of 1st degree sexual assault or 1st degree aggravated sexual assault. CGS § 52-577e. If this is not the case, a victim that was under the age of 18 at the time of the assault, which occurred before October 1, 2019, has until his or her 48th birthday to file a personal injury action for damages (30 years). These damages could possibly include emotional

distress, caused by sexual assault, sexual abuse, or sexual exploitation. CGS § 52-577d. If the victim was under age 21 at the time of the assault, which occurred on or after October 1, 2019, the victim has until his or her 51th birthday to file the action (30 years). PA 19-16. If a case does not fall under any of these provisions, then the victim generally has a three-year statute of limitations, which also applies to other civil tort cases. (CGS § 52-577).

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Although Connecticut has no common law discovery provision, the existing special statute allows for a victim, who was assaulted as a minor, to bring an action within 30 years from the date the victim reached the age of majority. Conn. Gen. Stat. § 52-577d.

Connecticut General Statutes § 52-577d- Limitation of action for damages to minor caused by sexual abuse, exploitation or assault.

Notwithstanding the provisions of section 52-577, no action to recover damages for personal injury to a minor, including emotional distress, caused by sexual abuse, sexual exploitation or sexual assault may be brought by such person later than thirty years from the date such person attains the age of majority.

Is there a cap on damages and, if so, what is it?

There is no tort cap in Connecticut, and it does not have a cap on compensatory damages,

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Under Connecticut law trafficking in persons is a stand-alone crime. A person is guilty of trafficking in persons when he or she:

1. uses fraud, coercion, or force (or threat of force) to compel or induce another person to (a) engage in conduct involving sexual contact with one or more third persons or (b) provide labor or services that such person has a legal right to refrain from providing;
2. compels or induces a minor (under age 18) to engage in conduct with one or more third persons involving sexual contact for which the third person may be charged with a criminal offense; or
3. commits a sex trafficking act (CGS § 53a-192a).

Connecticut's anti-trafficking law incorporates the existing definition of coercion, a crime committed when an actor makes a victim fear that if he or she does not comply with the actor's demands, the actor or another person will:

1. commit a crime;
2. accuse someone else of committing a crime; or

3. expose a secret that could subject anyone to hatred, contempt, or ridicule, or impair his or her credit or business reputation (CGS § 53a-192).

Criminal Penalty: Trafficking in persons is a class A felony, punishable by imprisonment for 10 to 25 years, fines of up to \$20,000, or both (CGS § 53a-192a). The law allows the court to impose a standing criminal protective order against anyone who commits trafficking in persons and the victim is under age 18 (CGS § 53a-40e as amended by PA 19-189, § 20). Under the law, in any prostitution offense, it is an affirmative defense that the actor was a trafficking victim (CGS § 53a-82).

Civil Forfeiture: Connecticut has a civil forfeiture procedure to seize tainted funds and property used or obtained from crimes involving human trafficking. The funds and property subject to forfeiture are:

1. money used or intended for use related to the human trafficking crime;
2. property constituting the proceeds obtained, directly or indirectly, from the crime;
3. property derived from the proceeds obtained, directly or indirectly, from any sale or exchange for pecuniary gain from the crime; and
4. property used or intended for use, in any manner or part, to commit or facilitate the crime for pecuniary gain (CGS § 54-36p).

Consistent with the federal framework, Connecticut's human trafficking prevention strategy includes the following provisions:

1. A permanent Trafficking in Persons Council that consults with government and other organizations in developing recommendations to strengthen state and local efforts to prevent human trafficking and provide services to victims (CGS § 46a-170 as amended by PA 19-32, § 12).
2. Hotel, motel, inn, and similar lodging operators must (a) maintain a system to keep records of all guest transactions and receipts for at least six months and (b) ensure that their employees receive training on human trafficking when they are hired and provide ongoing awareness campaigns (CGS §§ 44-4 & 44-5).
3. The commissioners of the Department of Children and Families (DCF) and the Department of Emergency Services and Public Protection must consult with state and national hotel and lodging associations to recommend educational and refresher training programs related to human trafficking (CGS § 17a-106g).
4. Any publicly or privately-operated highway service plaza, hotels, motels, similar lodgings, and businesses that offer materials for sale or promote performances for adult audiences must post a notice, developed by the Chief Court Administrator, listing the state and federal antitrafficking hotline numbers and available victim services (CGS § 54-234a as amended by PA 19-117, § 200).
5. The State Department of Education must include human trafficking and commercial sexual exploitation in the comprehensive school health education component of the Healthy and Balanced Living Curriculum Framework by January 1, 2020 (PA 19-91, § 7).

DELAWARE

What is the statute of limitations for civil sexual assault cases?

Currently, in Delaware there is no civil statute of limitations (“SOL”) for all child sex abuse claims and there is no criminal SOL for all felony or misdemeanor sex abuse crimes. Delaware is one of the most progressive states in the country in the realm of enacting sexual assault legislation. Delaware eliminated the SOL for child sexual abuse for both criminal and civil claims. In fact, a window was put in place from 2007-2009 which revived old sexual abuse claims that were previously barred due to expired SOLs. However, that window has now closed, and those who did not bring a claim during that window may be barred from doing so due to the statute of limitations laws. For adult rape or sexual assault civil suits, a person has two years from the date of injury to file.

Civil Statute of Limitation Laws for Delaware

In 2006, recognizing that victims of childhood sexual abuse could have repressed memories, the courts confirmed that these claims would fall under the state’s “discovery rule.” This meant the statute of limitations on civil claims would not begin to run until the victim actually remembered the abuse. Then in 2007 Delaware enacted the “Child Victim’s Act” which eliminated the civil SOL completely going forward. In addition, it opened a window from July 2007 to July 2009, allowing victims with previously expired SOLs to file claims against their abusers. In 2010 Delaware further expanded the SOL to allow those children abused by a healthcare provider to also file civil claims, since the window did not originally allow them to do so.

Criminal Statute of Limitation Laws for Delaware

In 2003, Delaware eliminated the SOL for all felony and misdemeanor child sexual abuse offenses, and in 2014, added felony sex trafficking to the crimes for which there is no SOL.

- **Felony Sexual Offenses**
 - No Statute of Limitations
 - Del. Code Ann. Tit. 11 § 205(E)
- **Sex Trafficking**
 - No Statute of Limitations
 - Del. Code Ann. Tit. 11 § 205(E)
- **Misdemeanor Sexual Offenses**
 - No Statute of Limitations
 - Del. Code Ann. tit. 11 § 205(e)

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes, the “Child Victim’s Act” abolishes Delaware’s two-year statute of limitations on personal injury lawsuits for victims of child sex abuse. The law also allows a two-year “lookback” period during which lawsuits previously barred by the statute of limitations can be brought anew.

Statutory Text:

§8145. Civil suits for damages based upon sexual abuse of a minor by an adult.

- (a) A cause of action based upon the sexual abuse of a minor by an adult may be filed in the Superior Court of this State at any time following the commission of the act or acts that constituted the sexual abuse. A civil cause of action for sexual abuse of a minor shall be based upon sexual acts that would constitute a criminal offense under the Delaware Code.
- (b) For a period of two years following the effective date of this bill, victims of child sexual abuse that occurred in this State who have been barred from filing suit against their abusers by virtue of the expiration of the former civil statute of limitations, shall be permitted to file those claims in the Superior Court of this State. If the person committing the act of sexual abuse against a minor was employed by an institution, agency, firm, business, corporation, or other public or private legal entity that owned a duty of care to the victim, or the accused and the minor were engaged in some activity over which the legal entity had some degree of responsibility or control, damages against the legal entity shall be awarded under this subsection only if there is a finding of gross negligence on the part of the legal entity.
- (c) A person against whom a suit is filed may recover attorney's fees where the Court determines that a false accusation was made with no basis in fact and with malicious intent. A verdict in favor of the accused shall not be the sole basis for a determination that an accusation was false. The Court must make an independent finding of an improper motive to award attorneys' fees under this section."

Section 2. This bill shall be known as the "**Child Victim's Act**".

Section 3. If any provision of this act or the applications thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which shall be given effect without the invalid provision or application; and, to that end, the provisions of this act are declared to be severable.

Section 4. This Act shall become effective upon the specific appropriation of funds for such purposes in the Annual Appropriations Act.

See Del. Code tit. 10, § 8145 (Approved July 10, 2007).

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

The Child Victim's Act eliminated the SOL for child sexual abuse for civil claims. The extended SOL window was put in place from 2007-2009 which revived old sexual abuse claims that were previously barred due to expired SOLs.

Is there a cap on damages and, if so, what is it?

The text of the Child Victim's Act does not provide for any cap on damages. Therefore, victims may be eligible for lost wages, medical bills, and pain and suffering damages.

However, Section (c) of the statute notes that a defendant may recover attorney's fees where the Court determines that a false accusation was made with no basis in fact and with malicious intent.

Has your state enacted legislation to combat human trafficking?

Yes, under Delaware Code Title 11, Crimes and Criminal Procedure § 787, Trafficking an individual labor and sexual servitude. Delaware raises labor trafficking from a class C to a class B felony when committed against a minor.

If so, please provide a summary of the statute.

Human trafficking, a form of modern-day slavery, has been a federal crime since the passage of the Trafficking Victims Protection Act of 2000, but Delaware legislation was not passed until 2014.

Delaware's human trafficking law includes sex trafficking of minors without requiring proof of force, fraud, or coercion; however, enhanced penalties apply if force or threat was used or if the child was recruited from a shelter. Human trafficking offenses fall under the definition of racketeering activity in Delaware's organized crime and racketeering law, making it available to prosecute criminal enterprises that engage in child sex trafficking.

FLORIDA

What is the statute of limitations for civil sexual assault cases?

Generally speaking, the statute of limitations for sexual assault charges is four years. Specifically, under Florida law, claims regarding alleged abuse, or incest, may be commenced any time within seven years after the victim's age of majority, within four years after the victim leaves the dependency of the abuser, or within four years from the time of discovery by the victim of both the injury and the causal relationship between the injury and the abuse, whichever occurs later. As for sexual battery involving a minor under 16 years old, there is no statute of limitations.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Florida recognizes the delayed discovery rule. For cases where the abused was perhaps unaware of the abuse or had a repressed memory, the statute of limitations is extended so that they are able to file a lawsuit.

Fla. Stat. § 95.11(7) For intentional torts based on abuse- An action founded on alleged abuse, as defined in s. 39.01 , s. 415.102 , or s. 984.03 , or incest, as defined in s. 826.04 , may be commenced at any time within 7 years after the age of majority, or within 4 years after the injured person leaves the dependency of the abuser, or within 4 years from the

time of discovery by the injured party of both the injury and the causal relationship between the injury and the abuse, whichever occurs later.

Is there a cap on damages and, if so, what is it?

Florida has no compensatory tort cap, but does have a cap on punitive damages. However, there is an exception to the cap that may apply in a sexual assault case. This exception includes factors, such as whether a defendant's harm was intentional, willful, or constituted a criminal felony, or if the defendant was under the influence of drugs or alcohol.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

787.06 Human trafficking.—(1)(a) The Legislature finds that human trafficking is a form of modern-day slavery. Victims of human trafficking are young children, teenagers, and adults. Thousands of victims are trafficked annually across international borders worldwide. Many of these victims are trafficked into this state. Victims of human trafficking also include citizens of the United States and those persons trafficked domestically within the borders of the United States. The Legislature finds that victims of human trafficking are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.

(b) The Legislature finds that while many victims of human trafficking are forced to work in prostitution or the sexual entertainment industry, trafficking also occurs in forms of labor exploitation, such as domestic servitude, restaurant work, janitorial work, sweatshop factory work, and migrant agricultural work.

(c) The Legislature finds that traffickers use various techniques to instill fear in victims and to keep them enslaved. Some traffickers keep their victims under lock and key. However, the most frequently used practices are less obvious techniques that include isolating victims from the public and family members; confiscating passports, visas, or other identification documents; using or threatening to use violence toward victims or their families; telling victims that they will be imprisoned or deported for immigration violations if they contact authorities; and controlling the victims' funds by holding the money ostensibly for safekeeping.

(d) It is the intent of the Legislature that the perpetrators of human trafficking be penalized for their illegal conduct and that the victims of trafficking be protected and assisted by this state and its agencies. In furtherance of this policy, it is the intent of the Legislature that the state Supreme Court, The Florida Bar, and relevant state agencies prepare and implement training programs in order that judges, attorneys, law enforcement personnel, investigators, and others are able to identify traffickers and victims of human trafficking and direct victims to appropriate agencies for assistance. It is the intent of the Legislature that the Department of Children and Families and other state agencies cooperate with other state and federal agencies to ensure that victims of human trafficking can access social services and benefits to alleviate their plight.

(2) . . .

- (3) Any person who knowingly, or in reckless disregard of the facts, engages in human trafficking, or attempts to engage in human trafficking, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking:
- (a)1. For labor or services of any child under the age of 18 commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 - 2. Using coercion for labor or services of an adult commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 - (b) Using coercion for commercial sexual activity of an adult commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 - (c)1. For labor or services of any child under the age of 18 who is an unauthorized alien commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 - 2. Using coercion for labor or services of an adult who is an unauthorized alien commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 - (d) Using coercion for commercial sexual activity of an adult who is an unauthorized alien commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 - (e)1. For labor or services who does so by the transfer or transport of any child under the age of 18 from outside this state to within the state commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 - 2. Using coercion for labor or services who does so by the transfer or transport of an adult from outside this state to within the state commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 - (f)1. For commercial sexual activity who does so by the transfer or transport of any child under the age of 18 from outside this state to within the state commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life, or as provided in s. 775.082, s. 775.083, or s. 775.084.
 - 2. Using coercion for commercial sexual activity who does so by the transfer or transport of an adult from outside this state to within the state commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 - (g) For commercial sexual activity in which any child under the age of 18, or in which any person who is mentally defective or mentally incapacitated as those terms are defined in s. 794.011(1), is involved commits a life felony, punishable as provided in s. 775.082(3)(a)6., s. 775.083, or s. 775.084. . .

GEORGIA

What is the statute of limitations for civil sexual assault cases?

In general, two years from assault. OCGA 9-3-33. If a minor, the statute of limitations is two years after the minor reaches the age of 18. OCGA 9-3-90. A statute provided a complicated extended statute of limitations for bringing civil actions for childhood sexual assault but was repealed. OCGA 9-3-33.1

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes, but writers contend it did not extend it too much due to conditions and exceptions and it was repealed. 9-3-33.1

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

GA Code § 9-3-33.1 (2015)

(a) (1) As used in this subsection, the term "childhood sexual abuse" means any act committed by the defendant against the plaintiff which occurred when the plaintiff was under 18 years of age and which would be in violation of:

(A) Rape, as prohibited in Code Section 16-6-1;

(B) Sodomy or aggravated sodomy, as prohibited in Code Section 16-6-2;

(C) Statutory rape, as prohibited in Code Section 16-6-3;

(D) Child molestation or aggravated child molestation, as prohibited in Code Section 16-6-4;

(E) Enticing a child for indecent purposes, as prohibited in Code Section 16-6-5;

(F) Pandering, as prohibited in Code Section 16-6-12;

(G) Pandering by compulsion, as prohibited in Code Section 16-6-14;

(H) Solicitation of sodomy, as prohibited in Code Section 16-6-15;

(I) Incest, as prohibited in Code Section 16-6-22;

(J) Sexual battery, as prohibited in Code Section 16-6-22.1; or

(K) Aggravated sexual battery, as prohibited in Code Section 16-6-22.2.

(2) Notwithstanding Code Section 9-3-33 and except as provided in subsection (d) of this Code section, any civil action for recovery of damages suffered as a result of childhood sexual abuse committed before July 1, 2015, shall be commenced on or before the date the plaintiff attains the age of 23 years.

(b) (1) As used in this subsection, the term "childhood sexual abuse" means any act committed by the defendant against the plaintiff which occurred when the plaintiff was under 18 years of age and which would be in violation of:

(A) Trafficking a person for sexual servitude, as prohibited in Code Section 16-5-46;

(B) Rape, as prohibited in Code Section 16-6-1;

(C) Statutory rape, as prohibited in Code Section 16-6-3, if the defendant was 21 years of age or older at the time of the act;

(D) Aggravated sodomy, as prohibited in Code Section 16-6-2;

(E) Child molestation or aggravated child molestation, as prohibited in Code Section 16-6-4, unless the violation would be subject to punishment as provided in paragraph (2) of subsection (b) of Code Section 16-6-4 or paragraph (2) of subsection (d) of Code Section 16-6-4;

(F) Enticing a child for indecent purposes, as prohibited in Code Section 16-6-5, unless the violation would be subject to punishment as provided in subsection (c) of Code Section 16-6-5;

(G) Incest, as prohibited in Code Section 16-6-22;

(H) Aggravated sexual battery, as prohibited in Code Section 16-6-22.2; or

(I) Part 2 of Article 3 of Chapter 12 of Title 16.

(2) (A) Notwithstanding Code Section 9-3-33, any civil action for recovery of damages suffered as a result of childhood sexual abuse committed on or after July 1, 2015, shall be commenced:

(i) On or before the date the plaintiff attains the age of 23 years; or

(ii) Within two years from the date that the plaintiff knew or had reason to know of such abuse and that such abuse resulted in injury to the plaintiff as established by competent medical or psychological evidence.

(B) When a plaintiff's civil action is filed after the plaintiff attains the age of 23 years but within two years from the date that the plaintiff knew or had reason to know of such abuse and that such abuse resulted in injury to the plaintiff, the court shall determine from admissible evidence in a pretrial finding when the discovery of the alleged childhood sexual abuse occurred. The pretrial finding required under this subparagraph shall be made within six months of the filing of the civil action.

(c) (1) As used in this subsection, the term:

(A) "Entity" means an institution, agency, firm, business, corporation, or other public or private legal entity.

(B) "Person" means the individual alleged to have committed the act of childhood sexual abuse.

(2) If a civil action for recovery of damages suffered as a result of childhood sexual abuse is commenced pursuant to division (b)(2)(A)(i) of this Code section and if the person was a volunteer or employee of an entity that owed a duty of care to the plaintiff, or the person

and the plaintiff were engaged in some activity over which such entity had control, damages against such entity shall be awarded under this Code section only if by a preponderance of the evidence there is a finding of negligence on the part of such entity.

(3) If a civil action for recovery of damages suffered as a result of childhood sexual abuse is commenced pursuant to division (b)(2)(A)(ii) of this Code section and if the person was a volunteer or employee of an entity that owed a duty of care to the plaintiff, or the person and the plaintiff were engaged in some activity over which such entity had control, damages against such entity shall be awarded under this Code section only if by a preponderance of the evidence there is a finding that there was gross negligence on the part of such entity, that the entity knew or should have known of the alleged conduct giving rise to the civil action and such entity failed to take remedial action.

(d) (1) For a period of two years following July 1, 2015, plaintiffs of any age who were time barred from filing a civil action for injuries resulting from childhood sexual abuse due to the expiration of the statute of limitations in effect on June 30, 2015, shall be permitted to file such actions against the individual alleged to have committed such abuse before July 1, 2017, thereby reviving those civil actions which had lapsed or technically expired under the law in effect on June 30, 2015.

(2) The revival of a claim as provided in paragraph (1) of this subsection shall not apply to:

(A) Any claim that has been litigated to finality on the merits in a court of competent jurisdiction prior to July 1, 2015. Termination of a prior civil action on the basis of the expiration of the statute of limitations shall not constitute a claim that has been litigated to finality on the merits;

(B) Any written settlement agreement which has been entered into between a plaintiff and a defendant when the plaintiff was represented by an attorney who was admitted to practice law in this state at the time of the settlement, and the plaintiff signed such agreement; and

(C) Any claim against an entity, as such term is defined in subsection (c) of this Code section.

(3) This subsection shall be repealed effective July 1, 2017.

See *Doe v. St. Joseph's*, 850 S.E.2d 267 (2020) for discussion about application of the statute.

Is there a cap on damages and, if so, what is it?

General damages are awardable in enlightened conscience of a jury. Punitive damages in cases of negligent conduct are limited to \$250,000. Punitive damages are not capped if plaintiff proves intentional injury.

O.C.G.A. 51-12-5.1 (2010)
51-12-5.1. Punitive damages

(a) As used in this Code section, the term "punitive damages" is synonymous with the terms "vindictive damages," "exemplary damages," and other descriptions of additional damages awarded because of aggravating circumstances in order to penalize, punish, or deter a defendant.

(b) Punitive damages may be awarded only in such tort actions in which it is proven by clear and convincing evidence that the defendant's actions showed willful misconduct, malice, fraud, wantonness, oppression, or that entire want of care which would raise the presumption of conscious indifference to consequences.

(c) Punitive damages shall be awarded not as compensation to a plaintiff but solely to punish, penalize, or deter a defendant.

(d) (1) An award of punitive damages must be specifically prayed for in a complaint. In any case in which punitive damages are claimed, the trier of fact shall first resolve from the evidence produced at trial whether an award of punitive damages shall be made. This finding shall be made specially through an appropriate form of verdict, along with the other required findings.

(2) If it is found that punitive damages are to be awarded, the trial shall immediately be recommenced in order to receive such evidence as is relevant to a decision regarding what amount of damages will be sufficient to deter, penalize, or punish the defendant in light of the circumstances of the case. It shall then be the duty of the trier of fact to set the amount to be awarded according to subsection (e), (f), or (g) of this Code section, as applicable.

(e) (1) In a tort case in which the cause of action arises from product liability, there shall be no limitation regarding the amount which may be awarded as punitive damages. Only one award of punitive damages may be recovered in a court in this state from a defendant for any act or omission if the cause of action arises from product liability, regardless of the number of causes of action which may arise from such act or omission.

(2) Seventy-five percent of any amounts awarded under this subsection as punitive damages, less a proportionate part of the costs of litigation, including reasonable attorney's fees, all as determined by the trial judge, shall be paid into the treasury of the state through the Office of the State Treasurer. Upon issuance of judgment in such a case, the state shall have all rights due a judgment creditor until such judgment is satisfied and shall stand on equal footing with the plaintiff of the original case in securing a recovery after payment to the plaintiff of damages awarded other than as punitive damages. A judgment debtor may remit the state's proportional share of punitive damages to the clerk of the court in which the judgment was rendered. It shall be the duty of the clerk to pay over such amounts to the Office of the State Treasurer within 60 days of receipt from the judgment debtor. This paragraph shall not be construed as making the state a party at interest and the sole right of the state is to the proceeds as provided in this paragraph.

(f) In a tort case in which the cause of action does not arise from product liability, if it is found that the defendant acted, or failed to act, with the specific intent to cause harm, or that the defendant acted or failed to act while under the influence of alcohol, drugs other

than lawfully prescribed drugs administered in accordance with prescription, or any intentionally consumed glue, aerosol, or other toxic vapor to that degree that his or her judgment is substantially impaired, there shall be no limitation regarding the amount which may be awarded as punitive damages against an active tort-feasor but such damages shall not be the liability of any defendant other than an active tort-feasor.

(g) For any tort action not provided for by subsection (e) or (f) of this Code section in which the trier of fact has determined that punitive damages are to be awarded, the amount which may be awarded in the case shall be limited to a maximum of \$250,000.00.

(h) This Code section shall apply only to causes of action arising on or after April 14, 1997.

Has your state enacted legislation to combat human trafficking?

Yes 16-5-46

If so, please provide a summary of the statute.

O.C.G.A. 16-5-46 (2010)

16-5-46. Trafficking of persons for labor or sexual servitude

(a) As used in this Code section, the term:

(1) "Coercion" means:

(A) Causing or threatening to cause bodily harm to any person, physically restraining or confining any person, or threatening to physically restrain or confine any person;

(B) Exposing or threatening to expose any fact or information that if revealed would tend to subject a person to criminal or immigration proceedings, hatred, contempt, or ridicule;

(C) Destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of any person; or

(D) Providing a controlled substance, as such term is defined by Code Section 16-13-21, to such person.

(2) "Deception" means:

(A) Creating or confirming another's impression of an existing fact or past event which is false and which the accused knows or believes to be false;

(B) Maintaining the status or condition of a person arising from a pledge by that person of his or her personal services as security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined, or preventing a person from acquiring information pertinent to the disposition of such debt; or

(C) Promising benefits or the performance of services which the accused does not intend to deliver or perform or knows will not be delivered or performed. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to authorize a conviction under this Code section.

(3) "Labor servitude" means work or service of economic or financial value which is performed or provided by another person and is induced or obtained by coercion or deception.

(4) "Sexual servitude" means:

(A) Any sexually explicit conduct as defined in paragraph (4) of subsection (a) of Code Section 16-12-100 for which anything of value is directly or indirectly given, promised to, or received by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years; or

(B) Any sexually explicit conduct as defined in paragraph (4) of subsection (a) of Code Section 16-12-100 which is performed or provided by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years.

(b) A person commits the offense of trafficking a person for labor servitude when that person knowingly subjects or maintains another in labor servitude or knowingly recruits, entices, harbors, transports, provides, or obtains by any means another person for the purpose of labor servitude.

(c) A person commits the offense of trafficking a person for sexual servitude when that person knowingly subjects or maintains another in sexual servitude or knowingly recruits, entices, harbors, transports, provides, or obtains by any means another person for the purpose of sexual servitude.

(d) Any person who commits the offense of trafficking a person for labor or sexual servitude shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for not less than one nor more than 20 years. Any person who commits the offense of trafficking a person for labor or sexual servitude against a person who is under the age of 18 years shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for not less than ten nor more than 20 years.

(e) Prosecuting attorneys and the Attorney General shall have concurrent authority to prosecute any criminal cases arising under the provisions of this Code section and to perform any duty that necessarily appertains thereto.

(f) Each violation of this Code section shall constitute a separate offense and shall not merge with any other offense.

(g) A corporation may be prosecuted under this Code section for an act or omission constituting a crime under this Code section only if an agent of the corporation performs the conduct which is an element of the crime while acting within the scope of his or her

office or employment and on behalf of the corporation and the commission of the crime was either authorized, requested, commanded, performed, or within the scope of his or her employment on behalf of the corporation or constituted a pattern of illegal activity that an agent of the company knew or should have known was occurring.

HAWAII

What is the statute of limitations for civil sexual assault cases?

In Hawaii, the general statute of limitations period for injuries is two years. As for child sexual assaults, legislation has just recently changed in Hawaii. Under the old legislation, victims of child abuse were only permitted to file a claim within three years from the date their abuse occurred or from the date they realized that they had suffered psychological harm from their mistreatment. If the child was under the age of 18 when the abuse occurred, then he or she was able to file a lawsuit against the perpetrators within three years from the day they reached majority.

In 2018, Hawaii passed a new law, Act 098, which extended the statute of limitations. Child sex abuse victims were then able to file any reports of sexual assault, no matter how long ago the incident occurred, until the filing deadline on April 24, 2020. Under this law, victims of any age were able to file lawsuits against any individual.

Lawmakers in Hawaii are now considering a lengthy extension to the statute of limitations for child sex abuse/assault cases. The bill would allow victims of childhood sex abuse 50 years after they turn 18 to bring a claim.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes. Hawaii recognizes minority tolling.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Civil Law Statute of Limitations for Certain Child Sexual Abuse cases (HRS § 657-1.8)

(a) Notwithstanding any law to the contrary, except as provided under subsection (b), no action for recovery of damages based on physical, psychological, or other injury or condition suffered by a minor arising from the sexual abuse of the minor by any person shall be commenced against the person who committed the act of sexual abuse more than:

- (1) **Eight years** after the eighteenth birthday of the minor or the person who committed the act of sexual abuse attains the age of majority, whichever occurs later; or
- (2) Three years after the date the minor discovers or reasonably should have discovered that psychological injury or illness occurring after the age of minor's eighteenth birthday was caused by the sexual abuse, whichever comes later.

A civil cause of action for the sexual abuse of a minor shall be based upon sexual acts that constituted or would have constituted a criminal offense under part V or VI of chapter 707.

(b) For a period of eight years after April 24, 2012, a victim of child sexual abuse that occurred in this State may file a claim in a circuit court of this State against the person who committed the act of sexual abuse if the victim is barred from filing a claim against the victim's abuser due to the expiration of the applicable civil statute of limitations that was in effect prior to April 24, 2012.

Is there a cap on damages and, if so, what is it?

Hawaii has a cap on noneconomic damages, which is capped at \$375,000. However, it does not place a cap on punitive damages. *Haw. Rev. Stat. Ann. § 663-8.7*. Hawaii law also provides for the recovery of the "reasonable value" of medical expenses. *See Bynum v. Magno*, 101 P.3d 1149 (2004).

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Hawaii Revised Statutes § 712-1202

(1) A person commits the offense of sex trafficking if the person knowingly:

(a) Advances prostitution by compelling or inducing a person by force, threat, fraud, or intimidation to engage in prostitution, or profits from such conduct by another; or
(b) Advances or profits from prostitution of a minor; provided that with respect to the victim's age, the prosecution shall be required to prove only that the person committing the offense acted negligently.

(2) Sex trafficking is a class A felony.

(3) As used in this section:

"Fraud" means making material false statements, misstatements, or omissions.

"Minor" means a person who is less than eighteen years of age.

"Threat" means any of the actions listed in section 707-764(1).

Hawaii Revised Statutes § 371-20. National Human Trafficking Resource Center hotline; posting requirement; penalty

(a) Every employer specified in subsection (b) shall post and keep posted in a place readily accessible to individuals in the employer's employ a poster no smaller than eight and one-half inches by eleven inches in size that states the following:

"If you or someone you know is being forced to engage in any activity and cannot leave - whether it is commercial sex, housework, farm work, or any other similar activity - call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services.

Victims of human trafficking are protected under United States and Hawaii law.

The hotline is:

(1) Available twenty-four hours a day, seven days a week;

(2) Toll-free;

(3) Operated by a nonprofit, nongovernmental organization;

- (4) Anonymous and confidential;
- (5) Accessible in one hundred seventy languages; and
- (6) Able to provide help, referral to services, training, and general information.”
- (b) For purposes of this section, “employer” means any person that:
 - (1) Holds a class 5 or class 11 liquor license pursuant to section 281-31;
 - (2) Maintains a massage therapy establishment that employs five or more people; or
 - (3) Employs one or more erotic or nude massagers or exotic or nude dancers as defined in section 712-1210.
- (c) A poster required under subsection (a) shall be printed in English and the director may supplement the required information.
- (d) The department shall make available on its public website an electronic version of the poster required by subsection (a) for employers to print.
- (e) Any employer who willfully and knowingly fails, neglects, or refuses to perform any act required by this section shall be fined not more than \$100 for each separate offense. Each day the violation continues shall constitute a separate offense. Any action taken to impose or collect the penalty provided for in this subsection shall be considered a civil action.

IDAHO

What is the statute of limitations for civil sexual assault cases?

Idaho does not have a specific statute for adult civil sexual assault cases. Thus, the two (2) year statute of limitations for personal injuries applies. I.C. § 5-219. This is supported by Idaho Code § 6-1704, the statute of limitations for child abuse cases, which refers to chapter 2, title 5, Idaho Code. Moreover, the Idaho Supreme Court has recognized that “sexual abuse constitutes battery” and that Idaho Code § 5-219 “provides a two-year statute of limitations for actions seeking compensation for battery.” *Glaze v. Deffenbaugh*, 144 Idaho 829, 172 P.3d 1103 (2007).

Has Idaho adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Idaho Code § 6-1701 (Tort Actions in Child Abuse Cases) provides as follows:

- (1) An action may be brought by or on behalf of any child against any person who has:
 - (a) Willfully and lewdly committed any lewd or lascivious act or acts upon or with the body or any part or member of a child under the age of sixteen (16) years as defined in section 18-1508, Idaho Code; or

(b) Sexually abused any child as defined in section 18-1506, Idaho Code; or

(c) Sexually exploited any child for a commercial purpose as defined in section 18-1507, Idaho Code; or

(d) Injured a child as defined in section 18-1501, Idaho Code.

(2) If an act prohibited under subsection (1) of this section involves employment related circumstances as provided under section 6-1607(2), Idaho Code, then an action may be brought under the common law by, or on behalf of, any child against the employer of the person who committed the act, subject to the requirements of section 6-1607, Idaho Code.

(3) The civil causes of action provided for in this section exist independently of any criminal action commenced pursuant to chapter 15, title 18, Idaho Code. A civil action may be pursued under the provisions of this chapter even if a criminal prosecution is not pursued.

The statute of limitations for such an action is set forth in Idaho Code § 6-1704 and provides in relevant part:

[A]n action under the provisions of this chapter must be commenced within five (5) years from the date that an aggrieved child reaches the age of eighteen (18) years or, after the child reaches the age of eighteen (18) years, within five (5) years of the time the child discovers or reasonably should have discovered the act, abuse or exploitation and its causal relationship to an injury or condition suffered by the child, whichever occurs later.

Thus, an abused child must bring their claim within 5 years upon reaching the age of 18 or, after the child reaches the age of 18, within 5 years upon discovering the alleged abuse.

Is there a cap on damages and, if so, what is it?

Idaho has a non-economic damages cap for personal injury cases. That statutory cap, however, does not apply if the tortfeasor engaged in reckless or willful conduct, or if the conduct at issue would constitute a felony under state or federal law. Thus, it is highly unlikely the statutory cap would apply given the nature of these types of claims.

For tort actions in child abuse cases, damages shall consist of past and future damages and may consist of emotional and physical pain and suffering, mental anguish, disability, loss of society and companionship, expenses for past and future therapy and costs and attorney's fees, if the prevailing party. *See* I.C. § 6-1703.

The potential also exists for a punitive damages award in these types of cases.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Any person who commits the crime of human trafficking, as defined in Idaho Code section 18-8602, shall be punished by imprisonment in the state prison for not more than 25 years, unless a more severe penalty is otherwise prescribed by law. *See* I.C. § 18-8601, *et seq.* The court shall also order restitution and order the defendant to pay for the victim's mental and physical rehabilitation. I.C. § 18-8604. The definition of "human trafficking" can be found in Idaho Code section 18-8602.

Additionally, if a minor committed any unlawful acts *not* listed in Idaho Code section 18-310(2), the prosecutor must divert the offense if the minor committed the offense as a direct result of being a victim of human trafficking, so long as the minor is willing to cooperate and receive specialized services. *See* I.C. § 18-8606.

ILLINOIS

What is the statute of limitations for civil sexual assault cases?

Generally, Illinois has a statute of limitations of two years from the date of the incident or two years from the day the victim discovered that they were sexually abused. This is for sexual assault cases involving individuals 18 years or older. Illinois also has a special statute of limitations for childhood sexual abuse victims. In recent years, the Illinois legislature has been developing changes to the law that would extend the civil statute of limitations for cases related to childhood sexual abuse. In the past, the statute of limitations for civil claims related to childhood sexual abuse was twenty years from the victim's eighteenth birthday or five years after they discovered they were abused as a child. This law replaced a stricter two-year statute of limitations in 2003. However, recently, Illinois has completely eliminated any statute of limitations for child sexual abuse and assault. If the abuse happens after this change in the law, the abused victim has **no deadline** to bring a lawsuit.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

In the past, the statute of limitations for civil claims related to childhood sexual abuse was twenty years from the victim's eighteenth birthday or five years after they discovered they were abused as a child. However, recently, Illinois passed Public Act 100-0080, which has completely eliminated any statute of limitations for child sexual abuse and assault. If the abuse happens after this change in the law, the abused victim has **no deadline** to bring a lawsuit.

Is there a cap on damages and, if so, what is it?

Illinois does not cap compensatory or punitive damages.

The collateral source rule applies. *See Wills v. Foster*, 892 N.E.2d 1018 (Ill. 2008).

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

735 Illinois Compiled Statutes Annotated 5/13-225

Trafficking victims protection.

(a) In this Section, “human trafficking”, “involuntary servitude”, “sex trade”, and “victim of the sex trade” have the meanings ascribed to them in Section 10 of the Trafficking Victims Protection Act.

(b) Subject to both subsections (e) and (f) and notwithstanding any other provision of law, an action under the Trafficking Victims Protection Act must be commenced within 25 years of the date the limitation period begins to run under subsection (d) or within 25 years of the date the plaintiff discovers or through the use of reasonable diligence should discover both (i) that the sex trade, involuntary servitude, or human trafficking act occurred, and (ii) that the defendant caused, was responsible for, or profited from the sex trade, involuntary servitude, or human trafficking act. The fact that the plaintiff discovers or through the use of reasonable diligence should discover that the sex trade, involuntary servitude, or human trafficking act occurred is not, by itself, sufficient to start the discovery period under this subsection (b).

(c) If the injury is caused by 2 or more acts that are part of a continuing series of sex trade, involuntary servitude, or human trafficking acts by the same defendant, then the discovery period under subsection (b) shall be computed from the date the person abused discovers or through the use of reasonable diligence should discover (i) that the last sex trade, involuntary servitude, or human trafficking act in the continuing series occurred, and (ii) that the defendant caused, was responsible for, or profited from the series of sex trade, involuntary servitude, or human trafficking acts. The fact that the plaintiff discovers or through the use of reasonable diligence should discover that the last sex trade, involuntary servitude, or human trafficking act in the continuing series occurred is not, by itself, sufficient to start the discovery period under subsection (b).

(d) The limitation periods in subsection (b) do not begin to run before the plaintiff attains the age of 18 years; and, if at the time the plaintiff attains the age of 18 years he or she is under other legal disability, the limitation periods under subsection (b) do not begin to run until the removal of the disability.

(e) The limitation periods in subsection (b) do not run during a time period when the plaintiff is subject to threats, intimidation, manipulation, or fraud perpetrated by the defendant or by any person acting in the interest of the defendant.

(f) The limitation periods in subsection (b) do not commence running until the expiration of all limitations periods applicable to the criminal prosecution of the plaintiff for any acts which form the basis of a cause of action under the Trafficking Victims Protection Act.

720 Illinois Compiled Statutes Annotated 5/10-9

Trafficking in persons, involuntary servitude, and related offenses.

(d) Trafficking in persons. A person commits trafficking in persons when he or she knowingly: (1) recruits, entices, harbors, transports, provides, or obtains by any means, or

attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person, intending or knowing that the person will be subjected to involuntary servitude; or (2) benefits, financially or by receiving anything of value, from participation in a venture that has engaged in an act of involuntary servitude or involuntary sexual servitude of a minor. A company commits trafficking in persons when the company knowingly benefits, financially or by receiving anything of value, from participation in a venture that has engaged in an act of involuntary servitude or involuntary sexual servitude of a minor.

Sentence. Except as otherwise provided in subsection (e) or (f), a violation of this subsection by a person is a Class 1 felony. A violation of this subsection by a company is a business offense for which a fine of up to \$100,000 may be imposed.

820 Illinois Compiled Statutes Annotated 95/15

Human trafficking recognition training curriculum.

(a) A lodging establishment may use its own human trafficking training program or that of a third party and be in full compliance with this Act if the human trafficking training program includes, at a minimum, all of the following:

- (1) a definition of human trafficking and commercial exploitation of children;
- (2) guidance on how to identify individuals who are most at risk for human trafficking;
- (3) the difference between human trafficking for purposes of labor and for purposes of sex as the trafficking relates to lodging establishments; and
- (4) guidance on the role of lodging establishment employees in reporting and responding to instances of human trafficking.

(b) The Department shall develop a curriculum for an approved human trafficking training recognition program which shall be used by a lodging establishment that does not administer its own human trafficking recognition program as described in subsection (a). The human trafficking training recognition program developed by the Department shall include, at a minimum, all of the following:

- (1) a definition of human trafficking and commercial exploitation of children;
- (2) guidance on how to identify individuals who are most at risk for human trafficking;
- (3) the difference between human trafficking for purposes of labor and for purposes of sex as the trafficking relates to lodging establishments; and
- (4) guidance on the role of lodging establishment employees in reporting and responding to instances of human trafficking.

The Department may consult the United States Department of Justice for the human trafficking recognition training program developed under this subsection.

The Department shall develop and publish the human trafficking recognition training program described in this subsection no later than July 1, 2020.

INDIANA

What is the statute of limitations for civil sexual assault cases?

In Indiana, a victim of sexual assault may maintain a civil action against her assailant for damages, through a tort suit for battery. *Pritchett v. Heil*, 756 N.E.2d 561, 566 (Ind. Ct. App. 2001). Indiana's statute of limitations for tort actions provides that the action "must be commenced within two (2) years after the cause of action accrues. Ind. Code § 34-11-2-4(a)

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes, Indiana Code Section 34-11-2-4(b) provides:

(b) An action for injury to a person that results from the sexual abuse of a child must be commenced within the *later* of:

(1) seven (7) years after the cause of action accrues; or

(2) four (4) years after the person ceases to be a dependent of the person alleged to have performed the sexual abuse.

(emphasis added).

Is there a cap on damages and, if so, what is it?

Generally, no. However, if a punitive damages award is entered, the “punitive damage award may not be more than the greater of:

(1) three (3) times the amount of compensatory damages awarded in the action; or

(2) fifty thousand dollars (\$50,000).

Has your state enacted legislation to combat human trafficking?

Yes, Indiana’s Criminal Code, Indiana Code Section 35-42-3.5-0.5 through Indiana Code Section 35-42-3.5-4 provides various statutes enacted to combat human trafficking.

If so, please provide a summary of the statute.

As an initial matter, the Code imposes the penalty of a Level 4 Felony conviction to those who promote Human Labor Trafficking or Human Sexual Trafficking. *See* Ind. Code § 35-42-3.5-1; Ind. Code § 35-42-3.5-1.1. The Code imposes a Level 3 Felony to those who are convicted of the Promotion of Child Sexual Trafficking. Ind. Code § 35-42-3.5-1.2.

For those who are convicted of engaging in Human Trafficking, “[a] person who knowingly or intentionally pays to, offers to pay to, agrees to pay money or other property to, or benefits in some other manner another person for a human trafficking victim or an act performed by a human trafficking victim commits human trafficking, a Level 5 felony.” Ind. Code § 35-42-3.5-1.4. It is a Level 2 Felony to engage in Child Sexual Trafficking. Ind. Code § 35-42-3.5-1.3

Finally, Indiana has explicitly provided for a civil cause of action to those who are victims of human trafficking. Indiana Code § 35-42-3.5-3 provides:

(a) If a person is convicted of an offense under sections 1 through 1.4 of this chapter, the victim of the offense:

(1) has a civil cause of action against the person convicted of the offense; and

(2) may recover the following from the person in the civil action:

(A) Actual damages.

(B) Court costs (including fees).

(C) Punitive damages, when determined to be appropriate by the court.

(D) Reasonable attorney's fees.

(b) An action under this section must be brought not more than two (2) years after the date the person is *convicted* of the offense under sections 1 through 1.4 of this chapter. (emphasis added).

IOWA

What is the statute of limitations for civil sexual assault cases?

Generally, civil sexual assault cases are subject to the two-year statute of limitations for injuries to person or reputation. Iowa Code § 614.1(2).

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Pursuant to Iowa Code section 614.8A, a plaintiff who was a minor when the alleged sexual abuse occurred can bring an action for damages “within four years from the time of discovery by the injured party of both the injury and the causal relationship between the injury and the sexual abuse.”

Section 614.8(2) provides a general time limitation extension for minors and states the limitations “are extended in favor of minors, so that they shall have one year from and after attainment of majority within which” to bring an action.

Iowa law also provides for an extended period of limitations when a plaintiff seeks “damages for injury suffered as a result of sexual abuse ... by a counselor, therapist, or school employee.” Iowa Code § 614.1(12); *see also* Iowa Code §§ 709.1 (defining sexual abuse) and 709.15 (defining counselor, therapist, or school employee). Pursuant to section 614.1(12), a plaintiff may bring an action for damages “within five years of the date the victim was last treated by the counselor or therapist, or within five years of the date the victim was last enrolled in or attended the school.”

Is there a cap on damages and, if so, what is it?

There is not a cap on damages for general civil sexual assault cases in Iowa.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

In 2016, the Office to Combat Human Trafficking was approved and established. *See* Iowa Code § 80.45 (Added by Acts 2016 (86 G.A.) ch. 1077, S.F. 2191, § 1, eff. July 1, 2016). Pursuant to section 80.45, the Office to Combat Human Trafficking was designed to “oversee and coordinate efforts to combat human trafficking in [Iowa].”

KANSAS

What is the statute of limitations for civil sexual assault cases?

Generally, the statute of limitations in Kansas is two years for adults over the age of 18. If a child is abused, the victim has till the age of 21 (three years from when they turn 18) or three years from the realization of the abuse to file a claim. Since this meager time frame deters a majority of childhood sexual abuse victims from coming forward, Kansas lawmakers have been considering lengthening or even removing the civil statute of limitations, which would be following the lead of many other states.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

A childhood sexual abuse victim has till the age of 21 (three years from when they turn 18) or three years from the realization of the abuse to file a claim.

Kan. Stat. Ann. § 60-523. Limitations on actions for recovery of damages suffered as a result of childhood sexual abuse.

(a) No action for recovery of damages suffered as a result of childhood sexual abuse shall be commenced more than three years after the date the person attains 18 years of age or more than three years from the date the person discovers or reasonably should have discovered that the injury or illness was caused by childhood sexual abuse, whichever occurs later.

Is there a cap on damages and, if so, what is it?

There is no cap on compensatory damages in Kansas, but there is a cap on both noneconomic damages and punitive damages. Punitive damages are capped at the lesser of either the defendant’s annual gross income (or if inadequate, then 50 percent of the defendant’s net worth), or \$5 million. Kan. Stat. Ann. § 60-3702(e).

Kansas recognizes the Restatement (Second) of Torts § 920A: “(1) A payment made by a tortfeasor or by a person acting for him to a person whom he has injured is credited against his tort liability, as are payments made by another who is, or believes he is, subject to the same tort liability;” and “(2) Payments made to or benefits conferred on the injured party from other sources are not credited against the tortfeasor’s liability, although they cover all or a part of the harm for which the tortfeasor is liable.”

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Kansas Statutes Annotated 60-5003

Civil action for victims of human trafficking or commercial sexual exploitation of a child

(a) A victim of the conduct of another that would constitute conduct prohibited by K.S.A. 21-5426, and amendments thereto, human trafficking or aggravated human trafficking, or K.S.A. 21-6422, and amendments thereto, commercial sexual exploitation of a child, may bring an action in an appropriate state court against the person or persons who engaged in such conduct if the victim suffered personal or psychological injury as a result of the conduct. Such victim may seek actual damages, exemplary or punitive damages, injunctive relief and any other appropriate relief.

(b) In an action under this section, the court shall award a prevailing plaintiff the cost of the suit, including reasonable attorney fees. A victim who is awarded damages under this section shall be deemed to have sustained damages of at least \$150,000.

(c) Notwithstanding any other provision of law, any action commenced under this section shall be filed within 10 years after the later of the date on which the victim:

- (1) Was freed from the human trafficking situation; or
- (2) attained 18 years of age.

(d) At the victim's request, the attorney general may pursue cases on behalf of any Kansas victim under this section. All damages obtained shall go to the victim, and the attorney general may seek reasonable attorney fees and costs.

(e) Any action brought under this section shall be subject to the provisions of K.S.A. 74-7312, and amendments thereto.

(f) This section does not preclude any other remedy available to the victim under federal law or law of this state.

Kansas Statutes Annotated 21-5426

Human trafficking; aggravated human trafficking

(a) Human trafficking is:

(1) Except as provided in subsection (b)(4) and (5), the intentional recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjecting the person to involuntary servitude or forced labor;

(2) intentionally benefitting financially or by receiving anything of value from participation in a venture that the person has reason to know has engaged in acts set forth in subsection (a)(1);

(3) knowingly coercing employment by obtaining or maintaining labor or services that are performed or provided by another person through any of the following:

- (A) Causing or threatening to cause physical injury to any person;
- (B) physically restraining or threatening to physically restrain another person;
- (C) abusing or threatening to abuse the law or legal process;
- (D) threatening to withhold food, lodging or clothing; or
- (E) knowingly destroying, concealing, removing, confiscating or possessing any actual or purported government identification document of another person; or

(4) knowingly holding another person in a condition of peonage in satisfaction of a debt owed the person who is holding such other person.

(b) Aggravated human trafficking is:

(1) Human trafficking, as defined in subsection (a), involving the commission or attempted commission of kidnapping, as defined in K.S.A. 21-5408(a), and amendments thereto;

(2) human trafficking, as defined in subsection (a), committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(3) human trafficking, as defined in subsection (a), resulting in a death;

(4) recruiting, harboring, transporting, providing or obtaining, by any means, a child knowing that the child, with or without force, fraud, threat or coercion, will be used to engage in: (A) Forced labor; (B) involuntary servitude; or (C) sexual gratification of the defendant or another involving the exchange of anything of value; or

(5) hiring a child by giving, or offering or agreeing to give, anything of value to any person, to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual act, and the offender recklessly disregards the age of the child.

(c)(1) Human trafficking is a severity level 2, person felony.

(2) Aggravated human trafficking is a severity level 1, person felony, except as provided in subsection (c)(3).

(3) Aggravated human trafficking or attempt, conspiracy or criminal solicitation to commit aggravated human trafficking is an off-grid person felony, when the offender is 18 years of age or older and the victim is less than 14 years of age.

(4) In addition to any other sentence imposed, a person convicted under subsection (c)(1) shall be fined not less than \$2,500 nor more than \$5,000. In addition to any other sentence imposed, a person convicted under subsection (c)(2) or (c)(3) shall be fined not less than \$5,000. All fines collected pursuant to this section shall be remitted to the human trafficking victim assistance fund created by K.S.A. 75-758, and amendments thereto.

(5) In addition to any other sentence imposed, for any conviction under this section, the court may order the person convicted to enter into and complete a suitable educational or treatment program regarding commercial sexual exploitation of a child.

(d) If the offender is 18 years of age or older and the victim is less than 14 years of age, the provisions of:

(1) K.S.A. 21-5301(c), and amendments thereto, shall not apply to a violation of attempting to commit the crime of aggravated human trafficking pursuant to this section;

(2) K.S.A. 21-5302(d), and amendments thereto, shall not apply to a violation of conspiracy to commit the crime of aggravated human trafficking pursuant to this section; and

(3) K.S.A. 21-5303(d), and amendments thereto, shall not apply to a violation of criminal solicitation to commit the crime of aggravated human trafficking pursuant to this section.

(e) It shall be an affirmative defense to any prosecution under subsection (b)(4) or (5) that the defendant: (1) Was under 18 years of age at the time of the violation; and (2) committed the violation because such defendant, at the time of the violation, was

subjected to human trafficking or aggravated human trafficking, as defined by this section.

(f) It shall not be a defense to a charge of aggravated human trafficking, as defined in subsection (b)(4) or (5), that: (1) The victim consented or willingly participated in the forced labor, involuntary servitude or sexual gratification of the defendant or another; or (2) the offender had no knowledge of the age of the victim. . . .

KENTUCKY

What is the statute of limitations for civil sexual assault cases?

Generally, Kentucky has a statute of limitations of one year. However, if a child was abused then they would have 10 years since the last act of the perpetrator; the date the victim knew or should have known of the act, or the perpetrator's conviction; or age 28. The statute, Kentucky Statutes § 413.249 stated:

(2) A civil action for recovery of damages for injury or illness suffered as a result of childhood sexual abuse or childhood sexual assault shall be brought before whichever of the following periods last expires:

(a) Within ten (10) years of the commission of the act or the last of a series of acts by the same perpetrator;

(b) Within ten (10) years of the date the victim knew, or should have known, of the act;

(c) Within ten (10) years after the victim attains the age of eighteen (18) years; or

(d) Within ten (10) years of the conviction of a civil defendant for an offense included in the definition of childhood sexual abuse or childhood sexual assault.

However, House Bill 47, which is in the Senate Judiciary Committee, eliminates the civil statutes of limitations for suits against perpetrators of child sex assault crimes.

The Bill amends KRS 413.249 to remove the ten-year statute of limitations for civil actions arising from childhood sexual assault or abuse and allow a suit to be commenced at any time, amends KRS 620.030 relating to the requirement to report child abuse, etc.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

A childhood sexual abuse victim has 10 years since the last act of the perpetrator; the date the victim knew or should have known of the act, or the perpetrator's conviction; or age 28.

However, House Bill 47, which is in the Senate Judiciary Committee, eliminates the civil statutes of limitations for suits against perpetrators of child sex assault crimes.

Is there a cap on damages and, if so, what is it?

Kentucky has no tort caps. Specifically, there is no cap on either compensatory or punitive damages. Kentucky applies the collateral source rule.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Kentucky Revised Statutes Annotated § 529.110

Promoting human trafficking

(1) A person is guilty of promoting human trafficking when the person intentionally:

(a) Benefits financially or receives anything of value from knowing participation in human trafficking; or

(b) Recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person, knowing that the person will be subject to human trafficking.

(2) Promoting human trafficking is a Class D felony unless a victim of the trafficking is under eighteen (18), in which case it is a Class C felony.

Kentucky Revised Statutes Annotated § 529.100

Human trafficking

(1) A person is guilty of human trafficking when the person intentionally subjects one (1) or more persons to engage in:

(a) Forced labor or services; or

(b) Commercial sexual activity through the use of force, fraud, or coercion, except that if the person is under the age of eighteen (18), the commercial sexual activity need not involve force, fraud, or coercion.

(2) (a) Human trafficking is a Class C felony unless it involves serious physical injury to a trafficked person, in which case it is a Class B felony.

(b) If the victim of human trafficking is under eighteen (18) years of age, the penalty for the offense shall be one (1) level higher than the level otherwise specified in this section.

Kentucky Revised Statutes Annotated § 176.415

Flags to be displayed at rest areas; human trafficking hotline telephone number to be prominently displayed in each rest area restroom

(1) The Department of Highways shall display the following flags at each rest area along the Commonwealth's interstate and turnpike system:

(a) The flag of the United States of America, to honor our country and the democratic ideals of our forefathers;

(b) The flag of the Commonwealth of Kentucky, as specified by KRS 2.030, to honor the Commonwealth and its citizens; and

(c) The flag of the National League of Families of American Prisoners of War and Missing in Southeast Asia, the black and white banner commonly known as the POW/MIA flag, which symbolizes America's missing service members and our unwavering determination to account for them.

(2) The Department of Highways shall post in every restroom located on the premises of each rest area in the Commonwealth a printed sign in English and Spanish at least eleven

(11) inches by fourteen (14) inches in size, with letters at least one (1) inch high, displaying the current telephone hotline number of the National Human Trafficking Resource Center or any federally funded successor entity. The sign shall be:

- (a) Created using gender-neutral language supplied to the Department of Highways by the Cabinet for Health and Family Services; and
- (b) Posted in a prominent place easily seen by patrons.

Kentucky Revised Statutes Annotated § 620.029

Duties of cabinet relating to children who are victims of human trafficking

(1) In order to provide the most effective treatment for children who are victims of human trafficking, as defined in KRS 529.010, the cabinet shall:

- (a) Investigate a report alleging a child is a victim of human trafficking pursuant to KRS 620.030(3);
- (b) Provide or ensure the provision of appropriate treatment, housing, and services consistent with the status of the child as a victim of human trafficking; and
- (c) Proceed in the case in accordance with applicable statutes governing cases involving dependency, neglect, or abuse regardless of whether the person believed to have caused the human trafficking of the child is a parent, guardian, or person exercising custodial control or supervision.

(2) In order to effectuate the requirements of this section, the cabinet shall:

- (a) Consult with agencies serving victims of human trafficking to promulgate administrative regulations for the treatment of children who are reported to be victims of human trafficking as dependent, neglected, or abused children, including providing for appropriate screening, assessment, treatment, services, temporary and long-term placement of these children, training of staff, the designation of specific staff, and collaboration with service providers and law enforcement; and
- (b) By November 1 of each year, beginning in 2013, submit to the Legislative Research Commission a comprehensive report detailing the number of reports the cabinet has received regarding child victims of human trafficking, the number of reports in which the cabinet has investigated and determined that a child is the victim of human trafficking, and the number of cases in which services were provided.

LOUISIANA

What is the statute of limitations for civil sexual assault cases?

Generally, the statute of limitations, which is called prescription in Louisiana, is one year from date of discovery. However, there is no statute of limitations on claims by childhood abuse victims under La. R. S. 9:2800.9.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

There is no statute of limitations on claims action against a person for sexual abuse of a minor, or for physical abuse of a minor resulting in permanent impairment or permanent physical injury or scarring,

Is there a cap on damages and, if so, what is it?

Louisiana has no general tort cap. In other words, there is no cap on compensatory damages, but punitive damages are generally disfavored unless specifically authorized by statute. Punitive damages are permitted in limited circumstances, such as intoxicated driving, criminal sexual activity with minors, and storage/disposal of toxic waste. *See, e.g.,* La. Civ. Code Ann. Art. 2315.3. Additionally, the collateral source rule applies in Louisiana.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Louisiana Statutes Annotated 14:46.2. Human trafficking

A. It shall be unlawful:

(1) (a) For any person to knowingly recruit, harbor, transport, provide, solicit, receive, isolate, entice, obtain, or maintain the use of another person through fraud, force, or coercion to provide services or labor.

(b) For any person to knowingly recruit, harbor, transport, provide, solicit, sell, purchase, receive, isolate, entice, obtain, or maintain the use of a person under the age of twenty-one years for the purpose of engaging in commercial sexual activity regardless of whether the person was recruited, harbored, transported, provided, solicited, sold, purchased, received, isolated, enticed, obtained, or maintained through fraud, force, or coercion. It shall not be a defense to prosecution for a violation of the provisions of this Subparagraph that the person did not know the age of the victim or that the victim consented to the prohibited activity.

(2) For any person to knowingly benefit from activity prohibited by the provisions of this Section.

(3) For any person to knowingly facilitate any of the activities prohibited by the provisions of this Section by any means, including but not limited to helping, aiding, abetting, or conspiring, regardless of whether a thing of value has been promised to or received by the person.

There are different penalties depending on the age of the individuals and the type of activity they were engaged in.

Louisiana Revised Statute 14:46.3. Trafficking of children for sexual purposes

A. It shall be unlawful:

- (1) For any person to knowingly recruit, harbor, transport, provide, sell, purchase, receive, isolate, entice, obtain, or maintain the use of a person under the age of eighteen years for the purpose of engaging in commercial sexual activity.
- (2) For any person to knowingly benefit from activity prohibited by the provisions of this Section.
- (3) For any parent, legal guardian, or person having custody of a person under the age of eighteen years to knowingly permit or consent to such minor entering into any activity prohibited by the provisions of this Section.
- (4) For any person to knowingly facilitate any of the activities prohibited by the provisions of this Section by any means, including but not limited to helping, aiding, abetting, or conspiring, regardless of whether a thing of value has been promised to or received by the person.
- (5) For any person to knowingly advertise any of the activities prohibited by this Section.
- (6) For any person to knowingly sell or offer to sell travel services that include or facilitate any of the activities prohibited by this Section.

B. For purposes of this Section, “commercial sexual activity” means any sexual act performed or conducted when anything of value has been given, promised, or received by any person.

C. (1) Consent of the minor shall not be a defense to a prosecution pursuant to the provisions of this Section.

(2) Lack of knowledge of the victim's age shall not be a defense to a prosecution pursuant to the provisions of this Section.

(3) It shall not be a defense to prosecution for a violation of this Section that the person being recruited, harbored, transported, provided, sold, purchased, received, isolated, enticed, obtained, or maintained is actually a law enforcement officer or peace officer acting within the official scope of his duties.

There are different penalties based on the age of the child.

Louisiana Revised Statutes 46: 2163. Civil cause of action for victims of human trafficking

An individual who is a victim of human trafficking shall have a civil cause of action in district court for injunctive relief and to recover actual damages, compensatory damages, punitive damages, and for any other appropriate relief. A prevailing plaintiff shall also be awarded court costs and attorney fees. Treble damages shall be awarded on proof of actual damages where the defendant's actions were willful and malicious.

Louisiana Revised Statutes 46:2161- 2168

Set up a Human Trafficking Prevention Commission and Advisory Board, which are intended to provide assistance to the victims of human trafficking.

MAINE

What is the statute of limitations for civil sexual assault cases?

Civil or criminal actions may be brought at any time for childhood abuse cases. For adult cases, there is a two-year statute of limitations period.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Childhood sexual abuse victims can bring civil actions at any time.

Me. Rev. Stat. Ann. tit. 14, § 752-C. Sexual acts towards minors

1. No limitation. Actions based upon sexual acts toward minors may be commenced at any time.

Is there a cap on damages and, if so, what is it?

Maine has no tort caps. Additionally, the collateral source rule applies.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

26 Maine Revised Statutes Annotated § 879

Human trafficking awareness signs

1. Department provides public awareness signs. The Department of Labor shall provide the Department of Transportation, the Maine Turnpike Authority and each employer in the State that is a business or employer listed in subsection 3 with public awareness signs that contain a telephone number for a national human trafficking hotline.

2. Departments posting public awareness signs. The Department of Transportation and the Maine Turnpike Authority shall work cooperatively and shall post and keep posted in a conspicuous manner in every transportation center and every highway rest area and welcome center a public awareness sign provided by the Department of Labor pursuant to subsection 1.

3. Businesses and employers posting public awareness signs. The following businesses and employers shall post and keep posted in a conspicuous manner that is clearly visible to the public and to employees within their businesses and places of employment public awareness signs provided by the Department of Labor pursuant to subsection 1:

A. A Department of Labor career center;

B. An office that provides services under the Governor's Jobs Initiative Program under section 2031;

C. A hospital or facility providing emergency medical services that is licensed under Title 22, section 1811;

D. An eating and lodging place licensed under Title 22, chapter 562;

E. An adult entertainment nightclub or bar, adult spa, establishment featuring strippers or erotic dancers or other sexually oriented business;

F. A money transmitter licensed under Title 32, chapter 80, subchapter 1; and

G. A check cashing business or foreign currency exchange business registered under Title 32, chapter 80, subchapter 2.

4. Penalty. A person who fails to post a sign as required by subsection 3 commits a civil violation for which a fine of \$300 per violation must be adjudged.

5 Maine Revised Statutes Annotated § 4701

Remedies for human trafficking

1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Trafficked person" means a victim of a human trafficking offense.

B. "Criminal proceeding" includes the investigation and prosecution of criminal charges. A criminal proceeding remains pending until final adjudication in the trial court.

C. "Human trafficking offense" includes:

(1) Aggravated sex trafficking and sex trafficking under Title 17-A, sections 852 and 853, respectively, and criminal forced labor and aggravated criminal forced labor under Title 17-A, sections 304 and 305, respectively; and

(2) Except as provided in subparagraph (1), all offenses in Title 17-A, chapters 11, 12 and 13 if accompanied by the destruction, concealment, removal, confiscation or possession of any actual or purported passport or other immigration document or other actual or purported government identification document of the other person or done using any scheme, plan or pattern intended to cause the other person to believe that if that person does not perform certain labor or services, including prostitution, that the person or a 3rd person will be subject to a harm to their health, safety or immigration status.

2. Civil action for damages, relief. A trafficked person may bring a civil action for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those or any other appropriate relief. A prevailing plaintiff is entitled to an award of attorney's fees and costs.

3. Statute of limitations. An action brought pursuant to this section must be commenced within 10 years of the date on which the trafficked person was freed from the trafficking situation.

A. If a person entitled to bring an action under this section is under disability when the cause of action accrues so that it is impossible or impracticable for the person to bring an action, the time during which the person is under disability tolls the running of the time limit for the commencement of the action. For the purposes of this paragraph, a person is under disability if the person is a minor or is mentally ill, imprisoned, outside the United States or otherwise incapacitated or incompetent.

B. The statute of limitations is tolled for an incompetent or minor plaintiff even if a guardian ad litem has been appointed.

C. A defendant is estopped from asserting a defense of the statute of limitations if the trafficked person did not file before the expiration of the statute of limitations due to:

(1) Conduct by the defendant inducing the plaintiff to delay the filing of the action or preventing the plaintiff from filing the action; or

(2) Threats made by the defendant that caused duress to the plaintiff.

D. The statute of limitations is tolled during the pendency of any criminal proceedings against the trafficked person.

4. Cause of action on trafficked person's behalf. A legal guardian, family member, representative of the trafficked person or court appointee may represent the trafficked person or the trafficked person's estate if deceased.

17 Maine Revised Statutes Annotated § 853

Sex Trafficking

1. A person is guilty of sex trafficking if:

A. The person knowingly promotes prostitution. Violation of this paragraph is a Class D crime; or

B. The person violates paragraph A and has 2 or more prior convictions in this State for any combination of the Maine offenses listed in this paragraph or for engaging in substantially similar conduct to that of the Maine offenses listed in this paragraph in another jurisdiction. The Maine offenses are any violation of this section or section 852, 853-A, 853-B or 855 or attempts to commit any of these crimes. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class C crime.

2. Deleted. Laws 2013, c. 407, § 3, eff. Oct. 9, 2013.

3. It is an affirmative defense to prosecution under this section that the person engaged in sex trafficking because the person was compelled to do so as described in section 852, subsection 2.

17-A Maine Revised Statutes Annotated § 852

Aggravated sex trafficking

1. A person is guilty of aggravated sex trafficking if the person knowingly:

A. Promotes prostitution by compelling a person to enter into, engage in or remain in prostitution;

B. Promotes prostitution of a person less than 18 years old; or

C. Promotes prostitution of a person who suffers from a mental disability that is reasonably apparent or known to the actor and that in fact renders the other person substantially incapable of appraising the nature of the conduct involved.

2. As used in this section, “compelling” includes but is not limited to:

A. The use of a drug or intoxicating substance to render a person incapable of controlling that person's conduct or appreciating its nature;

B. Withholding or threatening to withhold a scheduled drug or alcohol from a drug or alcohol-dependent person. A “drug or alcohol-dependent person” is one who is using scheduled drugs or alcohol and who is in a state of psychic or physical dependence or both, arising from the use of the drug or alcohol on a continuing basis;

C. Making material false statements, misstatements or omissions;

D. Withholding, destroying or confiscating an actual or purported passport or other immigration document or other actual or purported government identification document with the intent to impair a person's freedom of movement;

E. Requiring prostitution to be performed to retire, repay or service an actual or purported debt; and

F. Using force or engaging in any scheme, plan or pattern to instill in a person a fear that, if the person does not engage or continue to engage in prostitution, the actor or another person will:

(1) Cause physical injury or death to a person;

(2) Cause damage to property, other than property of the actor;

(3) Engage in other conduct constituting a Class A, B or C crime or criminal restraint;

(4) Accuse some person of a crime or cause criminal charges or deportation proceedings to be instituted against some person;

(5) Expose a secret or publicize an asserted fact, regardless of veracity, tending to subject some person, except the actor, to hatred, contempt or ridicule;

(6) Testify or provide information or withhold testimony or information regarding another person's legal claim or defense;

(7) Use a position as a public servant to perform some act related to that person's official duties or fail or refuse to perform an official duty in a manner that adversely affects some other person; or

(8) Perform any other act that would not in itself materially benefit the actor but that is calculated to harm the person being compelled with respect to that person's health, safety or immigration status.

3. Aggravated sex trafficking is a Class B crime.

MARYLAND

What is the statute of limitations for civil sexual assault cases?

Pursuant to Md. Code, Court and Judicial Proceedings, § 5-117, an action for damages brought out of an alleged sexual abuse that occurred while the victim was a minor shall be filed at **any time before the victim reaches the age of majority, or the later of 20 years after the date that the victim reaches the age of majority or 3 years after the date the defendant is convicted of a crime relating to the incident.**

Pursuant to § 5-117, if the action is brought more than 7 years after the victim reaches the age of majority, damages may be awarded against a person or governmental entity that is not the alleged perpetrator only if:

- The person or governmental entity owed a duty of care to the victim;
- The person or governmental entity employed the alleged perpetrator or exercised some degree of responsibility or control over the alleged perpetrator; and
- There is a finding of gross negligence on the part of the person or governmental entity.

In no event may an action for damages be brought against a person or governmental entity that is not the alleged perpetrator more than 20 years after the date the victim reaches the age of majority.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Bills have been introduced in both the House and Senate of the Maryland General Assembly on January 13, 2021 to remove the statute of limitations from sexual assault cases involving minors.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

However, these bills have not been enacted. The current SOL law was passed in 2017 and is referenced above.

Is there a cap on damages and, if so, what is it?

Pursuant to Md. Code, Courts and Judicial Proceedings, § 11-108, noneconomic damages in any action for damages for personal injury or wrongful death are capped at \$890,000 as of October 1, 2020.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

- Md. Code, Transportation, § 16-807.2 requires commercial driver's license training to include education on recognition, prevention, and effective reporting of human trafficking.
- Md. Code, Education, § 7-432 provides for the training of Directors of Student Services in local education regarding human trafficking.
- Md. Code, Criminal Law § 3-1102 makes sex trafficking a crime in the state of Maryland.

MASSACHUSETTS

What is the statute of limitations for civil sexual assault cases?

Generally, the statute of limitations in Massachusetts for adult cases is three years. If the case involves childhood sexual abuse, a claim can be commenced 35 years after the attack or 7 years from the victim's discovering of their injury.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

A childhood sexual abuse victim can bring a claim 35 years after the attack or 7 years from the victim's discovering of their injury.

Mass. Gen. Laws ch. 260, § 4C:

Actions of tort alleging the defendant sexually abused a minor shall be commenced within 35 years of the acts alleged to have caused an injury or condition or within seven years of the time the victim discovered or reasonably should have discovered that an emotional or psychological injury or condition was caused by said act, whichever period expires later; provided, however, that the time limit for commencement of an action under this section is tolled for a child until the child reaches eighteen years of age.

Is there a cap on damages and, if so, what is it?

There is no general tort cap in Massachusetts, including no cap on compensatory damages. Additionally, there is no entitlement to punitive damages except as provided by statute.

The collateral source rule applies in Massachusetts.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Massachusetts General Laws Annotated 265 § 50

Trafficking of persons for sexual servitude; trafficking of persons under 18 years for sexual servitude; trafficking by business entities; penalties; tort actions brought by victims

(a) Whoever knowingly: (i) subjects, or attempts to subject, or recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person to engage in commercial sexual activity, a sexually-explicit performance or the production of unlawful pornography in violation of chapter 272, or causes a person to engage in commercial sexual activity, a sexually-explicit performance or the production of unlawful pornography in violation of said chapter 272; or (ii) benefits, financially or by receiving anything of value, as a result of a violation of clause (i), shall be guilty of the crime of trafficking of persons for sexual servitude and shall be punished by imprisonment in the state prison for not less than 5 years but not more than 20 years and by a fine of not more than \$25,000. Such sentence shall not be reduced to less than 5 years, or suspended, nor shall any person convicted under this section be eligible for probation, parole, work release or furlough or receive any deduction from his sentence for good conduct until he shall have served 5 years of such sentence. No prosecution commenced under this section shall be continued without a finding or placed on file.

(b) Whoever commits the crime of trafficking of persons for sexual servitude upon a person under 18 years of age shall be punished by imprisonment in the state prison for life or for any term of years, but not less than 5 years. No person convicted under this subsection shall be eligible for probation, parole, work release or furlough or receive any deduction from his sentence for good conduct until he shall have served 5 years of such sentence.

(c) A business entity that commits trafficking of persons for sexual servitude shall be punished by a fine of not more than \$1,000,000.

(d) A victim of subsection (a) may bring an action in tort in the superior court in any county wherein a violation of subsection (a) occurred, where the plaintiff resides or where the defendant resides or has a place of business. Any business entity that knowingly aids or is a joint venturer in trafficking of persons for sexual servitude shall be civilly liable for an offense under this section.

Massachusetts General Laws Annotated 260 § 4D

Civil remedies for victims of trafficking of persons for sexual servitude; damages; time for actions; representation of victim's rights by others

(a) A victim of trafficking of persons for sexual servitude under section 50 of chapter 265 or of trafficking of persons for forced services under section 51 of said chapter 265 may bring a civil action for trafficking of persons for forced labor or services or sexual servitude. The court may award actual damages, compensatory damages, punitive damages, injunctive relief or any other appropriate relief. A prevailing plaintiff shall also be awarded attorney's fees and costs. Treble damages may be awarded on proof of actual damages if the defendant's acts were willful and malicious.

(b) A civil action for trafficking of persons for forced labor or services or sexual servitude shall be commenced within 3 years of the date on which the human trafficking victim was freed from human trafficking or, if the victim was a child during the commission of the offense, within 3 years after the date the plaintiff attains the age of 18.

(c) If a person entitled to sue is under a disability at the time the cause of action accrues, such that it is impossible or impracticable for such person to bring an action, the time during which the plaintiff is under a disability shall toll the statute until the disability ceases.

(d) In the event that a child plaintiff is under a disability, the failure of the child's guardian ad litem to bring a plaintiff's action within the applicable limitation period shall not prejudice the plaintiff's right to do so after his disability ceases.

(e) A defendant shall be estopped from asserting a defense of the statute of limitations if the expiration of the statute is due to the defendant inducing the plaintiff to delay the filing of the action, preventing the plaintiff from filing the action or threats made by the defendant that caused duress upon the plaintiff.

(f) Any legal guardian, family member, representative of the human trafficking victim or court appointee may represent the human trafficking victim's rights, in the event the human trafficking victim is deceased or otherwise unable to represent his own interests in court.

What is the statute of limitations for civil sexual assault cases?

Generally, the statute of limitations is two years in Michigan. In the past, there was no special statute. The general personal injury statute, § 600.5805, governed actions for childhood sexual abuse.

However, in 2018, Public Acts 180 and 181 passed as legislation, which extended the amount of time for individuals, who were under the age 18 at the time of their assault, to file both civil and criminal charges. For civil actions involving childhood sexual assault, the victim can file a claim until they are 28 years old (10 years) or three years after they discover they have been a victim of sexual assault.

Outside of the statute of limitations, the new laws allow all victims of sexual assault after December 31, 1996 to file civil charges, if the defendant was in a position of authority or engaged in the unethical medical treatment of the victim.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes (It seems recently)

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

In 2018, Public Acts 180 and 181 passed as legislation, which extended the amount of time for individuals, who were under the age 18 at the time of their assault, to file a claim. The victims have until they are 28 years old (10 years) or three years after they discover they have been a victim of sexual assault.

Is there a cap on damages and, if so, what is it?

Michigan has no general tort cap, including no cap on compensatory damages. Additionally, punitive damages may be permitted by statute. “‘Exemplary damages’ are available to compensate a plaintiff for mental anguish, humiliation, outrage, or increased injury to the plaintiff’s feelings that he or she suffers due to the defendant’s willful, malicious, or wanton conduct or reckless disregard for the plaintiff’s rights.” *Peisner v. Detroit Free Press*, 364 N.W.2d 600 (Mich. 1984).

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Michigan Compiled Laws Annotated 750.462b

Forced labor or services; recruiting, enticing, harboring, transporting, providing, or obtaining individual; prohibition

A person shall not knowingly recruit, entice, harbor, transport, provide, or obtain an individual for forced labor or services.

Michigan Compiled Laws Annotated 750.462b

Forced labor or services; recruiting, enticing, harboring, transporting, providing, or obtaining individual; prohibition

A person shall not knowingly recruit, entice, harbor, transport, provide, or obtain an individual for forced labor or services.

Michigan Compiled Laws Annotated 752.1035

Human trafficking notice; form and contents

A human trafficking notice required to be posted under this act shall meet the following requirements:

- (a) Be of a design and style to provide proper notice under this act.
- (b) Be no smaller than 8- ½ inches by 11 inches and contain the following notice in boldfaced type of not less than a 14-point font determined appropriate by the department: “If you or someone you know is being forced to engage in any activity and cannot leave, whether the activity is commercial sex, housework, farm work, or any other activity, please contact the National Human Trafficking Resource Center hotline at 1-888-373-7888 or text 233733 to access help and services. The victims of human trafficking are protected under U.S. laws and the laws of this state.”.
- (c) Be of durable construction.
- (d) Be posted in the English and Spanish languages and in any other language determined appropriate by the department in consultation with the attorney general. The department may require the posting of other languages under this subdivision in specified areas of this state due to the languages used within those specified areas.

Michigan Compiled Laws Annotated 752.983

Damages; liability to victim

(1) A person who violates chapter LXVIIA of the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h, is liable to the victim of the violation for economic and noneconomic damages that result from the violation, including, but not limited to, all of the following:

- (a) Physical pain and suffering.
 - (b) Mental anguish.
 - (c) Fright and shock.
 - (d) Denial of social pleasure and enjoyments.
 - (e) Embarrassment, humiliation, or mortification.
 - (f) Disability.
 - (g) Disfigurement.
 - (h) Aggravation of a preexisting ailment or condition.
 - (i) Reasonable expenses of necessary medical or psychological care, treatment, and services.
 - (j) Loss of earnings or earning capacity.
 - (k) Damage to property.
- (1) Any other necessary and reasonable expense incurred as a result of the violation.
 - (2) A victim is entitled to damages under subsection (1) to the extent the victim has sustained the damages, regardless of whether the victim suffered any physical injury as a result of the violation.
 - (3) A victim is entitled to damages under subsection (1) regardless of whether the damages sustained were foreseeable to the violator.

(4) A victim is entitled to damages under subsection (1) regardless of whether the violator was charged with or convicted of a violation of chapter LXVIIA of the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h.

MINNESOTA

What is the statute of limitations for civil sexual assault cases?

In Minnesota, an action involving personal injury caused by sexual abuse must originate within six years of the time the plaintiff knew or had reason to know that the injury was caused by sexual abuse. For a childhood sexual assault victim who is abused by a person under 14 years of age, they have a six-year statute of limitations to bring a civil claim, which begins running after the plaintiff reaches 18. Hence, they must bring a claim before age 24. *Minn. Stat. Ann. § 541.073(2)* As for a sexually abused individual under the age of 18, a claim may be commenced at any time.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Childhood sexual assault victims, who are abused by a person under 14 years of age, have a six-year statute of limitations to bring a civil claim, which begins running after the plaintiff reaches 18. As for sexually abused individuals under the age of 18, a claim may be commenced at any time.

Minnesota Statutes Annotated § 541.073

Actions for damages due to sexual abuse; special provisions

Subd. 2. Limitations period. (a) An action for damages based on sexual abuse: (1) must be commenced within six years of the alleged sexual abuse in the case of alleged sexual abuse of an individual 18 years or older; (2) may be commenced at any time in the case of alleged sexual abuse of an individual under the age of 18, except as provided for in subdivision 4; and (3) must be commenced before the plaintiff is 24 years of age in a claim against a natural person alleged to have sexually abused a minor when that natural person was under 14 years of age.

...

(c) This section does not affect the suspension of the statute of limitations during a period of disability under section 541.15.

Subd. 3. Applicability. This section applies to an action for damages commenced against a person who was a cause of the plaintiff's damages either by (1) committing sexual abuse against the plaintiff, or (2) negligence.

Subd. 4. Vicarious liability or respondeat superior claims. A claim for vicarious liability or liability under the doctrine of respondeat superior must be commenced within six years of the alleged sexual abuse, provided that if the plaintiff was under the age of 18 at the time of the alleged abuse, the claim must be commenced before the plaintiff is 24 years of age. This subdivision does not limit the availability of these claims under other law.

Subd. 5. Title. This section may be cited as the “Child Victims Act.”

Is there a cap on damages and, if so, what is it?

Minnesota has no tort caps. In other words, there is no cap on either compensatory or punitive damages in Minnesota.

Minnesota has abrogated the traditional collateral source rule by statute.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Minnesota Statutes Annotated § 609.322

Solicitation, inducement, and promotion of prostitution; sex trafficking

Subdivision 1. Solicitation, inducement, and promotion of prostitution; sex trafficking in the first degree. (a) Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$50,000, or both:

- (1) solicits or induces an individual under the age of 18 years to practice prostitution;
- (2) promotes the prostitution of an individual under the age of 18 years;
- (3) receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual under the age of 18 years; or

(4) engages in the sex trafficking of an individual under the age of 18 years.

(b) Whoever violates paragraph (a) or subdivision 1a may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than \$60,000, or both, if one or more of the following aggravating factors are present:

- (1) the offender has committed a prior qualified human trafficking-related offense;
- (2) the offense involved a sex trafficking victim who suffered bodily harm during the commission of the offense;
- (3) the time period that a sex trafficking victim was held in debt bondage or forced labor or services exceeded 180 days; or
- (4) the offense involved more than one sex trafficking victim.

Subd. 1a. Solicitation, inducement, and promotion of prostitution; sex trafficking in the second degree. Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$40,000, or both:

- (1) solicits or induces an individual to practice prostitution;
- (2) promotes the prostitution of an individual;
- (3) receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual; or
- (4) engages in the sex trafficking of an individual.

Subd. 1b. Exceptions. Subdivisions 1, paragraph (a), clause (3), and 1a, clause (3), do not apply to:

- (1) a minor who is dependent on an individual acting as a prostitute and who may have benefited from or been supported by the individual's earnings derived from prostitution;
- or

(2) a parent over the age of 55 who is dependent on an individual acting as a prostitute, who may have benefited from or been supported by the individual's earnings derived from prostitution, and who did not know that the earnings were derived from prostitution; or

(3) the sale of goods or services to a prostitute in the ordinary course of a lawful business. Subd. 1c. Aggregation of cases. Acts by the defendant in violation of any one or more of the provisions in this section within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this subdivision.

Minnesota Statutes Annotated § 299A.7957

Toll-free hotline for trafficking victims

(a) As used in this section, "trafficking victim" has the meaning given in section 299A.78, subdivision 1.

(b) The commissioner of public safety shall contract with a nonprofit organization that provides legal services to domestic and international trafficking victims to maintain a toll-free telephone hotline for trafficking victims. The hotline must be in place by January 1, 2007, and must be operated 24 hours a day, 365 days a year. The hotline must offer language interpreters for languages commonly spoken in Minnesota, including, but not limited to, Spanish, Vietnamese, Hmong, and Somali. At a minimum, the hotline must screen trafficking victims, both domestic and international, and provide appropriate referrals to attorneys and victims' services organizations.

Minnesota Statutes Annotated § 609.321

Prostitution and sex trafficking; definitions

Subd. 7a. Sex trafficking. "Sex trafficking" means:

(1) receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual; or

(2) receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1).

Subd. 7b. Sex trafficking victim. "Sex trafficking victim" means a person subjected to the practices in subdivision 7a.

For businesses found guilty of human/sex trafficking, Minnesota law enables a court to dissolve an entity, suspend or revoke any license granted by a state agency, or order the surrender of its charter or its certificate to conduct business.

MISSISSIPPI

What is the statute of limitations for civil sexual assault cases?

In Mississippi, sexual assault victims must file their claims within 3 years of the act constituting sexual abuse under § 15-1-49. If sexually assaulted as a minor, the victim can file a claim within three years of attaining the age of majority, which falls under the "minor savings statute" under § 15-1-59. Additionally, Mississippi recognizes the option

to bring a claim within 3 years of the victim's release from imprisonment under § 15-1-57.

It seems that the court in Mississippi has declined to apply the discovery rule statute to cases involving sexual abuse and delayed realization of such.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes. However, it must be noted that the court in Mississippi has declined to apply the discovery rule statute to cases involving sexual abuse and delayed realization of such.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

If sexually assaulted as a minor, the victim can file a claim within three years of attaining the age of majority, which falls under the "minor savings statute" under § 15-1-59.

Mississippi Code Annotated § 15-1-59

Person under disability of infancy or unsoundness of mind

If any person entitled to bring any of the personal actions mentioned shall, at the time at which the cause of action accrued, be under the disability of infancy or unsoundness of mind, he may bring the actions within the times in this chapter respectively limited, after his disability shall be removed as provided by law. However, the saving in favor of persons under disability of unsoundness of mind shall never extend longer than twenty-one (21) years.

Is there a cap on damages and, if so, what is it?

Mississippi has a \$1 million cap on non-economic damages for all civil actions. There is an additionally cap for medical malpractice actions, which caps non-economic damages at \$500,000. *Miss. Code Ann. § 11-1-60*. There is also a cap on punitive damages, which centers on the defendant's net worth. *Miss. Code Ann. § 11-1-65(3)(a)*. Mississippi does provide for some type of exception to the cap that may apply in a sexual assault case. Also, the collateral source rule is applicable in Mississippi.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Mississippi Code Annotated § 97-3-54.1

Human trafficking; offenses

(1)(a) A person who coerces, recruits, entices, harbors, transports, provides or obtains by any means, or attempts to coerce, recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that the person will be subjected to forced labor or services, or who benefits, whether financially or by receiving anything of value from participating in an enterprise that he knows or reasonably should have known has engaged in such acts, shall be guilty of the crime of human-trafficking.

(b) A person who knowingly purchases the forced labor or services of a trafficked person or who otherwise knowingly subjects, or attempts to subject, another person to forced labor or services or who benefits, whether financially or by receiving anything of value from participating in an enterprise that he knows or reasonably should have known has engaged in such acts, shall be guilty of the crime of procuring involuntary servitude.

(c) A person who knowingly subjects, or attempts to subject, or who recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, a minor, knowing that the minor will engage in commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, or causes or attempts to cause a minor to engage in commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, shall be guilty of procuring sexual servitude of a minor and shall be punished by commitment to the custody of the Department of Corrections for not less than twenty (20) years nor more than life in prison, or by a fine of not less than Fifty Thousand Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars (\$500,000.00), or both. It is not a defense in a prosecution under this section that a minor consented to engage in the commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, or that the defendant reasonably believed that the minor was eighteen (18) years of age or older.

(2) If the victim is not a minor, a person who is convicted of an offense set forth in subsection (1)(a) or (b) of this section shall be committed to the custody of the Department of Corrections for not less than two (2) years nor more than twenty (20) years, or by a fine of not less than Ten Thousand Dollars (\$10,000.00) nor more than One Hundred Thousand Dollars (\$100,000.00), or both. If the victim of the offense is a minor, a person who is convicted of an offense set forth in subsection (1)(a) or (b) of this section shall be committed to the custody of the Department of Corrections for not less than twenty (20) years nor more than life in prison, or by a fine of not less than Twenty Thousand Dollars (\$20,000.00) nor more than One Hundred Thousand Dollars (\$100,000.00), or both.

(3) An enterprise may be prosecuted for an offense under this chapter if:

(a) An agent of the enterprise knowingly engages in conduct that constitutes an offense under this chapter while acting within the scope of employment and for the benefit of the entity.

(b) An employee of the enterprise engages in conduct that constitutes an offense under this chapter and the commission of the offense was part of a pattern of illegal activity for the benefit of the enterprise, which an agent of the enterprise either knew was occurring or recklessly disregarded, and the agent failed to take effective action to stop the illegal activity.

(c) It is an affirmative defense to a prosecution of an enterprise that the enterprise had in place adequate procedures, including an effective complaint procedure, designed to prevent persons associated with the enterprise from engaging in the unlawful conduct and to promptly correct any violations of this chapter.

(d) The court may consider the severity of the enterprise's offense and order penalties, including: (i) a fine of not more than One Million Dollars (\$1,000,000.00); (ii) disgorgement of profit; and (iii) debarment from government contracts. Additionally, the court may order any of the relief provided in Section 97-3-54.7.

(4) In addition to the mandatory reporting provisions contained in Sections 43-21-353 and 97-5-51, any person who has reasonable cause to suspect that a minor under the age of eighteen (18) is a trafficked person shall immediately make a report of the suspected child abuse or neglect to the Department of Child Protection Services and to the Statewide Human Trafficking Coordinator. The Department of Child Protection Services or the Statewide Human Trafficking Coordinator, whichever is applicable, shall then immediately notify the law enforcement agency in the jurisdiction where the suspected child abuse, neglect or trafficking occurred as required in Section 43-21-353, and the department that received the report shall also commence an initial investigation into the suspected abuse or neglect as required in Section 43-21-353. The department that received such report shall provide an annual report to the Speaker of the Mississippi House of Representatives, the Lieutenant Governor, the Chairpersons of the House and Senate Judiciary Committees that includes the number of reports received, the number of cases screened in or out, the number of cases in which care and services were provided as a result of the report, and the type of care and services that were provided. A minor who has been identified as a victim of trafficking shall not be liable for criminal activity in violation of this section.

(5) It is an affirmative defense in a prosecution under this act that the defendant:

(a) Is a victim; and

(b) Committed the offense under a reasonable apprehension created by a person that, if the defendant did not commit the act, the person would inflict serious harm on the defendant, a member of the defendant's family, or a close associate.

Mississippi Code Annotated § 97-3-54.3

Aiding or abetting human trafficking

A person who knowingly aids, abets or conspires with one or more persons to violate the Mississippi Human Trafficking Act shall be considered a principal in the offense and shall be indicted and punished as such whether the principal has been previously convicted or not.

Mississippi Code Annotated § 97-3-54

Human trafficking; short title

Sections 97-3-54 through 97-3-54.9 may be known and cited as the Mississippi Human Trafficking Act.

MISSOURI

What is the statute of limitations for civil sexual assault cases?

In Missouri, sexually assaulted adults have up to five years from the date of the event to file a personal injury claim, and two years from the event to file an assault or battery claim.

For childhood sexual assault cases, the victim must file a claim within ten years after attaining the age of twenty-one (31 years old) or three years from the date the plaintiff discovered or reasonably should have discovered that the injury was caused by childhood sexual abuse.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Childhood sexual assault victims must file a claim within ten years after attaining the age of twenty-one (31 years old) or three years from the date the plaintiff discovered or reasonably should have discovered that the injury was caused by childhood sexual abuse.

Missouri Statutes Annotated 537.046

Childhood sexual abuse, injury or illness defined

2. Any action to recover damages from injury or illness caused by childhood sexual abuse in an action brought pursuant to this section shall be commenced within ten years of the plaintiff attaining the age of twenty-one or within three years of the date the plaintiff discovers, or reasonably should have discovered, that the injury or illness was caused by childhood sexual abuse, whichever later occurs.

Is there a cap on damages and, if so, what is it?

Missouri has no general tort cap, so there is no cap on compensatory damages, except in medical malpractice cases. *Mo. Rev. Stat. § 538.210*. Additionally, the previous cap on punitive damages was held to be unconstitutional by the Missouri Supreme Court in *Lewellen v. Franklin*, 441 S.W.3d 136 (Mo. 2014).

The collateral source rule applies here.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Missouri Statutes Annotated 595.120

National human trafficking resource center hotline, department poster

1. Prior to January 1, 2019, the department of public safety shall create a poster that provides information regarding the national human trafficking resource center hotline. The poster shall be no smaller than eight and one-half inches by eleven inches in size and shall include a statement in substantially the following form:

“If you or someone you know is being forced to engage in any activity and cannot leave--whether it is commercial sex, housework, farm work, or any other activity--call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 or text 233733 (BEFREE) or visit the following website:

www.traffickingresourcecenter.org to access help and services. Victims of human trafficking are protected under U.S. and Missouri law.

The toll-free hotline is:

- Available 24 hours a day, 7 days a week
- Operated by a non-profit, non-governmental organization
- Anonymous and confidential

- Accessible in 170 languages

- Able to provide help, referral to services, training, and general information.”.

The statement shall appear on each poster in English, Spanish, and, for each county, any other language required for voting materials in that county under Section 1973 of the Voting Rights Act of 1965, 42 U.S.C. 1973, as amended. In addition to the national human trafficking resource center hotline, the statement may contain any additional hotlines regarding human trafficking for access to help and services.

2. Beginning March 1, 2019, the human trafficking hotline poster designed by the department of public safety shall be displayed in a conspicuous place in or near the bathrooms or near the entrance of each of the following establishments:

(1) Hotels, motels, or other establishments that have been cited as a public nuisance for prostitution under section 567.080;

(2) Strip clubs or other sexually oriented businesses;

(3) Private clubs that have a liquor permit for on-premises consumption, do not hold themselves out to be food service establishments, and are not affiliated with any nonprofit fraternal, athletic, religious, or veteran organizations;

(4) Airports;

(5) Train stations that serve passengers;

(6) Emergency rooms within general acute care hospitals;

(7) Urgent care centers;

(8) Privately operated job recruitment centers;

(9) Businesses or establishments that offer massage or body work services for compensation by individuals who are not licensed under section 324.265;

(10) Women's health centers;

(11) Abortion facilities as defined in section 188.015;

(12) Family planning clinics;

(13) Maternity homes as defined in section 135.600;

(14) Pregnancy resource centers as defined in section 135.630;

(15) Bus stations;

(16) Truck stops. For the purposes of this section, “truck stops” shall mean privately owned and operated facilities that provide food, fuel, shower or other sanitary facilities, and lawful overnight parking; and

(17) Roadside rest areas.

3. The department of public safety shall make the poster available for print on its public website. To obtain a copy of the poster, the owners or operators of an establishment required to post the human trafficking hotline notice under subsection 2 of this section may print the online poster using the online link or request that the poster be mailed for the cost of printing and first class postage.

4. Any owner or operator of an establishment required to post the human trafficking hotline notice under subsection 2 of this section who fails to comply with the requirement shall receive a written warning for the first violation and may be guilty of an infraction for any subsequent violation.

Missouri Statutes Annotated 568.175

Trafficking in children, penalty

1. A person or entity commits the offense of trafficking in children if he, she, or it offers, gives, receives or solicits any money, consideration or other thing of value for the delivery or offer of delivery of a child to another person or entity for purposes of adoption, or for the execution of a consent to adopt or waiver of consent to future adoption or a consent to termination of parental rights.
2. An offense is not committed under this section if the money, consideration or thing of value or conduct is permitted under chapter 453 relating to adoption.
3. The offense of trafficking in children is a class D felony.

Missouri Statutes Annotated 566.209

Trafficking for the purpose of sexual exploitation--penalty

1. A person commits the crime of trafficking for the purposes of sexual exploitation if a person knowingly recruits, entices, harbors, transports, provides, advertises the availability of or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, another person for the use or employment of such person in a commercial sex act, sexual conduct, a sexual performance, or the production of explicit sexual material as defined in section 573.010, without his or her consent, or benefits, financially or by receiving anything of value, from participation in such activities.
2. The crime of trafficking for the purposes of sexual exploitation is a felony punishable by imprisonment for a term of years not less than five years and not more than twenty years and a fine not to exceed two hundred fifty thousand dollars. If a violation of this section was effected by force, abduction, or coercion, the crime of trafficking for the purposes of sexual exploitation is a felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars.

MONTANA

What is the statute of limitations for civil sexual assault cases?

In Montana, the statute of limitations for civil sexual assault cases with adult survivors is two years. For childhood sexual assault cases, in the past victims had to bring a claim three years after the act of sexual abuse, or three years after the time of discovery or when the victim should have reasonably discovered that the injury was caused by the act of childhood sexual abuse.

However, in 2019, a new bill was signed into law, which extended the age of which a victim of child sexual abuse has to file a lawsuit against their abusers from 21 to 27. This law still allows victims to file a civil claim against their abuser within three years from the date they discover or reasonably should have discovered the sexual abuse.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Childhood sexual assault victims can bring a claim before they reach 27 years old, or three years after the time of discovery or when the victim should have reasonably discovered that the injury was caused by the act of childhood sexual abuse.

Montana Code Annotated § 27-2-216

(1) Except as provided in subsection (4), an action based on intentional conduct brought by a person for recovery of damages for injury suffered as a result of childhood sexual abuse against the individual who committed the acts must be commenced:

- (a) before the victim of the act of childhood sexual abuse that is alleged to have caused the injury reaches 27 years of age; or
- (b) not later than 3 years after the plaintiff discovers or reasonably should have discovered that the injury was caused by the act of childhood sexual abuse.

Is there a cap on damages and, if so, what is it?

In Montana, damages must be reasonable. Montana has no general compensatory tort cap but has a cap on punitive damages. Punitive damages are capped at \$10 million or 3 percent of the defendant's net worth, whichever is less. Additionally, an award for the value of reasonable medical services or treatment in an action arising from bodily injury or death may not exceed amounts actually paid to a health care provider by or on the behalf of the plaintiff; that are necessary to satisfy charges that have been incurred and are still owing and payable; and those amounts necessary to provide any future reasonable and necessary medical services or treatment for the plaintiff.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Montana Code Annotated 45-5-702

Trafficking of persons

(1) A person commits the offense of trafficking of persons if the person purposely or knowingly:

- (a) recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains, or entices another person intending or knowing that the person will be subjected to involuntary servitude or sexual servitude; or
- (b) benefits, financially or by receiving anything of value, from facilitating any conduct described in subsection (1)(a) or from participation in a venture that has subjected another person to involuntary servitude or sexual servitude.

(2)(a) Except as provided in subsections (2)(b) and (2)(c), a person convicted of the offense of trafficking of persons shall be imprisoned in the state prison for a term of not more than 15 years, fined an amount not to exceed \$50,000, or both.

(b) A person convicted of the offense of trafficking of persons shall be imprisoned in the state prison for a term of not more than 50 years, fined an amount not to exceed \$100,000, or both, if the victim was a child.

(c) A person convicted of the offense of trafficking of persons shall be imprisoned in the state prison for a term of not more than 25 years, fined an amount not to exceed \$75,000, or both, if the violation involves aggravated kidnapping, aggravated sexual intercourse without consent, or deliberate homicide.

Montana Code Annotated 27-1-755

Civil action--human trafficking victim

(1) A victim of human trafficking may bring a civil action against a person who commits an offense against the victim under 45-5-702 , 45-5-703 , 45-5-704 , or 45-5-705 for compensatory damages, punitive damages, injunctive relief, and any other appropriate relief.

(2) If a victim prevails in an action under this section, the court shall award the victim reasonable attorney fees and costs.

(3) An action under this section must be commenced not later than 10 years after the later of:

(a) the date on which the victim no longer was subject to human trafficking; or

(b) the date on which the victim reached 18 years of age.

(4) This section does not preclude any other remedy available to the victim under federal or state law.

(5) For the purposes of this section, the term “human trafficking” has the meaning provided in 45-5-701.

Montana Code Annotated 44-4-1501

Human trafficking hotline--creation of poster--rulemaking

(1)(a) The department of justice shall create a poster that provides information regarding the national human trafficking resource center hotline. The poster must be at least 8 ½ inches by 11 inches in size, must include, if available, a quick response code that is provided by the national human trafficking resource center for access by mobile devices, and must include the following statement:

“If you or someone you know is being forced to engage in any activity and cannot leave--whether it is commercial sex, housework, farm work, or any other activity--call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services.

Victims of human trafficking are protected under U.S. and Montana law.

The toll-free hotline is:

- Available 24 hours a day, 7 days a week;
- Toll-free;
- Operated by a nonprofit, nongovernmental organization;
- Anonymous and confidential;
- Accessible in 170 languages; and
- Able to provide help, referral to services, training, and general information.”

(b) The statement provided in subsection (1)(a) must appear on each poster in English, Spanish, and any other language that is required for voting materials under the federal Voting Rights Act, 52 U.S.C. 10503.

(2)(a) The department of justice shall provide a copy of the poster to persons and entities that the department of justice determines by rule should receive the poster.

- (b) The department shall make a copy of the poster available for print on its website.
- (3) The department of justice shall request that any person or entity receiving a copy of the poster display the poster in a location that is accessible to employees and members of the public.

Montana Code Annotated 60-2-244

Human trafficking hotline--posted notice required at rest areas

The department of transportation shall display at each rest area within the limits of the right-of-way of interstate highways and other state highways a poster created by the department of justice pursuant to 44-4-1501 that provides information regarding the national human trafficking resource center hotline.

NEBRASKA

What is the statute of limitations for civil sexual assault cases in Nebraska?

The general rule in Nebraska is that civil actions for sexual assault (often in the form of tort actions for intentional infliction of emotional distress, assault, and battery) must be brought within four years of the act that constituted abuse. *Neb. Rev. Stat. § 25-207*. Such action is considered “an action for an injury to the rights of the plaintiff, not arising on contract, and not hereinafter enumerated” under the language of the statute. *Id.*

Has Nebraska adopted legislation to expand the statute of limitations for child victims of sexual abuse?

Yes. Under *Neb. Rev. Stat. § 25-213*, if a person entitled to bring a civil action for sexual assault is “within the age of twenty years,” meaning they have not yet turned 21, the four-year statute of limitations period does not begin until the child victim turns 21 years old. *Neb. Rev. Stat. § 25-213*.

Is there a cap on damages?

No. Under Nebraska law, there is only a cap on damages for medical malpractice claims, therefore a victim bringing a claim for sexual assault has no limit on the amount of damages they may recover. *See Neb. Rev. Stat. § 44-2825*.

Has Nebraska enacted legislation to combat human trafficking?

Yes. Under Nebraska law, any person who engages in human trafficking may be charged with a felony and may not allege as a defense that a minor victim consented.

If so, please provide a summary of the statute.

Neb. Rev. Stat. § 28-831. Additionally, the Nebraska Commission on Law Enforcement and Criminal Justice has established a task force for the purpose of investigating human trafficking within the state and ensuring that proper services are available for victims of humans trafficking. *Neb. Rev. Stat. § 81-1430*. Any trafficking victim may bring a civil action against any person who knowingly engaged or aided in the human trafficking of the victim within the state. *Neb. Rev. Stat. § 25-21,299*. Further, the Human Trafficking Victim Assistance Fund administered by the Nebraska Commission on Law Enforcement

and Criminal Justice has been created to provide support, care, treatment, and other services to victims of human trafficking. *Neb. Rev. Stat. § 81-1429.02.*

NEVADA

What is the statute of limitations for civil sexual assault cases?

Generally, Nevada has a statute of limitations of two years. In the past, childhood victims of sexual assault had to file civil claims within 10 years of turning the age of 18, or within 10 years of the discovery of the injury that was caused by the abuse.

However, in 2017, Nevada extended the civil statute of limitations for sexual abuse survivors to age 38 (20 years after reaching majority). A victim-friendly discovery rule, which gave survivors 20 years following discovery or when a connection to the sexual abuse was made to file a claim, was also included in the new law.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Childhood victims of sexual assault may file civil claims within 20 years of turning the age of 18, or within 20 years of the discovery of the injury that was caused by the abuse.

Nev. Rev. Stat. § 11.2151.

Except as otherwise provided in subsection 2 and NRS 217.007, an action to recover damages for an injury to a person arising from the sexual abuse of the plaintiff which occurred when the plaintiff was less than 18 years of age must be commenced within 20 years after the plaintiff:

- (a) Reaches 18 years of age; or
- (b) Discovers or reasonably should have discovered that his or her injury was caused by the sexual abuse,

Is there a cap on damages and, if so, what is it?

Nevada has no general compensatory tort cap, but there are caps on noneconomic damages in medical malpractice cases and on punitive damages. Non-economic damages are capped at \$350,000 for the medical malpractice actions, while punitive damages are capped at three times the compensatory damages (if the compensatory damage award was greater than or equal to \$100,000) and at \$300,000 if the compensatory damage award was less than \$100,000. *Nev. Rev. Stat. § 42.005.*

The collateral source rule applies here.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Nevada Revised Statutes Annotated 201.300

Pandering and sex trafficking: Definitions; penalties; exception

1. A person who without physical force or the immediate threat of physical force, induces an adult to unlawfully become a prostitute or to continue to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution is guilty of pandering which is a category C felony and shall be punished as provided in NRS 193.130. This subsection does not apply to the customer of a prostitute.

2. A person:

(a) Is guilty of sex trafficking if the person:

(1) Induces, causes, recruits, harbors, transports, provides, obtains or maintains a child to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;

(2) Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means, knowing, or in reckless disregard of the fact, that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;

(3) By threats, violence, force, intimidation, fraud, duress, coercion, by any device or scheme, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, induces, causes, compels or procures a person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;

(4) Takes or detains a person with the intent to compel the person by force, violence, threats or duress to marry him or her or any other person; or

(5) Receives anything of value with the specific intent of facilitating a violation of this paragraph.

(b) Who is found guilty of sex trafficking:

(1) An adult is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

(2) A child:

(I) If the child is less than 14 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served, and may be further punished by a fine of not more than \$20,000.

(II) If the child is at least 14 years of age but less than 16 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.

(III) If the child is at least 16 years of age but less than 18 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, and may be further punished by a fine of not more than \$10,000.

3. A court shall not grant probation to or suspend the sentence of a person convicted of sex trafficking a child pursuant to subsection 2.

4. Consent of a victim of pandering or sex trafficking to an act of prostitution is not a defense to a prosecution for any of the acts prohibited by this section.

5. In a prosecution for sex trafficking a child pursuant to subsection 2, it is not a defense that the defendant did not have knowledge of the victim's age, nor is reasonable mistake of age a valid defense to a prosecution conducted pursuant to subsection 2.

Nevada Revised Statutes Annotated 200.467

Trafficking in persons for financial gain; penalties

1. A person shall not transport, procure transportation for or assist in the transportation of or procurement of transportation for another person into the State of Nevada who the person knows or has reason to know does not have the legal right to enter or remain in the United States in exchange for money or other financial gain.

2. A person who violates the provisions of subsection 1 is guilty of trafficking in persons and, unless a greater penalty is provided pursuant to NRS 200.464 or 200.468, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$50,000.

Nevada Revised Statutes Annotated 200.468

Trafficking in persons for illegal purposes; penalty

1. A person shall not transport, procure transportation for or assist in the transportation of or procurement of transportation for another person into the State of Nevada whom the person knows or has reason to know does not have the legal right to enter or remain in the United States with the intent to:

(a) Subject the person to involuntary servitude or any other act prohibited pursuant to NRS 200.463, 200.4631 or 200.465;

(b) Violate any state or federal labor law, including, without limitation, 8 U.S.C. § 1324a; or

(c) Commit any other crime which is punishable by not less than 1 year imprisonment in the state prison.

2. A person who violates the provisions of subsection 1 is guilty of trafficking in persons for illegal purposes and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000.

Nevada Revised Statutes Annotated 41.1399

Action by victim of human trafficking; venue; damages and other relief; attorney's fees and costs; statute of limitations; joinder of parties; limitation on defenses

1. Any person who is a victim of human trafficking may bring a civil action against any person who caused, was responsible for or profited from the human trafficking.

2. A civil action brought under this section may be instituted in the district court of this State in the county in which the prospective defendant resides or has committed any act which subjects him or her to liability under this section.

3. In an action brought under this section, the court may award such injunctive relief as the court deems appropriate.

4. A plaintiff who prevails in an action brought under this section may recover actual damages, compensatory damages, punitive damages or any other appropriate relief. If a plaintiff recovers actual damages in an action brought under this section and the acts of the defendant were willful and malicious, the court may award treble damages to the plaintiff. If the plaintiff prevails in an action brought under this section, the court may award attorney's fees and costs to the plaintiff.

5. The statute of limitations for an action brought under this section does not commence until:

(a) The plaintiff discovers or reasonably should have discovered that he or she is a victim of human trafficking and that the defendant caused, was responsible for or profited from the human trafficking;

(b) The plaintiff reaches 18 years of age; or

(c) If the injury to the plaintiff results from two or more acts relating to the human trafficking, the final act in the series of acts has occurred, whichever is later.

6. The statute of limitations for an action brought under this section is tolled for any period during which the plaintiff was under a disability. For the purposes of this subsection, a plaintiff is under a disability if the plaintiff is insane, a person with an intellectual disability, mentally incompetent or in a medically comatose or vegetative state.

7. A defendant in an action brought under this section is estopped from asserting that the action was not brought within the statute of limitations if the defendant, or any person acting on behalf of the defendant, has induced the plaintiff to delay bringing an action under this section by subjecting the plaintiff to duress, threats, intimidation, manipulation or fraud or any other conduct inducing the plaintiff to delay bringing an action under this section.

8. In the discretion of the court in an action brought under this section:

(a) Two or more persons may join as plaintiffs in one action if the claims of those plaintiffs involve at least one defendant in common.

(b) Two or more persons may be joined in one action as defendants if those persons may be liable to at least one plaintiff in common.

9. The consent of a victim is not a defense to a cause of action brought under this section.

10. For the purposes of this section:

(a) A victim of human trafficking is a person against whom a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320 or 201.395, or 18 U.S.C. § 1589, 1590 or 1591 has been committed.

(b) It is not necessary that the defendant be investigated, arrested, prosecuted or convicted for a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320 or 201.395, or 18 U.S.C. § 1589, 1590 or 1591 to be found liable in an action brought under this section.

NEW HAMPSHIRE

What is the statute of limitations for civil sexual assault cases?

In the past, New Hampshire generally had a statute of limitations of three years. Under the old law, a sexually assaulted victim, who was under 18 years of age when the alleged offense occurred, had to commence an action within the later of: twelve years after the person's eighteenth birthday (30 years old) or three years after the time the plaintiff discovers, or in the exercise of reasonable diligence should have discovered, the injury and its causal relationship to the act. *N.H. Rev. Stat. § 508:4-9*

If medical malpractice case is involved then the statute of limitations is two years with limited variations for minors.

However, in 2020, House Bill 705 passed and became law. This eliminated the statute of limitations for civil actions in sexual assault cases.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes technically.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

N.H. Rev. Stat. § 508:4-g

A person, alleging to have been subjected to any offense under RSA 632-A or an offense under RSA 639:2 may commence a personal action at any time.

Is there a cap on damages and, if so, what is it?

New Hampshire has no tort caps, including no cap on compensatory damages. In fact, the New Hampshire Supreme Court declared a previous statute capping non-economic damages at \$875,000 to be unconstitutional. *See Brannigan v. Usitalo*, 587 A.2d 1232 (N.H. 1991). Punitive damages are unavailable according to specific statutes. *N.H. Rev. Stat. § 507:16*.

Additionally, the collateral source rule applies.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

N.H. Rev. Stat. § 633:7

Trafficking in Persons.

I. (a) It is a class A felony to knowingly compel a person against his or her will to perform a service or labor, including a commercial sex act or a sexually-explicit performance, for the benefit of another, where the compulsion is accomplished by any of the following means:

- (1) Causing or threatening to cause serious harm to any person.
- (2) Confining the person unlawfully as defined in RSA 633:2, II, or threatening to so confine the person.
- (3) Abusing or threatening abuse of law or legal process.

(4) Destroying, concealing, removing, confiscating, or otherwise making unavailable to that person any actual or purported passport or other immigration document, or any other actual or purported government identification document.

(5) Threatening to commit a crime against the person.

(6) False promise relating to the terms and conditions of employment, education, marriage, or financial support.

(7) Threatening to reveal any information sought to be kept concealed by the person which relates to the person's legal status or which would expose the person to criminal liability.

(8) Facilitating or controlling the person's access to an addictive controlled substance.

(9) Engaging in any scheme, plan, or pattern, whether overt or subtle, intended to cause the person to believe that, if he or she did not perform such labor, services, commercial sex acts, or sexually explicit performances, that such person or any person would suffer serious harm or physical restraint.

(10) Withholding or threatening to withhold food or medication that the actor has an obligation or has promised to provide to the person.

(11) Coercing a person to engage in any of the foregoing acts by requiring such in satisfaction of a debt owed to the actor.

(b) The means listed in subparagraphs (a)(4), (a)(10), and (a)(11) are not intended to criminalize the actions of a parent or guardian who requires his or her child to perform common household chores under threat of typical parental discipline.

(c) A person performs a service or labor against his or her will if the person is coerced into performing the service or labor, or if the person willingly begins to perform the service or labor but later attempts to withdraw from performance and is compelled to continue performing. The payment of a wage or salary shall not be determinative on the question of whether or not a person was compelled to perform a service or labor against his or her will.

II. A person shall be guilty of a class A felony if such person maintains or makes available an individual under 18 years of age for the purpose of engaging the individual in a commercial sex act or sexually-explicit performance for the benefit of another. A person convicted under this paragraph shall be sentenced to a minimum term of imprisonment of not less than 7 years and a maximum term of not more than 30 years. Knowledge of the individual's actual age shall not be required as an element of this offense. Consent of the individual shall not constitute a defense to a charge under this paragraph.

III. It is a class A felony to recruit, entice, harbor, transport, provide, obtain, or otherwise make available a person, knowing or believing it likely that the person will be subjected to trafficking as defined in paragraph I or II. Notwithstanding RSA 651:2, a person convicted of an offense under this paragraph involving a victim under the age of 18 shall be subject to a minimum term of not less than 7 years and a maximum term of not more than 30 years, if the offender knew or believed it likely that the victim would be involved in a commercial sex act or sexually-explicit performance.

III-a. A person is guilty of a class B felony if the person pays, agrees to pay, or offers to pay to engage in sexual contact, as defined in RSA 632-A:1 or sexual penetration, as defined in RSA 632-A:1, V with a person under the age of 18, or to observe a sexually explicit performance involving a person under the age of 18. The payment or offer or

agreement to pay may be made to the person under the age of 18 or a third party. Neither the actor's lack of knowledge of the other person's age nor consent of the other person shall constitute a defense to a charge under this paragraph.

IV. Evidence of a trafficking victim's personal sexual history, history of commercial sexual activity, or reputation or opinion evidence regarding the victim's past sexual behavior shall not be admissible at trial unless the evidence is:

- (a) Admitted pursuant to rule 412 of the New Hampshire rules of evidence; or
- (b) Offered by the prosecution to prove a pattern of trafficking by the defendant.

V. In any investigation or prosecution for an offense under this section, the identity of the victim and the victim's family, and images of the victim and the victim's family, shall be confidential except to the extent disclosure is necessary for the purpose of investigation, prosecution, or provision of services and benefits to the victim and the victim's family, or if disclosure is required by a court order.

VI. (a) A victim under this section who was under 18 years of age at the time of the offense shall not be subject to juvenile delinquency proceeding under RSA 169-B, or prosecuted for conduct chargeable as indecent exposure and lewdness under RSA 645:1, prostitution under RSA 645:2, or any other misdemeanor or class B felony, where the conduct was committed as a direct result of being trafficked, provided that the conduct chargeable did not involve an act of violence as defined in RSA 625:9, VII.

(b) An individual convicted, or adjudicated as delinquent, for the commission of an offense set forth in subparagraph (a) which was committed as a direct result of being a victim of human trafficking may file a motion with the circuit court, district division, to vacate the conviction or adjudication. A copy of the motion shall be provided to the agency that prosecuted the offense. After a hearing, the court may grant the request upon a finding, by clear and convincing evidence, that the defendant's participation in the offense was a direct result of being trafficked.

(c) The defendant shall not be required to provide any official documentation indicating that he or she was a victim of trafficking, but such documentation, if provided, shall create the presumption that the defendant's participation in the offense was a direct result of being a victim of trafficking.

N.H. Rev. Stat. § 633:11

Civil Remedy.

I. A victim may bring a civil action against a person that commits an offense under this subdivision for damages, injunctive relief, or other appropriate relief.

II. In an action under this section, the court shall award a prevailing plaintiff reasonable attorney's fees and costs.

III. An action under this section shall be commenced not later than 10 years after the date on which the victim was released from the human trafficking situation or 10 years after the date on which the victim attains 18 years of age, whichever is later.

IV. Any damages awarded to the victim under this section shall be offset by any restitution paid to the victim pursuant RSA 633:10.

V. This section shall not preclude the victim from pursuing any other remedy available to the victim under federal or state law.

What is the statute of limitations for civil sexual assault cases?

The New Jersey statute of limitations in civil assault cases varies depending on the circumstances. Please see the answer to question 3 for a summary.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes. In 2019, New Jersey expanded its civil statute of limitations for sexual assault. The expanded law can be found in NJ Rev Stat § 2A:14-2a (2019), NJ Rev Stat § 2A:14-2b (2019), and NJ Rev Stat § 2A:14-2c (2019) below.

2A:14-2a Statute of limitations for action at law resulting from certain sexual crimes against a minor.

2. a. (1) Every action at law for an injury resulting from the commission of sexual assault, any other crime of a sexual nature, a prohibited sexual act as defined in section 2 of P.L.1992, c.7 (C.2A:30B-2), or sexual abuse as defined in section 1 of P.L.1992, c.109 (C.2A:61B-1) against a minor under the age of 18 that occurred prior to, on or after the effective date of P.L.2019, c.120 (C.2A:14-2a et al.) shall be commenced within 37 years after the minor reaches the age of majority, or within seven years from the date of reasonable discovery of the injury and its causal relationship to the act, whichever date is later.

(2) To the extent applicable, any action for an injury that occurred prior to the effective date of P.L.2019, c.120 (C.2A:14-2a et al.) shall be subject to the provisions of subsection c. of section 1 of P.L.1959, c.90 (C.2A:53A-7) and P.L.2005, c.264 (C.2A:53A-7.4 et seq.), as amended by P.L.2019, c.120 (C.2A:14-2a et al.).

b. (1) Every action at law for an injury resulting from the commission of sexual assault or any other crime of a sexual nature against a person 18 years of age or older that occurred prior to, on or after the effective date of P.L.2019, c.120 (C.2A:14-2a et al.) shall be commenced within seven years from the date of reasonable discovery of the injury and its causal relationship to the act.

(2) To the extent applicable, any action for an injury that occurred prior to the effective date of P.L.2019, c.120 (C.2A:14-2a et al.) shall be subject to the provisions of subsection c. of section 1 of P.L.1959, c.90 (C.2A:53A-7), as amended by P.L.2019, c.120 (C.2A:14-2a et al.).

Nothing in this section is intended to preclude the court from finding that the statute of limitations was tolled in an action because of the plaintiff's mental state, physical or mental disability, duress by the defendant, or any other equitable grounds. Such a finding shall be made after a plenary hearing. The court may order an independent psychiatric evaluation of the plaintiff in order to assist in the determination as to whether the statute of limitations was tolled.

c. (1) Every action at law for an injury that is commenced pursuant to this section shall proceed on an individual basis, and not proceed on behalf of a class in a class action, due to the particular circumstances, source of injury and its discovery, and damages relating to each occurrence or occurrences of sexual assault, any other crime of a sexual nature, a prohibited sexual act as defined in section 2 of P.L.1992, c.7 (C.2A:30B-2), or sexual abuse as defined in section 1 of P.L.1992, c.109 (C.2A:61B-1) against either a minor under the age of 18 or a person 18 years of age or older.

(2) Any private, contractual arrangement intending to settle claims for occurrences described in paragraph (1) of this subsection on a class basis is against public policy and shall be void and unenforceable.

2A:14-2b Commencement of actions regardless of statute of limitations.

9. a. Notwithstanding the statute of limitations provisions of N.J.S.2A:14-2, section 2 of P.L.2019, c.120 (C.2A:14-2a), section 1 of P.L.1964, c.214 (C.2A:14-2.1), or any other statute, an action at law for an injury resulting from the commission of sexual assault, any other crime of a sexual nature, a prohibited sexual act as defined in section 2 of P.L.1992, c.7 (C.2A:30B-2), or sexual abuse as defined in section 1 of P.L.1992, c.109 (C.2A:61B-1), that occurred prior to the effective date of P.L.2019, c.120 (C.2A:14-2a et al.), and which action would otherwise be barred through application of the statute of limitations, may be commenced within two years immediately following the effective date.

b. To the extent applicable, any action brought during the two-year period pursuant to subsection a. of this section shall be subject to the provisions of subsection c. of section 1 of P.L.1959, c.90 (C.2A:53A-7) and P.L.2005, c.264 (C.2A:53A-7.4 et seq.), as amended by P.L.2019, c.120 (C.2A:14-2a et al.).

c. (1) Every action at law for an injury that is commenced pursuant to this section shall proceed on an individual basis, and not proceed on behalf of a class in a class action, due to the particular circumstances, source of injury and its discovery, and damages relating to each occurrence or occurrences of sexual assault, any other crime of a sexual nature, a prohibited sexual act as defined in section 2 of P.L.1992, c.7 (C.2A:30B-2), or sexual abuse as defined in section 1 of P.L.1992, c.109 (C.2A:61B-1) against either a minor under the age of 18 or a person 18 years of age or older.

(2) Any private, contractual arrangement intending to settle claims for occurrences described in paragraph (1) of this subsection on a class basis is against public policy and shall be void and unenforceable.

2A:14-2c Effective date.

10. The provisions of this amendatory and supplementary act, P.L.2019, c.120 (C.2A:14-2a et al.), shall take effect on December 1, 2019. These provisions shall be inapplicable to any civil action governed solely by the statute of limitations of another jurisdiction.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Adult survivors of childhood sexual abuse can bring a civil case until the age of 55 or 7 years from the reasonable discovery of the abuse, whichever is later. Adult survivors of sexual assault at the age of 18 or older have 7 years from the offense or 7 years from the reasonable discovery of the abuse, whichever is later. The new statute of limitations law also creates a one-time, two-year look back window that allows all survivors to bring lawsuits that were time-barred under the previous statute of limitations. This window took effect on December 1, 2019 and will run until November 30, 2021. So, in addition to claims that were never filed, any civil action that was previously dismissed on the grounds that the statute of limitations had expired will be revived for a window of 2 years following the effective date of December 1, 2019.

Is there a cap on damages and, if so, what is it?

The text of the statutes does not provide for any cap on damages.

Has your state enacted legislation to combat human trafficking?

Yes. New Jersey criminalized human trafficking in 2005, and in January 2021, Governor Murphy signed legislation amending the Human Trafficking Prevention, Protection, and Treatment Act.

If so, please provide a summary of the statute.

The Act creates a Commission on Human Trafficking in which all members must have experience with, possess a background in, or demonstrate a specialized knowledge of, the legal, policy, educational, social, or psychological aspects of human trafficking. It creates the “Human Trafficking Survivor’s Assistance Fund,” which is used for the provision of services to victims of human trafficking, to promote awareness of human trafficking, and the development, maintenance, revision, and distribution of educational materials and operation of education programs. It defines human trafficking and states that any person injured, including injury due to the loss of moneys or property, real or personal, by an actor and all those acting in concert with that actor who committed a human trafficking offense may bring a civil action in any court of competent jurisdiction against the actor and all those acting in concern with that actor. The 2021 amended Act broadens its mission of developing public awareness of human trafficking to include awareness of victim remedies and services and trafficking prevention, which includes the creation of public awareness signs. These signs must include the national, 24-hour toll free hotline telephone service and must be posted in places that are clearly visible to employees and members of the public in places such as strip clubs or sexually oriented businesses, massage or body-works therapists’ place of work, bars, hotels, motels, airports, rail and bus stations, truck stops, and service and safety rest areas located along interstate highways. The signs must also be on all forms of public transportation, including railroad and passenger cars. Any establishment that does not comply with the requirements for posting these signs would be liable for a monetary penalty for each offense.

What is the statute of limitations for civil sexual assault cases?

New Mexico generally has a statute of limitations of three years. However, for childhood sexual assault victims, they may bring an action until their 24th birthday, or three years after the date of discovery of the abuse or had reason to know of the childhood sexual abuse that resulted in injury (whichever comes first). *N.M. Code § 37-1-30.*

Recently, there are efforts to extend the statute of limitations in this area.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Childhood sexual assault victims may bring an action until their 24th birthday, or three years after the date of discovery of the abuse or had reason to know of the childhood sexual abuse that resulted in injury (whichever comes first).

N.M. Code § 37-1-30

A. An action for damages based on personal injury caused by childhood sexual abuse shall be commenced by a person before the latest of the following dates:

- (1) the first instant of the person's twenty-fourth birthday; or
- (2) three years from the date that a person first disclosed the person's childhood sexual abuse to a licensed medical or mental health care provider in the context of receiving health care from the provider.

Is there a cap on damages and, if so, what is it?

New Mexico has no general tort cap, including no cap on both compensatory or punitive damages. The only cap on damages is for medical malpractice cases. Additionally, the collateral source rule applies.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

New Mexico Statutes Annotated § 30-52-1

Human trafficking

A. Human trafficking consists of a person knowingly:

- (1) recruiting, soliciting, enticing, transporting or obtaining by any means another person with the intent or knowledge that force, fraud or coercion will be used to subject the person to labor, services or commercial sexual activity;
- (2) recruiting, soliciting, enticing, transporting or obtaining by any means a person under the age of eighteen years with the intent or knowledge that the person will be caused to engage in commercial sexual activity; or

(3) benefiting, financially or by receiving anything of value, from the labor, services or commercial sexual activity of another person with the knowledge that force, fraud or coercion was used to obtain the labor, services or commercial sexual activity.

B. The attorney general and the district attorney in the county of jurisdiction have concurrent jurisdiction to enforce the provisions of this section.

C. Whoever commits human trafficking is guilty of a third degree felony; except if the victim is under the age of:

(1) sixteen, the person is guilty of a second degree felony; or

(2) thirteen, the person is guilty of a first degree felony.

D. Prosecution pursuant to this section shall not prevent prosecution pursuant to any other provision of the law when the conduct also constitutes a violation of that other provision.

E. In a prosecution pursuant to this section, a human trafficking victim shall not be charged with accessory to the crime of human trafficking.

F. A person convicted of human trafficking shall, in addition to any other punishment, be ordered to make restitution to the victim for the gross income or value of the victim's labor or services and any other actual damages in accordance with Section 31-17-1 NMSA 1978.

G. As used in this section:

(1) "coercion" means:

(a) causing or threatening to cause harm to any person;

(b) using or threatening to use physical force against any person;

(c) abusing or threatening to abuse the law or legal process;

(d) threatening to report the immigration status of any person to governmental authorities; or

(e) knowingly destroying, concealing, removing, confiscating or retaining any actual or purported government document of any person; and

(2) "commercial sexual activity" means any sexual act or sexually explicit exhibition for which anything of value is given, promised to or received by any person.

New Mexico Statutes Annotated § 30-52-1.1

Human trafficking; civil remedy for human trafficking victims

A. A human trafficking victim may bring a civil action in any court of competent jurisdiction against an alleged human trafficker for actual damages, compensatory damages, punitive damages, injunctive relief or any other appropriate relief. Where the court finds that a defendant's actions were willful and malicious, the court may award treble damages to the plaintiff. A prevailing plaintiff is also entitled to recover reasonable attorney fees and costs.

B. A civil action pursuant to this section shall be forever barred unless the action is filed within ten years from the date on which:

(1) the defendant's human trafficking actions occurred; or

(2) the victim attains eighteen years of age if the victim was a minor when the defendant's actions occurred.

New Mexico Statutes Annotated § 30-52-2.1

Posting information about the national human trafficking resource center hotline

A. An employer subject to the Minimum Wage Act, a person licensed pursuant to Sections 60-6A-2 through 60-6A-5 NMSA 1978, a health facility licensed pursuant to the Public Health Act and a state or local government agency that manages a transportation facility, including a highway rest area, shall post a sign containing the following notice in English and in Spanish and in any other written language where ten percent or more of the workers or users of a covered facility speak that language:

“NOTICE ON HUMAN TRAFFICKING: OBTAINING FORCED LABOR OR SERVICES IS A CRIME UNDER NEW MEXICO AND FEDERAL LAW. IF YOU OR SOMEONE YOU KNOW IS A VICTIM OF THIS CRIME, CONTACT THE FOLLOWING: IN NEW MEXICO, CALL OR TEXT 505-GET-FREE (505-438-3733); OR CALL THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE TOLL-FREE AT 1-888-373-7888 FOR HELP. YOU MAY ALSO SEND THE TEXT “HELP” OR “INFO” TO BEFREE (“233733”). YOU MAY REMAIN ANONYMOUS, AND YOUR CALL OR TEXT IS CONFIDENTIAL.”.

B. The sign shall be at least eight and one-half inches high and eleven inches wide. It shall be displayed in a conspicuous manner in the employer's business facility, in the licensees' licensed facilities or in the transportation facility clearly visible to the public and employees of the employer or licensees. The English language and Spanish language portions and any other written language portions of the sign shall be equal in size.

C. The director of the labor relations division of the workforce solutions department shall provide employers under the Minimum Wage Act¹ with information about the notice required by this section and shall provide a version of the notice on its public access internet web site for employers to download or print.

D. The regulation and licensing department; the children, youth and families department; and the department of health shall each provide their respective licensees with information about the notice required by this section and shall provide a version of the notice on their respective public access internet web sites for licensees to download or print.

E. When necessary, a department shall update the relevant telephone and texting numbers provided in the version of the notice posted on its public access internet web site.

There are additional Bills being introduced currently.

NEW YORK

What is the statute of limitations for civil sexual assault cases?

In the state of New York, the statute of limitations for civil sexual assault lawsuits is 20 years per CPLR 213-c.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

The 2019 Child Victims Act expanded the statute of limitations within which child victims of sexual abuse may bring an action. Under the CVA, people who were victims of sexual abuse before they turned 18 now have until they turn 55 to file a lawsuit against their abuser and/or the institution that protected them.

In addition to extending the general deadline to file for child sexual assault, the CVA also opened a one-year window during which the statute of limitations is effectively suspended. Originally, anyone who faced sexual abuse as a child in New York was able to file a lawsuit between August 14, 2019 and August 14, 2020 without having their case barred by the statute of limitations. Due to the impact of COVID-19, Governor Andrew Cuomo extended the look back window a full year, until August 14, 2021.

Is there a cap on damages and, if so, what is it?

There is no cap on damages in New York for civil sexual assault of child victims. The physical and psychological effects of sexual assault can include seeking medical attention for physical injuries, or mental health treatment for PTSD, depression, and other disorders brought about by the abuse. In some cases, the ongoing harms might affect a victim's ability to work even decades after the abuse occurred. Victims can also claim independent damages for the physical pain, mental anguish, and emotional distress the events caused them. In some cases, judges might issue punitive damages against negligent institutions that participated in coverups or worked to hide sexual abuse allegations.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Senate Bill S5988A – Signed in 2018 as part of several legislative bills aimed at combating human trafficking, this Bill creates the necessary criminal charge of sex trafficking of a child and eliminates the need to prove force, fraud, or coercion where a child under 18 engages in commercial sex. Under this Bill, it is a crime for anyone over the age of 21 to promote or benefit from the prostitution of anyone under the age of 18.

Senate Bill S8874 – Also signed in 2018, this Bill requires facilities such as hotels, inns, and motels to provide informational cards on the services available to victims of human trafficking. Information about services, such as the national trafficking hotline, must be readily available to trafficking victims and other hotel guests and displayed in public spaces such as public restrooms, individual guest rooms, and near the entrance. This will ensure that victims have access to a discreet informational card so they are able to call the hotline for help at a later time.

Senate Bill S7836 – Also signed in 2018, this Bill expands the availability of the Human Trafficking Intervention Court (HTIC) Initiative to reach more victims. The Courts were created to provide alternatives to incarceration for people arrested on prostitution charges, since many of the defendants were also victims of human trafficking. Previous law stated that four of the six HTIC courts outside of New York City lack jurisdiction to see cases that originate outside of the local criminal courts where they are physically situated. This

new law expanded that jurisdiction so that more victims would be eligible to receive the crucial services that are appropriate for their individual situations, including counseling, job training, education, housing, and medical treatment.

Senate Bill S8305 – Also signed in 2018, this Bill helps to establish short-term and long-term safe house residential facilities to be operated by not-for-profit agencies for victims of human trafficking. The residential facilities are crucial in providing vulnerable victims services that include emergency shelter, food, clothing, medical care, and counseling and crisis intervention.

NORTH CAROLINA

What is the statute of limitations for civil sexual assault cases?

For adult sexual assault cases, the statute of limitations is three years. In the past, North Carolina did not have a specific statute of limitations for sexual abuse claims. However, in 2020, North Carolina extended the civil statute of limitations for anyone abused as a minor (under 18). Victims may now file a civil lawsuit until they are 28 years old (10 years after reaching majority) or 2 years after their abuser is convicted of a felony. Additionally, anyone who was abused as a child and could not bring a civil action due to the previous statute of limitations may pursue a civil action between January 1, 2020, and December 31, 2021.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Childhood sexual assault victims may file a civil lawsuit until they are 28 years old (10 years after reaching majority) or 2 years after their abuser is convicted of a felony.

North Carolina General Statutes Annotated § 1-17

(d) Notwithstanding the provisions of subsections (a), (b), (c), and (e) of this section, a plaintiff may file a civil action against a defendant for claims related to sexual abuse suffered while the plaintiff was under 18 years of age until the plaintiff attains 28 years of age.

(e) Notwithstanding the provisions of subsections (a), (b), (c), and (d) of this section, a plaintiff may file a civil action within two years of the date of a criminal conviction for a related felony sexual offense against a defendant for claims related to sexual abuse suffered while the plaintiff was under 18 years of age.

Is there a cap on damages and, if so, what is it?

North Carolina has no general compensatory tort cap, but there is a cap on noneconomic damages for medical malpractice cases and a cap on punitive damages. Punitive damages are capped at three times the compensatory damages or \$250,000, whichever is greater. *N.C. Gen. Stat. Ann. § 1D-25.*

Additionally, the collateral source rule applies.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

North Carolina General Statutes Annotated § 14-43.11.

Human trafficking

(a) A person commits the offense of human trafficking when that person (i) knowingly or in reckless disregard of the consequences of the action recruits, entices, harbors, transports, provides, or obtains by any means another person with the intent that the other person be held in involuntary servitude or sexual servitude or (ii) willfully or in reckless disregard of the consequences of the action causes a minor to be held in involuntary servitude or sexual servitude.

(b) A person who violates this section is guilty of a Class C felony if the victim of the offense is an adult. A person who violates this section is guilty of a Class B2 felony if the victim of the offense is a minor.

(c) Each violation of this section constitutes a separate offense and shall not merge with any other offense. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to authorize a conviction under this section.

(c1) Mistake of age is not a defense to prosecution under this section. Consent of a minor is not a defense to prosecution under this section.

(d) A person who is not a legal resident of North Carolina, and would consequently be ineligible for State public benefits or services, shall be eligible for the public benefits and services of any State agency if the person is otherwise eligible for the public benefit and is a victim of an offense charged under this section. Eligibility for public benefits and services shall terminate at such time as the victim's eligibility to remain in the United States is terminated under federal law.

North Carolina General Statutes Annotated § 14-43.18

Civil cause of action; damages and attorneys' fees; limitation

(a) Cause of Action.--An individual who is a victim may bring a civil action against a person who violates this Article or a person who knowingly benefits financially or by receiving anything of value from participation in a venture which that person knew or should have known violates this Article.

(b) Relief and Damages.--The victim may seek and the court may award any or all of the following types of relief:

(1) An injunction to enjoin continued violation of this Article.

(2) Compensatory damages, which includes the following:

a. The greater of (i) the gross income or value to the defendant of the victim's labor; or (ii) value of the victim's labor as guaranteed under the Minimum Wage Law and overtime provisions of the Fair Labor Standards Act (FLSA).

b. Any costs reasonably incurred by the victim for medical care, psychological treatment, temporary housing, transportation, and any other services designed to assist a victim in recovering from any injuries or loss resulting from a violation of this Article.

(3) General damages for noneconomic losses.

(c) Attorneys' Fees.--The court may award to the plaintiff and assess against the defendant the reasonable costs and expenses, including attorneys' fees, of the plaintiff in bringing an action pursuant to this section. If the court determines that the plaintiff's action is frivolous, it may award to the defendant and assess against the plaintiff the reasonable costs and expenses, including attorneys' fees, of the defendant in defending the action brought pursuant to this section.

(d) Stay Pending Criminal Action.--Any civil action filed under this section shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the plaintiff is the victim. The term "criminal action" includes investigation and prosecution and is pending until final adjudication in the trial court.

(e) Statute of Limitations.--No action may be maintained under subsection (a) of this section unless it is commenced no later than either of the following:

(1) Ten years after the cause of action arose.

(2) Ten years after the victim reaches 18 years of age if the victim was a minor at the time of the alleged offense.

(f) Jury Trial.--Parties to a civil action brought pursuant to this section shall have the right to a jury trial as provided under G.S. 1A-1, Rules of Civil Procedure.

North Carolina General Statutes Annotated § 14-202.13

Human trafficking public awareness sign

An adult establishment, as defined in G.S. 14-202.10, shall prominently display on the premises in a place that is clearly conspicuous and visible to employees and the public a public awareness sign created and provided by the North Carolina Human Trafficking Commission that contains the National Human Trafficking Resource hotline information.

North Carolina General Statutes Annotated § 19-8.4

Human trafficking public awareness sign

The owner, operator, or agent in charge of a business described in G.S. 19-1.2 shall prominently display on the premises in a place that is clearly conspicuous and visible to employees and the public a public awareness sign created and provided by the North Carolina Human Trafficking Commission that contains the National Human Trafficking Resource hotline information.

North Carolina General Statutes Annotated § 131E-84.1

Human trafficking public awareness sign

Each hospital licensed under this Article shall prominently display in its emergency room or emergency department in a place that is clearly conspicuous and visible to employees and the public a public awareness sign created and provided by the North Carolina Human Trafficking Commission that contains the National Human Trafficking Resource hotline information.

North Carolina General Statutes Annotated § 143B-431.3

Human trafficking public awareness sign

The Secretary of the Department of Commerce shall require that every JobLink or other center under its authority that offers employment or training services to the public prominently display in a place that is clearly conspicuous and visible to employees and

the public a public awareness sign created and provided by the North Carolina Human Trafficking Commission that contains the National Human Trafficking Resource hotline information.

North Carolina General Statutes Annotated § 90-632.19

Human trafficking public awareness sign

The Board may require that a massage and bodywork therapy establishment prominently display on the premises in a place that is clearly conspicuous and visible to employees and the public a public awareness sign created and provided by the North Carolina Human Trafficking Commission that contains the National Human Trafficking Resource hotline information.

NORTH DAKOTA

What is the statute of limitations for civil sexual assault cases?

In general, the statute of limitation is two years. For childhood sexual abuse, the victim, who was under 18 years of age at the time of the abuse, may bring a civil claim for relief within ten years after their 18th birthday or ten years after the plaintiff knew or reasonably should have known that a potential claim existed, which resulted from the alleged childhood sexual abuse.

North Carolina has since been considering expanding the statute of limitation.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Childhood sexual abuse victims may bring a civil claim within ten years after their 18th birthday or ten years after the plaintiff knew or reasonably should have known that a potential claim existed.

North Dakota Century Code Annotated § 28-01-25.1.

Limitation on actions alleging childhood sexual abuse

Notwithstanding section 28-01-25, a claim for relief resulting from childhood sexual abuse must be commenced within ten years after the plaintiff knew or reasonably should have known that a potential claim exists resulting from alleged childhood sexual abuse. For purposes of this section, “childhood sexual abuse” means any act committed by the defendant against the plaintiff which occurred when the plaintiff was under eighteen years of age and which would have been a violation of chapter 12.1-20 or 12.1-27.2. In a claim for relief under this section, the plaintiff is not required to establish which act in a continuous series of sexual abuse acts by the defendant caused the injury.

Is there a cap on damages and, if so, what is it?

North Dakota has no general compensatory tort cap but has a cap on noneconomic damages for medical malpractice cases (generally not capped otherwise) and a cap on punitive damages.

In regard to the collateral source rule, a court may reduce the verdict based on the introduction of collateral source payments.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

North Dakota Century Code Annotated § 12.1-41-02.

Trafficking an individual

1. A person commits the offense of trafficking an individual if the person knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains, or entices an individual in furtherance of:
 - a. Forced labor in violation of section 12.1-41-03; or
 - b. Sexual servitude in violation of section 12.1-41-04.
2. Trafficking an individual who is an adult is a class A felony.
3. Trafficking an individual who is a minor is a class AA felony.

North Dakota Century Code Annotated § 12.1-41-15.

Civil action

1. A victim may bring a civil action against a person that commits an offense against the victim under section 12.1-41-02, 12.1-41-03, or 12.1-41-04 for compensatory damages, exemplary or punitive damages, injunctive relief, and any other appropriate relief.
2. If a victim prevails in an action under this section, the court shall award the victim reasonable attorney's fees and costs.
3. An action under this section must be commenced not later than ten years after the later of the date on which the victim:
 - a. No longer was subject to human trafficking; or
 - b. Attained eighteen years of age.
4. Damages awarded to a victim under this section for an item must be offset by any restitution paid to the victim pursuant to section 12.1-41-09 for the same item.
5. This section does not preclude any other remedy available to a victim under federal law or law of this state other than this chapter.

North Dakota Century Code Annotated § 29-04-02.1.

Prosecution for gross sexual imposition or human trafficking

Except as otherwise provided by law, a prosecution for a violation of subdivision a of subsection 1 of section 12.1-20-03 or for the crime of human trafficking must be commenced in the proper court within seven years after the commission of the offense.

North Dakota Century Code Annotated § 54-12-33.1.

Human trafficking prevention training

1. As used in this section:
 - a. "Human trafficking" means human trafficking as defined in chapter 12.1-41.

b. “Human trafficking commission” means the commission established under section 54-12-33.

c. “Lodging establishment” means any hotel, motel, resort, building, or structure that is used to provide sleeping accommodations to transient guests.

d. “Proprietor” means the person in charge of a lodging establishment and includes an owner, lessee, and manager.

2. Within ninety days of the effective date of this section, the human trafficking commission shall establish an educational training program with a focus on the accurate and prompt identification and reporting of, or response to, suspected human trafficking. To the extent possible, the human trafficking commission shall allow the use of existing training modules and materials. The training must include:

a. Human trafficking awareness;

b. How to recognize potential victims of human trafficking;

c. How to identify activities commonly associated with human trafficking; and

d. Effective responses to human trafficking situations, including how to report suspected human trafficking to law enforcement.

3. A proprietor may:

a. Provide each onsite employee with the training described in subsection 2.

b. In an employee roster or in each employee's personnel file, annually certify each employee has received the training approved by the human trafficking commission.

c. Conduct an ongoing awareness campaign for employees which addresses the information described in subsection 2.

4. A proprietor may post and maintain a poster approved and provided by the human trafficking commission which contains the information described in subsection 2. The poster must include the contact information for an organization that provides assistance and support services to human trafficking victims. The poster may be visibly displayed at the lodging establishment's check-in area, lobby, or transient guest services.

5. A proprietor or employee of a lodging establishment who acts in good faith is immune from liability in any civil action for reporting suspected human trafficking activities.

6. The human trafficking commission may seek, apply for, accept, and receive any donation, gift, grant, or bequest offered or tendered from public or private sources for the purpose of furthering the objectives of the human trafficking prevention training and incentivizing proprietors to participate in the human trafficking prevention training. All moneys received or accepted under this subsection are appropriated on a continuing basis to the human trafficking commission.

North Dakota Century Code Annotated § 12.1-41-16.

Display of public-awareness sign

The department of transportation shall display in every transportation station, rest area, and welcome center in the state which is open to the public a public-awareness sign that contains any state or local human trafficking resource information and the National Human Trafficking Resource Center hotline information.

OHIO

What is the statute of limitations for civil sexual assault cases?

In Ohio, the statute of limitations is generally one year. For childhood sexual assault cases, Ohio has a special statute of limitations, which gives victims 12 years from their age of majority to bring actions against their perpetrators (till 30 years of age). *Ohio Code § 2305.111(c)*. Additionally, if the perpetrator has fraudulently concealed facts that form the basis of the claim, the statute of limitations period is tolled until the time when the victim discovers or should have discovered the facts.

If this action is brought against a mental health professional, then the statute of limitations is two years.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Childhood sexual assault victims may bring a claim within 12 years after turning the age of majority (till 30 years of age).

Ohio Code § 2305.111(c).

(C) An action for assault or battery brought by a victim of childhood sexual abuse based on childhood sexual abuse, or an action brought by a victim of childhood sexual abuse asserting any claim resulting from childhood sexual abuse, **shall be brought within twelve years after the cause of action accrues**. For purposes of this section, a cause of action for assault or battery based on childhood sexual abuse, or a cause of action for a claim resulting from childhood sexual abuse, accrues upon the date on which the victim **reaches the age of majority**. If the defendant in an action brought by a victim of childhood sexual abuse asserting a claim resulting from childhood sexual abuse that occurs on or after August 3, 2006, has fraudulently concealed from the plaintiff facts that form the basis of the claim, the running of the limitations period with regard to that claim is tolled until the time when the plaintiff discovers or in the exercise of due diligence should have discovered those facts.

Is there a cap on damages and, if so, what is it?

Ohio has a cap on both noneconomic damages and punitive damages. For non-economic damages, they are capped at \$250,000 or three times the amount of economic damages, whichever is greater. However, the maximum amount of damages here can only be \$350,000 per plaintiff and \$500,000 per occurrence, with a few exceptions. *Oh. Rev. Code § 2315.18*. As for punitive damages, they are capped at two times the amount of compensatory damages. If the defendant is a small employer or an individual, the cap is two times compensatory damages or 10 percent of their net worth (whichever is less). The maximum here is \$350,000 as well. *Oh. Rev. Code § 2315.21*. However, this statute does take into account certain situations where the caps on punitive damages are not applicable, such as when the injury resulted from the defendant's intentional conduct and the defendant has been convicted of a felony, which is the basis of the tort action.

As for the collateral source rule, a defendant can introduce evidence of any amount of collateral source unless the source has a mandatory federal right of subrogation, a contractual subrogation, or a statutory subrogation (etc.).

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Ohio Revised Code Annotated § 2905.32

Trafficking in persons

(A) No person shall knowingly recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, or knowingly attempt to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, another person if either of the following applies:

(1) The offender knows that the other person will be subjected to involuntary servitude or be compelled to engage in sexual activity for hire, engage in a performance that is obscene, sexually oriented, or nudity oriented, or be a model or participant in the production of material that is obscene, sexually oriented, or nudity oriented.

(2) The other person is less than eighteen years of age or is a person with a developmental disability whom the offender knows or has reasonable cause to believe is a person with a developmental disability, and either the offender knows that the other person will be subjected to involuntary servitude or the offender's knowing recruitment, luring, enticement, isolation, harboring, transportation, provision, obtaining, or maintenance of the other person or knowing attempt to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain the other person is for any of the following purposes:

(a) For the other person to engage in sexual activity for hire with one or more third parties;

(b) To engage in a performance for hire that is obscene, sexually oriented, or nudity oriented;

(c) To be a model or participant for hire in the production of material that is obscene, sexually oriented, or nudity oriented.

(B) For a prosecution under division (A)(1) of this section, the element "compelled" does not require that the compulsion be openly displayed or physically exerted. The element "compelled" has been established if the state proves that the victim's will was overcome by force, fear, duress, intimidation, or fraud.

(C) In a prosecution under this section, proof that the defendant engaged in sexual activity with any person, or solicited sexual activity with any person, whether or not for hire, without more, does not constitute a violation of this section.

(D) A prosecution for a violation of this section does not preclude a prosecution of a violation of any other section of the Revised Code. One or more acts, a series of acts, or a course of behavior that can be prosecuted under this section or any other section of the Revised Code may be prosecuted under this section, the other section of the Revised Code, or both sections. However, if an offender is convicted of or pleads guilty to a violation of this section and also is convicted of or pleads guilty to a violation of section 2907.21 of the Revised Code based on the same conduct involving the same victim that was the basis of the violation of this section, or is convicted of or pleads guilty to any

other violation of Chapter 2907. of the Revised Code based on the same conduct involving the same victim that was the basis of the violation of this section, the two offenses are allied offenses of similar import under section 2941.25 of the Revised Code. (E) Whoever violates this section is guilty of trafficking in persons, a felony of the first degree. For a violation committed prior to March 22, 2019, notwithstanding the range of definite terms set forth in division (A)(1)(b) of section 2929.14 of the Revised Code, the court shall sentence the offender to a definite prison term of ten, eleven, twelve, thirteen, fourteen, or fifteen years. For a violation committed on or after March 22, 2019, notwithstanding the range of minimum terms set forth in division (A)(1)(a) of section 2929.14 of the Revised Code, the court shall sentence the offender to an indefinite prison term pursuant to that division, with a minimum term under that sentence of ten, eleven, twelve, thirteen, fourteen, or fifteen years.

Ohio Revised Code Annotated § 2907.21

Compelling prostitution

(A) No person shall knowingly do any of the following:

(1) Compel another to engage in sexual activity for hire;

(2) Induce, procure, encourage, solicit, request, or otherwise facilitate either of the following:

(a) A minor to engage in sexual activity for hire, whether or not the offender knows the age of the minor;

(b) A person the offender believes to be a minor to engage in sexual activity for hire, whether or not the person is a minor.

(3)(a) Pay or agree to pay a minor, either directly or through the minor's agent, so that the minor will engage in sexual activity, whether or not the offender knows the age of the minor;

(b) Pay or agree to pay a person the offender believes to be a minor, either directly or through the person's agent, so that the person will engage in sexual activity, whether or not the person is a minor.

(4)(a) Pay a minor, either directly or through the minor's agent, for the minor having engaged in sexual activity pursuant to a prior agreement, whether or not the offender knows the age of the minor;

(b) Pay a person the offender believes to be a minor, either directly or through the person's agent, for the person having engaged in sexual activity pursuant to a prior agreement, whether or not the person is a minor.

(5)(a) Allow a minor to engage in sexual activity for hire if the person allowing the child to engage in sexual activity for hire is the parent, guardian, custodian, person having custody or control, or person in loco parentis of the minor;

(b) Allow a person the offender believes to be a minor to engage in sexual activity for hire if the person allowing the person to engage in sexual activity for hire is the parent, guardian, custodian, person having custody or control, or person in loco parentis of the person the offender believes to be a minor, whether or not the person is a minor.

(B) For a prosecution under division (A)(1) of this section, the element "compel" does not require that the compulsion be openly displayed or physically exerted. The element "compel" has been established if the state proves that the victim's will was overcome by force, fear, duress, or intimidation.

(C) Whoever violates this section is guilty of compelling prostitution. Except as otherwise provided in this division, compelling prostitution is a felony of the third degree. If the offender commits a violation of division (A)(1) of this section and the person compelled to engage in sexual activity for hire in violation of that division is sixteen years of age or older but less than eighteen years of age, compelling prostitution is a felony of the second degree. If the offender commits a violation of division (A)(1) of this section and the person compelled to engage in sexual activity for hire in violation of that division is less than sixteen years of age, compelling prostitution is a felony of the first degree. If the offender in any case also is convicted of or pleads guilty to a specification as described in section 2941.1422 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, the court shall sentence the offender to a mandatory prison term as provided in division (B)(7) of section 2929.14 of the Revised Code and shall order the offender to make restitution as provided in division (B)(8) of section 2929.18 of the Revised Code.

OKLAHOMA

What is the statute of limitations for civil sexual assault cases?

In Oklahoma, the statute of limitations for most personal injury cases is two years. 12 Okla. Stat. §95(A)(3). For a minor, the statute is tolled during the age of minority, but such a person must bring the action within one (1) year after reaching the age of majority. 12 Okla. Stat. §96. The two year statute is also sometimes tolled until such time as the victim discovered or reasonably should have discovered that the injury or condition was caused by the defendant's acts. *Hawk Wing v. Lorton*, 2011 OK 42, ¶13, 261 P.3d 1122; *but see Lovelace v. Keohane*, 1992 OK 24, 831 P.2d 458 (refusing to recognize discovery rule in case where sexual molestations occurred during years 1967-1970, but the action was not commenced until 1988, even though plaintiff claimed that, due to multiple personality disorder, plaintiff's dominate 'host' personality had no knowledge of molestations until plaintiff underwent psychotherapy treatment in 1987); *Million v. Million*, 2012 OK 106, 292 P.3d 21 (finding statute of limitations barred plaintiff's claim against her cousin arising out of alleged sexual abuse when she was minor insofar as the plaintiff's memories were not repressed to the extent that she was unable to know, understand or express and react, and hence claim was barred one year after the plaintiff reached age of majority).

The statute of limitations for "assault," "battery" and "false imprisonment" is one year. 12 O.S. §95(A)(4).

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

In 2017, Oklahoma adopted a statute that provides that an action against a sexual perpetrator must be commenced by the 45th birthday of the alleged victim. 12 Okla. Stat. §95(A)(6). If the person committing the act of sexual abuse against a child was employed

by an institution, agency, firm, business, corporation, or other public or private legal entity that owed a duty of care to the victim, or the accused and the child were engaged in some activity over which the legal entity had some degree of responsibility or control, the action must be brought against such employer or legal entity within two years; provided, that the time limit for commencement of an action pursuant to this law is tolled for a child until the child reaches the age of 18. *Id.* No action may be brought against the alleged perpetrator or the estate of the alleged perpetrator after the death of such alleged perpetrator, unless the perpetrator was convicted of a crime of sexual abuse involving the claimant. *Id.* An action pursuant to this law must be based upon objective verifiable evidence in order for the victim to recover damages for injuries suffered by reason of such sexual abuse, exploitation, or incest. *Id.* The victim need not establish which act in a series of continuing sexual abuse incidents, exploitation incidents, or incest caused the injury complained of. *Id.* There is no longer a requirement for the evidence to include both proof that the victim had psychologically repressed the memory of the facts upon which the claim was predicated and that there was corroborating evidence that the sexual abuse, exploitation, or incest actually occurred. *Id.*

This statute has not yet been interpreted by Oklahoma courts.

Is there a cap on damages and, if so, what is it?

No. Oklahoma once had a law capping non-economic damages at \$350,000.00 in certain personal injury cases, but the law was declared unconstitutional by the Oklahoma Supreme Court. *Beason v. I.E. Miller Services, Inc.*, 2019 OK 28, 441 P.3d 1107 (declaring 23 Okla. Stat. § 61.2 unconstitutional as an impermissible “special law”).

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

In Oklahoma, it is a felony to knowingly engage in human trafficking. 21 Okla. Stat. §748. The relevant definitions are contained in the statutory language, but “human trafficking” generally refers to “modern-day slavery” that includes, but is not limited to, extreme exploitation and the denial of freedom or liberty of an individual for purposes of deriving benefit from that individual’s commercial sex act or labor. 21 Okla. Stat §748(A)(4).

This crime is a felony. If a defendant is convicted, the range of punishment in prison is five years to life, and the maximum fine is \$100,000. If the victim is under 18 at the time of the offense, the range of punishment is 15 years to life, and the maximum fine is \$250,000. Anyone convicted of this crime is not eligible for probation.

It is an affirmative defense to prosecution for a criminal offense that, during the time of the alleged commission of the offense, the defendant was a victim of human trafficking. 21 Okla. Stat §748(D). The consent of a victim to the activity prohibited by this law does not constitute a defense. 21 Okla. Stat §748(E). Lack of knowledge of the age of the victim doesn’t constitute a defense to the activity prohibited by this law with respect to human trafficking of a minor. 21 Okla. Stat. §748(F).

If convicted under this statute, the perpetrator may be required to register as a sex offender under the Oklahoma Sex Offender Registration Act. 57 Okla. Stat. §581 *et seq.*

In addition, the state has authorized a private cause of action by a victim of human trafficking against the perpetrator. 21 Okla. Stat. §748.2. The statute allows for the recovery of actual and punitive damages, and an award of attorney fees, and includes a special statute of limitations. 21 Okla. Stat. §748.2(B) (“The statute of limitations for the cause of action shall not commence until the latter of the victim's emancipation from the defendant, the victim's twenty-first birthday, or the plaintiff discovers or reasonably should have discovered that he or she was a victim of human trafficking and that the defendant caused, was responsible for or profited from the human trafficking.”).

The statute also outlines various “rights” that must be accorded to victims of human trafficking, such as the right to be housed in an appropriate shelter as soon as practicable; a right not to be fined, jailed or penalized for having been a victim of trafficked; a right to receive prompt medical care, mental health care, food, and other assistance, as necessary; a right to have access to information about their rights and translation services, as necessary; and a right to certain levels of protection and safety. 21 O.S. §748.2(A).

For an interesting discussion and application of federal civil rights laws, federal labor laws, and state tort law to claims related to “labor trafficking” in Oklahoma, see the Court's discussion in *Chellen v. John Pickle Co.*, 446 F.Supp.2d 1247 (N.D. Oklahoma 2006).

OREGON

What is the statute of limitations for civil sexual assault cases?

In general, the statute of limitations is two years. Oregon Revised Statute (“ORS”) 12.110(1). For childhood sexual assault, victims, who were under 18 years of age when the abuse occurred, may bring a claim before they turn 40 years of age (22 years after reaching majority). ORS 12.117. Additionally, if the childhood sexual assault victim did not discover the causal connection between the injury and the child abuse, they have five years after the date they discovered or should have discovered the causal connection to bring a claim. ORS 12.117.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Childhood sexual assault victims may bring a claim before they turn 40 years of age (22 years after reaching majority) or five years after the date they discovered or should have discovered the causal connection between the injury and the child abuse.

Oregon Revised Statutes § 12.117

Actions based on child abuse

(1) Notwithstanding ORS 12.110, 12.115 or 12.160, an action based on conduct that constitutes child abuse or conduct knowingly allowing, permitting or encouraging child abuse that occurs while the person is under 18 years of age must be commenced before the person attains 40 years of age, or if the person has not discovered the causal connection between the injury and the child abuse, nor in the exercise of reasonable care should have discovered the causal connection between the injury and the child abuse, not more than five years from the date the person discovers or in the exercise of reasonable care should have discovered the causal connection between the child abuse and the injury, whichever period is longer.

Is there a cap on damages and, if so, what is it?

Oregon does not have a cap on compensatory damages, unless the action involves medical malpractice. There is also no cap on punitive damages. However, punitive damage awards are divided among the plaintiff (who gets 30 percent); the attorney general for a deposit into the Criminal Injuries Compensation Account (60 percent); and the attorney general, once again, for a deposit into the State Court Facilities and Security Account (10 percent). *ORS 31.735(1)*. Additionally, it is important to note that punitive damages are not available against healthcare providers when there is no malice. *ORS 31.740*.

The collateral source rule has been limited in application and courts can reduce the verdict award based on such payments. *ORS 31.580* Although not admissible before the jury, evidence of collateral benefits can be submitted to the court by affidavit after the verdict. *ORS 31.580(2)*. The current law requires the court to reduce the jury verdict by the amount of collateral benefits received, except those exempt services specified in *ORS 31.580(1)*.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

ORS 163.266

Trafficking in persons

(1) A person commits the crime of trafficking in persons if the person knowingly recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person and:

(a) The person knows that the other person will be subjected to involuntary servitude as described in *ORS 163.263* or *163.264*;

(b) The person knows or recklessly disregards the fact that force, fraud or coercion will be used to cause the other person to engage in a commercial sex act; or

(c) The person knows or recklessly disregards the fact that the other person is under 18 years of age and will be used in a commercial sex act.

(2) A person commits the crime of trafficking in persons if the person knowingly benefits financially or receives something of value from participation in a venture that involves an act prohibited by subsection (1) of this section or *ORS 163.263* or *163.264*.

(3) As used in this section, “commercial sex act” means sexual conduct or sexual contact, as those terms are defined in ORS 167.002, performed in return for a fee or anything of value.

(4) Violation of subsection (1)(a) or (2) of this section is a Class B felony.

(5) Violation of subsection (1)(b) or (c) of this section is a Class A felony.

ORS 377.880

Informational materials in roadside rest areas; rules

(1) As used in this section, ‘nonprofit organization’ means an organization described in section 501(c)(3) of the Internal Revenue Code that is exempt from income tax under section 501(a) of the Internal Revenue Code.

(2) A nonprofit organization may supply to the Department of Transportation, the State Parks and Recreation Department and the Travel Information Council copies of informational materials about human trafficking.

(3) The organization may not charge the agencies for the informational materials.

(4) The informational materials may not include information on topics other than human trafficking. The materials must be limited in content to objectively verifiable information, except that the materials may include logos, symbols, graphics or similar devices, and must include the following:

(a) At least one toll-free hotline telephone number;

(b) At least one hotline text messaging number; and

(c) Translated versions of the information in languages other than English that are most commonly spoken in this state.

(5) The form of the informational materials must include, but need not be limited to, posters.

(6) Except as provided in this subsection, each agency described in subsection (2) of this section shall allow informational materials to be posted in conspicuous locations in each roadside rest area that the agency manages, including, but not limited to, in each rest room stall. If an agency determines that the materials have offensive or inappropriate content, the agency may refuse to display the materials or otherwise assist in distributing the materials.

(7) Each agency described in subsection (2) of this section may administer a volunteer program to assist with posting and maintaining the informational materials described in this section. Each agency may adopt rules it considers necessary for the implementation of the volunteer program.

In April 2021, Oregon passed two bills that would create new requirements for workers in industries, such as businesses with liquor licenses and hotels, to report suspected human trafficking.

PENNSYLVANIA

What is the statute of limitations for civil sexual assault cases?

The Statute of Limitations in these types of cases is as follows:

For adult rape or sexual assault civil suits, a person has two years from the date of injury to file.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

The Statute of Limitations in these types of cases is as follows:

(1) An action may be brought under this section by an individual who was the victim of human trafficking while an adult within five years of the last act against that individual that constitutes an offense under this chapter.

(2) An action may be brought under this section by an individual who was a victim of human trafficking while a minor for any offense committed against the victim while the victim was under 18 years of age until that victim reaches 30 years of age.

The state is also currently considering HB951 which would create a 2 year look back window similar to that in New York and New Jersey. The Bill passed the Pennsylvania House, but is currently stalled in the Pennsylvania Senate. This is the second time a similar bill has been put forward in the Pennsylvania legislature.

There is also a pending Pennsylvania Supreme Court case dealing with tolling of statutes of limitations in child sexual abuse cases. *Rice v. Diocese of Altoona-Johnstown* involves an appeal of a 2019 Superior Court ruling which held that Ms. Rice could pursue her claim that the Diocese engaged in an alleged pattern of fraud and conspiracy that a jury may conclude unfairly delayed her filing of a claim. Ms. Rice alleges her abuse occurred in the 1970s and 1980s but sued in 2016 after the Pennsylvania Grand Jury report accused the Diocese of intentionally covering up child sexual abuse. Oral arguments took place in front of the Pennsylvania Supreme Court on October 20, 2020 but no opinions or rulings have been released yet.

Is there a cap on damages and, if so, what is it?

There is no general compensatory damage cap in Pennsylvania.

(c) Damages- The court may award any of the following forms of relief:

- (1) Actual damages.
- (2) Compensatory damages.
- (3) Punitive damages.
- (4) Injunctive relief.
- (5) Any other appropriate relief.

(d) Attorney fees and costs- A prevailing plaintiff who is a victim of human trafficking shall be awarded reasonable attorney fees and costs.

(e) Treble damages-Treble damages shall be awarded to a victim of human trafficking on proof of actual damages where the defendant's acts were willful and malicious.

Has your state enacted legislation to combat human trafficking?

Act 105: Pennsylvania's Anti-Human Trafficking Law: In 2014, Pennsylvania enacted Act 105, Pennsylvania's Anti-Human Trafficking Law, which defined human trafficking to specifically include sex trafficking as well as labor trafficking.

- Human trafficking does not require removal from an individual's country of origin, nor does it require removal across state lines. Human trafficking does require force, fraud or coercion, unless the victim is a minor.
- Exploited minors do not need to self-identify as victims nor does the law require a showing of involuntary servitude (victims being held against their will) as stated in the statute for adult victims.
- If someone financially benefits or receives anything of value from the sexual exploitation of a minor, that person is a human trafficker.
- From a legal standpoint, there is no such thing as a child prostitute, selling a minor for sex is trafficking in minors.
- As a general rule, an individual who is a victim of the sex trade may bring a civil action in the court of common pleas of the county where the individual resides against a person that:
 - (i) recruits, profits from or maintains the victim in any sex trade act;
 - (ii) abuses or causes bodily harm to the victim in any sex trade act; and
 - (iii) knowingly advertises or publishes advertisements for purposes of recruitment into sex trade activity.

18 Pa. Cons. Stat. § 3019 Victim protection during prosecution

- Identifying information may be free from public disclosure
- Possible affirmative defense against prostitution charges
- First offenders may receive priority for diversion programs
- Individuals convicted of certain offenses directly relating from human trafficking may file a motion to vacate the convictions

18 Pa. Cons. Stat. § 3051 Civil causes of action

- Civil cause of action against perpetrator
- Awards for damages
- Attorney fees for the prevailing party

42 Pa. Cons. Stat. § 5945.3

- Applies the same sexual assault counselor confidential privilege communication to sexual assault counselors serving as human trafficking counselors.

RHODE ISLAND

What is the statute of limitations for civil sexual assault cases?

Claims may be brought by any person, including an adult, to recover damages from sexual abuse within thirty-five years of the act or seven years from the time the victim discovered or reasonably should have discovered that the injury was caused by the act. As for childhood sexual assault cases, the statute of limitations will be tolled until the child reaches 18 years old. Additionally, claims brought against a non-perpetrator due to negligently supervising a victim, who was sexually abused as a minor, or causing the childhood sexual abuse by another person can be commenced within thirty-five years of

the act, or seven years from the time the victim discovered or reasonably should have discovered that the causation between the act and injury.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

The statute of limitations for childhood sexual assault cases will be tolled until the child reaches 18 years old. The victim then may bring a claim within thirty-five years of the act or seven years from the time the victim discovered or reasonably should have discovered that the injury was caused by the act.

General Laws of Rhode Island Annotated § 9-1-51

Limitation on actions based on sexual abuse or exploitation of a child

(a)(1) All claims or causes of action brought against a perpetrator defendant by any person for recovery of damages for injury suffered as a result of sexual abuse shall be commenced within the later to expire of:

- (i) Thirty-five (35) years of the act alleged to have caused the injury or condition; or
- (ii) Seven (7) years from the time the victim discovered or reasonably should have discovered that the injury or condition was caused by the act.

Provided, however, that the time limit or commencement of such an action under this section shall be tolled for a child until the child reaches eighteen (18) years of age. For the purposes of this section, "sexual abuse" shall have the same meaning as in subsection (e) of this section.

(2) All claims or causes of action brought against a non-perpetrator defendant by any person alleging negligent supervision of a person that sexually abused a minor, or that the non-perpetrator defendant's conduct caused or contributed to the childhood sexual abuse by another person to include, but not be limited to, wrongful conduct, neglect or default in supervision, hiring, employment, training, monitoring, or failure to report and/or the concealment of sexual abuse of a child shall be commenced within the later to expire of:

- (i) Thirty-five (35) years of the act or acts alleged to have caused an injury or condition to the minor; or
- (ii) Seven (7) years from the time the victim discovered or reasonably should have discovered that the injury or condition was caused by the act.

Is there a cap on damages and, if so, what is it?

Rhode Island has no tort caps, including no caps on compensatory damages and punitive damages. Punitive damages are only unavailable in wrongful death actions.

Additionally, the collateral source rule applies, but the rule has been abrogated in the medical malpractice context.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

General Laws of Rhode Island Annotated § 11-67.1-3

Trafficking an individual

(a) A person commits the offense of trafficking an individual if the person knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains, or entices an individual in furtherance of:

- (1) Forced labor in violation of § 11-67.1-4; or
- (2) Sexual servitude in violation of § 11-67.1-5.

(b) Every person who shall commit trafficking of a minor shall be guilty of a felony, subject to not more than fifty (50) years imprisonment, a fine of up to forty thousand dollars (\$40,000), or both.

(c) Every person who shall commit trafficking of an adult shall be guilty of a felony, subject to not more than twenty (20) years imprisonment, a fine of up to twenty thousand dollars (\$20,000), or both.

General Laws of Rhode Island Annotated § 11-67.1-18

Civil action

(a) A victim may bring a civil action against a person who or that commits an offense against the victim under §§ 11-67.1-3, 11-67.1-4, or 11-67.1-5 for compensatory damages, punitive damages, injunctive relief, and any other appropriate relief.

(b) If a victim prevails in an action under this section, the court shall award the victim reasonable attorneys' fees and costs.

(c) An action under this section must be commenced not later than ten (10) years after the later of the date on which the victim:

- (1) No longer was subject to human trafficking; or
- (2) Attained eighteen (18) years of age.

(d) Damages awarded to a victim under this section for an item must be offset by any restitution paid to the victim pursuant to § 11-67.1-10.

(e) This section does not preclude any other remedy available to a victim under federal law or other general or public law of this state other than this chapter.

General Laws of Rhode Island Annotated § 11-67.1-20

Display of public-awareness sign--Penalty for failure to display

(a) Any public or quasi-public transportation agency shall display a public-awareness sign that contains the state and national human trafficking resource center hotline information in every transportation station, rest area, and welcome center in the state that is open to the public.

(b) An employer shall display the public-awareness sign described in subsection (a) of this section in a place that is clearly conspicuous and visible to employees and the public at each of the following locations in this state at which the employer has employees:

- (1) A strip club or other sexually-oriented business;
- (2) A business entity previously found to be a nuisance for prostitution;
- (3) A job-recruitment center;
- (4) A hospital; or
- (5) An emergency-care provider.

(c) The department of labor and training shall impose a fine of three hundred dollars (\$300) per violation on an employer that knowingly fails to comply with subsection (b) of this section. The fine shall be the exclusive remedy for failure to comply.

SOUTH CAROLINA

What is the statute of limitations for civil sexual assault cases?

In general, the statute of limitations is three years after the discovery of the abuse. For childhood sexual assault cases, the victim may bring a claim within six years after they become twenty-one years old (27 years old) or, once again, within three years from the time the victim realizes that their injuries are caused by child sexual abuse.

There is a new Bill that has been proposed, which aims to change the statute of limitations period to six years after the person becomes twenty-nine years of age. However, this is not the law yet.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Childhood sexual assault victims may bring a claim within six years after they become twenty-one years old or within three years from the time they realize that their injuries are caused by child sexual abuse.

Code of Laws of South Carolina Annotated § 15-3-555

Statute of limitations for action based on sexual abuse or incest.

(A) An action to recover damages for injury to a person arising out of an act of sexual abuse or incest must be commenced within six years after the person becomes twenty-one years of age or within three years from the time of discovery by the person of the injury and the causal relationship between the injury and the sexual abuse or incest, whichever occurs later.

(B) Parental immunity is not a defense against claims based on sexual abuse or incest that occurred before, on, or after this section's effective date.

Is there a cap on damages and, if so, what is it?

South Carolina has no general compensatory tort cap, but there a cap on noneconomic damages in medical malpractice cases. See S.C. Code Ann. § 15-32-220. However, there is a cap on punitive damages, which are capped at three times the amount of the compensatory damages to each claimant or \$500,000 (whichever is greater). If the court determines that the wrongful conduct was motivated by unreasonable financial gain, that the nature of the conduct was unreasonably dangerous, that there was a high likelihood of injury, or that the defendant's actions could subject them to a felony conviction, the cap is raised to four times the amount of the compensatory damages or \$2 million (whichever

greater). Additionally, there are exceptions where this cap is eliminated. *S.C. Code Ann. § 15-32-530.*

Additionally, the collateral source rule applies here.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Code of Laws of South Carolina Annotated § 16-3-2020

Trafficking in persons; penalties; minor victims; defenses.

(A) A person is guilty of trafficking in persons if he:

(1) recruits, entices, solicits, isolates, harbors, transports, provides, or obtains, or so attempts, a victim, knowing that the victim will be subjected to, or for the purposes of, sex trafficking, forced labor or services, involuntary servitude or debt bondage through any means or who benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in this subsection, is guilty of trafficking in persons;

(2) aids, abets, or conspires with another person to violate the criminal provisions of this section; or

(3) knowingly gives, agrees to give, or offers to give anything of value so that any person may engage in commercial sexual activity with another person when he knows that the other person is a victim of trafficking in persons.

(B) A person convicted of a violation of subsection (A) is guilty of a felony and, upon conviction:

(1) for a first offense, must be imprisoned not more than fifteen years;

(2) for a second offense, must be imprisoned not more than thirty years;

(3) for a third or subsequent offense, must be imprisoned not more than forty-five years.

(C) If the victim of an offense contained in this section is under the age of eighteen, the person convicted under this section is guilty of a felony and, upon conviction, must be imprisoned not more than thirty years. For a second or subsequent offense, if the victim is under the age of eighteen, the person convicted under this section is guilty of a felony and, upon conviction, must be imprisoned not more than forty-five years.

(D) A business owner who uses his business in a way that participates in a violation of this article, upon conviction, must be imprisoned for not more than ten years in addition to the penalties provided in this section for each violation.

(E) A plea of guilty or the legal equivalent entered pursuant to a provision of this article by an offender entitles the victim of trafficking in persons to all benefits, rights, and compensation granted pursuant to Section 16-3-1110.

(F) In a prosecution of a person who is a victim of trafficking in persons, it is an affirmative defense that he was under duress or coerced into committing the offenses for which he is subject to prosecution, if the offenses were committed as a direct result of, or incidental or related to, trafficking. A victim of trafficking in persons convicted of a violation of this article or prostitution may motion the court to vacate the conviction and expunge the record of the conviction. The court may grant the motion on a finding that the person's participation in the offense was a direct result of being a victim.

(G) If the victim was a minor at the time of the offense, the victim of trafficking in persons may not be prosecuted in court pursuant to this article or a prostitution offense, if it is determined after investigation that the victim committed the offense as a direct result of, or incidental or related to, trafficking.

(H) The human trafficking specialized service providers must be certified by the Attorney General through criteria established by the Human Trafficking Task Force. The Attorney General, through the task force, must also establish necessary criteria for Human Trafficking Acute Crisis Care and Resource Centers to be established in the communities of South Carolina. Once the service providers are certified and the assessment centers are open, the information must be disseminated to the family court bench and bar as well as law enforcement to be utilized in carrying out the mandates of this statute. The court must determine the most appropriate way to provide specialized services to the juveniles to address the concerns relating to human trafficking.

(I) Evidence of the following facts or conditions do not constitute a defense in a prosecution for a violation of this article, nor does the evidence preclude a finding of a violation:

(1) the victim's sexual history or history of commercial sexual activity, the specific instances of the victim's sexual conduct, opinion evidence of the victim's sexual conduct, and reputation evidence of the victim's sexual conduct;

(2) the victim's connection by blood or marriage to a defendant in the case or to anyone involved in the victim's trafficking;

(3) the implied or express consent of a victim to acts which violate the provisions of this section do not constitute a defense to violations of this section;

(4) age of consent to sex, legal age of marriage, or other discretionary age; and

(5) mistake as to the victim's age, even if the mistake is reasonable.

(J) A person who violates the provisions of this section may be prosecuted by the State Grand Jury, pursuant to Section 14-7-1600, when a victim is trafficked in more than one county or a trafficker commits the offense of trafficking in persons in more than one county.

Code of Laws of South Carolina Annotated § 16-3-2100

Posting of information regarding National Human Trafficking Resource Center Hotline in certain establishments; fines.

(A) The following establishments are required to post the information contained in subsection (B) regarding the National Human Trafficking Resource Center Hotline:

(1) an establishment which has been declared a nuisance for prostitution pursuant to Chapter 43, Title 15;

(2) an adult business, including a nightclub, bar, restaurant, or another similar establishment in which a person appears in a state of sexually explicit nudity, as defined in Section 16-15-375, or seminudity, as defined in Section 57-25-120;

(3) businesses and establishments that offer massage or bodywork services by any person who is not licensed under Chapter 30, Title 40;

(4) emergency rooms within any hospital;

(5) urgent care centers;

(6) any hotel, motel, room, or accommodation furnished to transients for which fees are charged in this State;

(7) all agricultural labor contractors and agricultural labor transporters as defined pursuant to Section 41-27-120; and

(8) all airports, train stations, bus stations, rest areas, and truck stops.

(B) The information must be posted in each public restroom for the business or establishment and a prominent location conspicuous to the public at the entrance of the establishment where posters and notices are customarily posted on a poster no smaller than eight and one-half by eleven inches in size and must state in both English and Spanish on the same poster information relevant to the hotline, including the following or language substantially similar:

“If you or someone you know is being forced to engage in any activity and cannot leave, whether it is commercial sex, housework, farm work, or any other activity, call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services. Victims of human trafficking are protected under federal law and the laws of South Carolina. The hotline is:

(1) available twenty-four hours a day, seven days a week;

(2) operated by a nonprofit, nongovernmental organization;

(3) anonymous and confidential;

(4) accessible in one hundred seventy languages;

(5) able to provide help, referral to services, training, and general information.”

(C) The Department of Revenue, the State Law Enforcement Division, and the Department of Transportation, as appropriate depending on the regulatory control or authority the respective department exercises over the establishment, are directed to provide each establishment with the notice required to be posted by this section. The departments shall post on the departments' websites a sample of the notice required to be posted which must be accessible for download. The business must download and post the notice in not less than sixteen point font.

(D) The Department of Revenue, the State Law Enforcement Division, or the Department of Transportation, as appropriate, is authorized to issue a written warning to an establishment which fails to post the required notice provided in this section and may assess a fine of not more than fifty dollars for each subsequent violation. Each day that the establishment remains in violation of this section is considered a separate and distinct violation and the establishment may be fined accordingly.

(E) The South Carolina Human Trafficking Task Force, Department of Revenue, and Department of Transportation are directed to collaborate on the design of the required notice to be posted and may partner to develop materials, and shall have the design finalized no later than one hundred twenty days after the effective date of this section. Establishments required to post the notice must be in compliance no later than six months after the effective date of this action.

(F) This section does not apply to establishments providing entertainment in theatres, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances when the performances presented are expressing matters of serious literary, artistic, scientific, or political value.

SOUTH DAKOTA

What is the statute of limitations for civil sexual assault cases?

SDCL 15-2-14: 3 years to commence action on personal injury.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes, SDCL 26-10-25.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

- a) The extension gave victims time to discover the causal relationship between the sexual abuse and the resulting injury.
 - i. SDCL 26-10-25 (1991) states: “Any civil action based on intentional conduct brought by any person for recovery of damages for injury suffered as a result of childhood sexual abuse shall be commenced within three years of the act alleged to have caused the injury or condition, or three years of the time the victim discovered or reasonably should have discovered that the injury or condition was caused by the act, whichever period expires later. However, no person who has reached the age of forty years may recover damages from any person or entity other than the person who perpetrated the actual act of sexual abuse.”
- b) 3 years after the victim reasonably should have discovered the causal connection.

Is there a cap on damages and, if so, what is it?

No.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

SDCL Chapter 22-49 prohibits human trafficking within the state of South Dakota, and classifies human trafficking as a felony with degrees.

TENNESSEE

What is the statute of limitations for civil sexual assault cases?

Generally, there is a one to two year statute of limitations period. However, for childhood sexual abuse cases that occurred before July 1, 2019, the victim has three years from the time of the discovery of the abuse to file a claim. For childhood sexual abuse cases that occurred on or after July 1, 2019, the victim can file a claim fifteen years from the date they become 18 years old (33 years old) or, if the injury was not discovered at the time of the abuse, within three years from the time of the discovery.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Childhood sexual abuse victims, who were abused before July 1, 2019, have three years from the time of the discovery of the abuse to file a claim. Childhood sexual abuse victims, who were abused on or after July 1, 2019, can file a claim fifteen years from the date they become 18 years old (33 years old) or, if the injury was not discovered at the time of the abuse, within three years from the time of the discovery.

Tenn. Code § 28-3-116.

Child sexual abuse

(b) Notwithstanding § 28-3-104, a civil action for an injury or illness based on child sexual abuse that occurred when the injured person was a minor must be brought:

(1) For child sexual abuse that occurred before July 1, 2019, but was not discovered at the time of the abuse, within three (3) years from the time of discovery of the abuse by the injured person; or

(2) For child sexual abuse that occurred on or after July 1, 2019, within the later of:

(A) Fifteen (15) years from the date the person becomes eighteen (18) years of age; or

(B) If the injury or illness was not discovered at the time of the abuse, within three (3) years from the time of discovery of the abuse by the injured person.

(c) A person bringing an action under this section need not establish or prove:

(1) Which act in a series of continuing child sexual abuse incidents by the alleged perpetrator caused the injury or illness complained of, but may compute the date of discovery from the date of discovery of the last act by the same alleged perpetrator which is part of a common scheme or pattern of child sexual abuse; or

(2) That the injured person psychologically repressed the memory of the facts upon which the claim is predicated.

(d) In an action brought under this section, the knowledge of a parent or guardian shall not be imputed to a minor.

(e) If an action is brought against someone other than the alleged perpetrator of the child sexual abuse, and if the action is brought more than one (1) year from the date the injured person attains the age of majority, the injured person must offer admissible and credible evidence corroborating the claim of abuse by the alleged perpetrator.

Is there a cap on damages and, if so, what is it?

Tennessee has a cap on punitive damages and noneconomic damages. The non-economic damages are capped at \$750,000 but raised to \$1 million if the plaintiff suffers a “catastrophic” injury. As for punitive damages, they are capped at two times the amount of the compensatory damages or \$500,000 (whichever is greater). Both of these caps are completely eliminated when the defendant had a specific intent to inflict serious physical injury, intentionally falsified/concealed records of evidence, was under the influence of alcohol or drugs, or their actions would result in a felony conviction.

Additionally, the collateral source rule applies but was abrogated in medical malpractice cases.

Caps were recently held constitutional in a 3-2 decision of the TN Supreme Court in *McClay v. Airport Management Services*, No. M2019-00511-SC-R23-CV (2/26/2020).

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Tennessee Code Annotated § 39-13-314

Human trafficking; victims' civil actions; damages

(a) As used in this part, unless the context otherwise indicates:

(1) "Human trafficking offense" means the commission of any act that constitutes the criminal offense of:

(A) Involuntary labor servitude, under § 39-13-307;

(B) Trafficking persons for forced labor or services, under § 39-13-308;

(C) Trafficking for commercial sex act, under § 39-13-309; or

(D) Promoting the prostitution of a minor, under § 39-13-512; and

(2) "Trafficked person" means a victim of a human trafficking offense.

(b)(1) A trafficked person may bring a civil action for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those or any other appropriate relief.

(2) A prevailing plaintiff is entitled to an award of attorney's fees and costs.

(c) Restitution under this section shall include items covered by the criminal injuries compensation fund under § 40-24-107 and any of the following, if not already covered by the court's restitution order:

(1) Costs of medical and psychological treatment, including physical and occupational therapy and rehabilitation, at the court's discretion;

(2) Costs of necessary transportation, temporary housing, and child care, at the court's discretion;

(3) Attorney's fees and other court-related costs such as victim advocate fees;

(4) The greater of:

(A) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) (29 U.S.C. § 201 et seq.), or state equivalent; or

(B) The gross income or value to the defendant of the victim's labor or services or of any commercial sex acts engaged in by the victim while in the human trafficking situation;

(5) Return of property, cost of damage to property, or full value of property if destroyed or damaged beyond repair;

(6) Compensation for emotional distress, pain, and suffering;

(7)(A) Expenses incurred by a victim and any household members or other family members in relocating away from the defendant or the defendant's associates, including, but not limited to, deposits for utilities and telephone service, deposits for rental housing, temporary lodging and food expenses, clothing, and personal items;

(B) Expenses incurred pursuant to subdivision (c)(7)(A) shall be verified by law enforcement to be necessary for the personal safety of the victim or household or family members, or by a mental health treatment provider to be necessary for the emotional well-being of the victim;

(8) Repatriation of the victim to the victim's home country, if applicable; and

(9) Any and all other losses suffered by the victim as a result of human trafficking offenses.

- (d)(1) A legal guardian, family member, representative of the trafficked person or court appointee may represent the trafficked person or the trafficked person's estate if deceased.
- (2) If the trafficked person dies as a result of a human trafficking offense, a surviving spouse of the trafficked person is eligible for restitution. If no surviving spouse exists, restitution shall be paid to the trafficked person's issue or their descendants per stirpes. If no surviving spouse, issue, or descendants exist, restitution shall be paid to the trafficked person's estate.
- (e) A person named in this section may not receive any funds from restitution if such person engaged in violations of a human trafficking offense.

Tennessee Code Annotated § 39-13-308

Trafficking persons for forced labor or services

- (a) A person commits the offense of trafficking persons for forced labor or services who knowingly:
- (1) Recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person, intending or knowing that the person will be subjected to involuntary servitude; or
- (2) Benefits, financially or by receiving anything of value, from participation in a venture that has engaged in an act described in § 39-13-307.
- (b) In addition to any other amount of loss identified or any other punishment imposed, the court shall order restitution to the victim or victims in an amount equal to the greater of:
- (1) The gross income or value of the benefit received by the defendant as the result of the victim's labor or services; or
- (2) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) (29 U.S.C. § 201 et seq.), or the minimum wage required in this state, whichever is higher.
- (c) Trafficking for forced labor or services is a Class C felony.

Tennessee Code Annotated § 39-13-309

Trafficking a person for a commercial sex act

- (a) A person commits the offense of trafficking a person for a commercial sex act who:
- (1) Knowingly subjects, attempts to subject, benefits from, or attempts to benefit from another person's provision of a commercial sex act;
- (2) Recruits, entices, harbors, transports, provides, purchases, or obtains by any other means, another person for the purpose of providing a commercial sex act; or
- (3) Commits the acts in this subsection (a) when the intended victim of the offense is a law enforcement officer or a law enforcement officer eighteen (18) years of age or older posing as a minor.
- (b) For purposes of subdivision (a)(2), such means may include, but are not limited to:
- (1) Causing or threatening to cause physical harm to the person;
- (2) Physically restraining or threatening to physically restrain the person;
- (3) Abusing or threatening to abuse the law or legal process;
- (4) Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of the person;

- (5) Using blackmail or using or threatening to cause financial harm for the purpose of exercising financial control over the person; or
- (6) Facilitating or controlling a person's access to a controlled substance.
- (c) A violation of subsection (a) is a Class B felony, except where the victim of the offense is a child under fifteen (15) years of age, or where the offense occurs on the grounds or facilities or within one thousand feet (1,000') of a public or private school, secondary school, preschool, child care agency, public library, recreational center, or public park, a violation of subsection (a) is a Class A felony.
- (d) It is not a defense to a violation of this section that:
 - (1) The intended victim of the offense is a law enforcement officer;
 - (2) The victim of the offense is a minor who consented to the act or acts constituting the offense; or
 - (3) The solicitation was unsuccessful, the conduct solicited was not engaged in, or the law enforcement officer could not engage in the solicited offense.

Tennessee Code Annotated § 39-13-313

Tennessee Human Trafficking Resource Center Hotline Act

(a) This section shall be known and may be cited as the "Tennessee Human Trafficking Resource Center Hotline Act."

(b) There is created the Tennessee human trafficking resource center hotline to be established and maintained by the Tennessee bureau of investigation in a manner consistent with this section.

(c) Any governmental entity or private business or establishment that provides or offers a place of assembly or entertainment, transportation, lodging, dining, educational, medical or leisure activities or services, or any business or establishment that is licensed by the state or any political subdivision thereof, or that is engaged in commerce in this state is strongly encouraged to post a sign indicating certain information regarding the Tennessee human trafficking resource center hotline in a location within the governmental entity or establishment where it is visible to employees and the general public. The sign shall be no smaller than eight and one-half inches by eleven inches (8 ½" x 11"). Unless stated otherwise in this section, it may be posted near the entrance of the establishment or prominently where notices are usually posted. The sign shall state the following:
Tennessee Human Trafficking Resource Center Hotline at 1-855-588-6484.

If you or someone you know is being forced to engage in any activity and cannot leave--whether it is commercial sex, housework, farm work or any other activity--call the Tennessee Human Trafficking Hotline to access help and services.

Victims of human trafficking are protected under United States and Tennessee law.

The hotline is:

Anonymous and confidential

Available 24/7

Toll free

Available to Non-English speaking callers through assistance of Interpreters

...

What is the Statute of Limitations for Civil Sexual Assault cases?

Before September 1, 2015

For most sexual-assault claims that accrued before September 1, 2015, the limitations period is five years.¹ But if a claim for sexual assault of a child would have accrued before September 1, 2015, and the limitations period for that claim had not expired before September 1, 2019, the limitations period is 30 years.²

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

On or after September 1, 2015

For sexual-assault claims that accrue on or after September 1, 2015, the limitations period is five years when the victim is an adult.³

For most sexual-assault claims that accrue after September 1, 2015, but before September 1, 2019, the limitations period is 15 years when the victim is a child.⁴ But if a claim for sexual assault of a child would have accrued before September 1, 2019, and the limitations period had not expired before September 1, 2019, the limitations period is 30 years.⁵

For a sexual-assault claim that accrues on or after September 1, 2019, the limitations period is 30 years when the victim is a child.⁶

It should be noted that the limitations period is tolled for the duration of a legal disability, such as minority.⁷ For a claim arising from an injury received as a minor, the limitations period does not begin to run until the minor reaches majority.⁸

For example, a child who was sexually assaulted on or after September 1, 2019, must bring any claim arising from that assault by her 48th birthday—that is, 30 years after she reaches the age of majority.⁹

Is there a cap on damages and, if so, what is it?

The following types of damages can be sought in civil sexual assault cases in Texas:

¹ See Tex. Civ. Prac. & Rem. Code § 16.0045 (2011); Acts 2015, 84th Leg. R.S., ch. 918, § 3, eff. Sept. 1, 2015.

² Acts 2019, 86th Leg., R.S., ch. 1306, eff. Sept. 1, 2019.

³ Tex. Civ. Prac. & Rem. Code § 16.0045(b).

⁴ Tex. Civ. Prac. & Rem. Code § 16.0045(a); see also Tex. Pen. Code § 22.011(c)(1) (defining “child” as a person younger than 17).

⁵ Acts 2019, 86th Leg., R.S., ch. 1306, eff. Sept. 1, 2019.

⁶ *Id.*

⁷ Tex. Civ. Prac. & Rem. Code § 16.001; *Doe v. Roman Catholic Archdiocese*, 362 S.W.3d 803, 809 (Tex. App.—Houston [14th Dist.] 2012, no pet.).

⁸ *Roman Catholic Archdiocese*, 362 S.W.3d at 809; see *Doe v. Catholic Diocese*, 362 S.W.3d 707, 716–17 (Tex. App.—El Paso 2011, no pet.).

⁹ See Acts 2019, 86th Leg., R.S., ch. 1306, eff. Sept. 1, 2019.

- (1) Actual damages;
- (2) Exemplary damages;
- (3) Interest;
- (4) Court costs; and
- (5) Attorney fees.

Moreover, in an action for sexual assault of a child, the plaintiff can request a writ of attachment in an amount the court determines to be appropriate for the counseling and medical needs of the child.¹⁰ The writ freezes the defendant's assets for the purpose of applying those assets to a later judgment.¹¹

There is no general compensatory cap on damages in Texas for civil sexual assault cases.

Has your state enacted legislation to combat human trafficking?

Chapter 20A of the Texas Penal Code combats the trafficking of persons in Texas.

Any offense under this statute is at least a second-degree felony, with certain offenses constituting a first-degree felony. Pursuant to Texas Penal Code §20A.02, a person commits a Trafficking of Persons offense if the person knowingly:

- (1) traffics another person with the intent that the trafficked person engage in forced labor or services;
- (2) receives a benefit from participating in a venture that involves an activity described by Subdivision (1), including by receiving labor or services the person knows are forced labor or services;
- (3) traffics another person and, through force, fraud, or coercion, causes the trafficked person to engage in conduct prohibited by:
 - (A) Section 43.02 (Prostitution);
 - (B) Section 43.03 (Promotion of Prostitution);
 - (B-1) Section 43.031 (Online Promotion of Prostitution);
 - (C) Section 43.04 (Aggravated Promotion of Prostitution);
 - (C-1) Section 43.041 (Aggravated Online Promotion of Prostitution); or
 - (D) Section 43.05 (Compelling Prostitution);
- (4) receives a benefit from participating in a venture that involves an activity described by Subdivision (3) or engages in sexual conduct with a person trafficked in the manner described in Subdivision (3);
- (5) traffics a child with the intent that the trafficked child engage in forced labor or services;
- (6) receives a benefit from participating in a venture that involves an activity described by Subdivision (5), including by receiving labor or services the person knows are forced labor or services;
- (7) traffics a child and by any means causes the trafficked child to engage in, or become the victim of, conduct prohibited by:
 - (A) Section 21.02 (Continuous Sexual Abuse of Young Child or Children);
 - (B) Section 21.11 (Indecency with a Child);
 - (C) Section 22.011 (Sexual Assault);

¹⁰ Tex. Civ. Prac. & Rem. Code § 61.0021.

¹¹ House Cmte. on Judiciary & Civil Jurisprudence, Bill Analysis, Tex. H.B. 3246, 81st Leg., R.S. (2009).

- (D) Section 22.021 (Aggravated Sexual Assault);
 - (E) Section 43.02 (Prostitution);
 - (F) Section 43.03 (Promotion of Prostitution);
 - (F-1) Section 43.031 (Online Promotion of Prostitution);
 - (G) Section 43.04 (Aggravated Promotion of Prostitution);
 - (G-1) Section 43.041 (Aggravated Online Promotion of Prostitution);
 - (H) Section 43.05 (Compelling Prostitution);
 - (I) Section 43.25 (Sexual Performance by a Child);
 - (J) Section 43.251 (Employment Harmful to Children); or
 - (K) Section 43.26 (Possession or Promotion of Child Pornography); or
- (8) receives a benefit from participating in a venture that involves an activity described by Subdivision (7) or engages in sexual conduct with a child trafficked in the manner described in Subdivision (7).

Texas Penal Code §20A.03 also provides a separate statute for the “Continuous Trafficking of Persons.”

UTAH

What is the statute of limitations for civil sexual assault cases?

In general, the statute of limitations is four years. However, for childhood sexual assault cases, the statute of limitations is completely eliminated. In other words, a victim of child sexual abuse may file a civil action at any time. *Utah Code § 78B-2-309.*

Additionally, a victim may file a civil action against a non-perpetrator within four years after they turn 18 years old or, if they discover the sexual abuse after turning 18 years old, within four years after discovery of the sexual abuse.

If a case involves medical malpractice, then there is a two-year statute of limitations period.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

For childhood sexual assault cases, the statute of limitations is completely eliminated. A victim of child sexual abuse may file a civil action at any time.

Utah Code § 78B-2-308.

Civil actions for sexual abuse of a child

(3)(a) A victim may file a civil action against a perpetrator for intentional or negligent sexual abuse suffered as a child at any time.

(b) A victim may file a civil action against a non-perpetrator for intentional or negligent sexual abuse suffered as a child:

(i) within four years after the individual attains the age of 18 years; or

(ii) if a victim discovers sexual abuse only after attaining the age of 18 years, that individual may bring a civil action for such sexual abuse within four years after discovery of the sexual abuse, whichever period expires later.

...

Is there a cap on damages and, if so, what is it?

Utah has no general tort cap, including no cap on compensatory damages. However, there is a cap on noneconomic damages, which is \$450,000, for medical malpractice cases.

Utah Code Ann. § 78B-3-410. As for punitive damages, the first \$50,000 goes to the injured party, and any amount in excess of such is split between the injured party and the state. Utah Code Ann. § 78B-2-201(3)(a).

Additionally, the collateral source rule applies in Utah.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Utah Code Annotated § 76-5-308

Human trafficking--Human smuggling

(1) An actor commits human trafficking for labor or sexual exploitation if the actor recruits, harbors, transports, obtains, patronizes, or solicits a person through the use of force, fraud, or coercion, which may include:

(a) threatening serious harm to, or physical restraint against, that person or a third person;

(b) destroying, concealing, removing, confiscating, or possessing any passport, immigration document, or other government-issued identification document;

(c) abusing or threatening abuse of the law or legal process against the person or a third person;

(d) using a condition of a person being a debtor due to a pledge of the debtor's personal services or the personal services of a person under the control of the debtor as a security for debt where the reasonable value of the services is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined;

(e) using a condition of servitude by means of any scheme, plan, or pattern intended to cause a person to believe that if the person did not enter into or continue in a condition of servitude, that person or a third person would suffer serious harm or physical restraint, or would be threatened with abuse of legal process; or

(f) creating or exploiting a relationship where the person is dependent on the actor.

(2)(a) Human trafficking for labor includes any labor obtained through force, fraud, or coercion as described in Subsection (1).

(b) Human trafficking for sexual exploitation includes all forms of commercial sexual activity, which may include the following conduct when the person acts under force, fraud, or coercion as described in Subsection (1):

(i) sexually explicit performance;

(ii) prostitution;

(iii) participation in the production of pornography;

(iv) performance in strip clubs; and

(v) exotic dancing or display.

(3) A person commits human smuggling by transporting or procuring the transportation for one or more persons for a commercial purpose, knowing or having reason to know that the person or persons transported or to be transported are not:

(a) citizens of the United States;

(b) permanent resident aliens; or

(c) otherwise lawfully in this state or entitled to be in this state.

Utah Code Annotated § 76-5-308.5

Human trafficking of a child--Penalties

(1) “Commercial sexual activity with a child” means any sexual act with a child, on account of which anything of value is given to or received by any person.

(2) An actor commits human trafficking of a child if the actor recruits, harbors, transports, obtains, patronizes, or solicits a child for sexual exploitation or forced labor.

(3)(a) Human trafficking of a child for labor includes any labor obtained through force, fraud, and coercion as described in Section 76-5-308.

(b) Human trafficking of a child for sexual exploitation includes all forms of commercial sexual activity with a child, including sexually explicit performance, prostitution, participation in the production of pornography, performance in a strip club, and exotic dancing or display.

(4) Human trafficking of a child in violation of this section is a first degree felony.

Utah Code Annotated § 76-5-309

Human trafficking and human smuggling--Penalties

(1) Human trafficking for labor and human trafficking for sexual exploitation are each a second degree felony, except under Section 76-5-310.

(2) Human smuggling under Section 76-5-308 of one or more persons is a third degree felony, except under Section 76-5-310.

(3) Human trafficking for labor or for sexual exploitation, human trafficking of a child, and human smuggling are each a separate offense from any other crime committed in relationship to the commission of either of these offenses.

(4) Under circumstances not amounting to aggravated sexual abuse of a child, a violation of Subsection 76-5-404.1(4)(h), a person who benefits, receives, or exchanges anything of value from knowing participation in:

(a) human trafficking for labor or for sexual exploitation in violation of Section 76-5-308 is guilty of a second degree felony;

(b) human smuggling is guilty of a third degree felony; and

(c) human trafficking of a child is guilty of a first degree felony.

(5) A person commits a separate offense of human trafficking, human trafficking of a child, or human smuggling for each person who is smuggled or trafficked under Section 76-5-308, 76-5-308.5, or 76-5-310.

Utah Code Annotated § 76-5-310

Aggravated human trafficking and aggravated human smuggling--Penalties

(1) An actor commits aggravated human trafficking for labor or sexual exploitation or aggravated human smuggling if, in the course of committing an offense under Section 76-5-308, the offense:

- (a) results in the death of the trafficked or smuggled person;
- (b) results in serious bodily injury of the trafficked or smuggled person;
- (c) involves:
 - (i) rape under Section 76-5-402;
 - (ii) rape of a child under Section 76-5-402.1;
 - (iii) object rape under Section 76-5-402.2;
 - (iv) object rape of a child under Section 76-5-402.3;
 - (v) forcible sodomy under Section 76-5-403;
 - (vi) sodomy on a child under Section 76-5-403.1;
 - (vii) aggravated sexual abuse of a child under Section 76-5-404.1; or
 - (viii) aggravated sexual assault under 76-5-405;
- (d) involves 10 or more victims in a single episode of human trafficking or human smuggling; or
- (e) involves a victim trafficked for longer than 30 consecutive days.

(2) An actor commits aggravated human smuggling if the actor commits human smuggling under Section 76-5-308 and any human being whom the person engages in smuggling is:

- (a) a child; and
- (b) not accompanied by a family member who is 18 years of age or older.

(3)(a) Aggravated human trafficking is a first degree felony.

(b) Aggravated human smuggling is a second degree felony.

(c) Aggravated human trafficking and aggravated human smuggling are each a separate offense from any other crime committed in relationship to the commission of either of these offenses.

Utah Code Annotated § 76-5-311

Human trafficking of a vulnerable adult--Penalties

(1) As used in this section:

(a) “Commercial sexual activity with a vulnerable adult” means any sexual act with a vulnerable adult for which anything of value is given to or received by any individual.

(b) “Vulnerable adult” means the same as that term is defined in Subsection 76-5-111(1).

(2) An actor commits human trafficking of a vulnerable adult if the actor:

(a) recruits, harbors, transports, or obtains a vulnerable adult for sexual exploitation or forced labor; or

(b) patronizes or solicits a vulnerable adult for sexual exploitation or forced labor when the actor knew or should have known of the victim's vulnerability.

(3)(a) Human trafficking of a vulnerable adult for labor includes any labor obtained through force, fraud, or coercion as described in Section 76-5-308.

(b) Human trafficking of a vulnerable adult for sexual exploitation includes all forms of commercial sexual activity with a vulnerable adult involving:

- (i) sexually explicit performances;
- (ii) prostitution;
- (iii) participation in the production of pornography;

- (iv) performance in a strip club; or
- (v) exotic dancing or display.
- (4) Human trafficking of a vulnerable adult in violation of this section is a first degree felony.

Utah Code Annotated § 77-38-15

Civil action against human traffickers and human smugglers

- (1) A victim of a person that commits the offense of human trafficking or human smuggling under Section 76-5-308, human trafficking of a child under Section 76-5-308.5, aggravated human trafficking or aggravated human smuggling under Section 76-5-310, or benefitting from human trafficking under Subsection 76-5-309(4) may bring a civil action against that person.
- (2)(a) The court may award actual damages, compensatory damages, punitive damages, injunctive relief, or any other appropriate relief.
- (b) The court may award treble damages on proof of actual damages if the court finds that the person's acts were willful and malicious.
- (3) In an action under this section, the court shall award a prevailing victim reasonable attorney fees and costs.
- (4) An action under this section shall be commenced no later than 10 years after the later of:
 - (a) the day on which the victim was freed from the human trafficking or human smuggling situation;
 - (b) the day on which the victim attains 18 years of age; or
 - (c) if the victim was unable to bring an action due to a disability, the day on which the victim's disability ends.
- (5) The time period described in Subsection (4) is tolled during a period of time when the victim fails to bring an action due to the person:
 - (a) inducing the victim to delay filing the action;
 - (b) preventing the victim from filing the action; or
 - (c) threatening and causing duress upon the victim in order to prevent the victim from filing the action.
- (6) The court shall offset damages awarded to the victim under this section by any restitution paid to the victim under Title 77, Chapter 38a, Crime Victims Restitution Act.
- (7) A victim may bring an action described in this section in any court of competent jurisdiction where:
 - (a) a violation described in Subsection (1) occurred;
 - (b) the victim resides; or
 - (c) the person that commits the offense resides or has a place of business.
- (8) If the victim is deceased or otherwise unable to represent the victim's own interests in court, a legal guardian, family member, representative of the victim, or court appointee may bring an action under this section on behalf of the victim.
- (9) This section does not preclude any other remedy available to the victim under the laws of this state or under federal law.

What is the statute of limitations for civil sexual assault cases?

In general, the statute of limitation is three years. For childhood sexual assault cases, the victim can bring an action at any time after the act alleged to have caused the injury.

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Childhood sexual assault victims may bring an action at any time after the act alleged to have caused the injury.

12 Vermont Statutes Annotated § 522

Actions based on childhood sexual or physical abuse

(a) A civil action brought by any person for recovery of damages for injury suffered as a result of childhood sexual or physical abuse may be commenced at any time after the act alleged to have caused the injury or condition. The victim need not establish which act in a series of continuing physical abuse or sexual abuse or exploitation incidents caused the injury.

...

(d) Notwithstanding 1 V.S.A. § 214, this section shall apply retroactively to childhood sexual abuse that occurred prior to July 1, 2019, irrespective of any statute of limitations in effect at the time the abuse occurred. In an action based on childhood sexual abuse that would have been barred by any statute of limitations in effect on June 30, 2019, damages may be awarded against an entity that employed, supervised, or had responsibility for the person allegedly committing the sexual abuse only if there is a finding of gross negligence on the part of the entity.

(e) Notwithstanding 1 V.S.A. § 214, this section shall apply retroactively to childhood physical abuse that occurred prior to July 1, 2021, irrespective of any statute of limitations in effect at the time the abuse occurred. In an action based on childhood physical abuse that would have been barred by any statute of limitations in effect on June 30, 2021, damages may be awarded against an entity that employed, supervised, or had responsibility for the person allegedly committing the physical abuse only if there is a finding of gross negligence on the part of the entity.

Is there a cap on damages and, if so, what is it?

Vermont has no tort caps, including no caps on both compensatory and punitive damages. Additionally, the collateral source rule applies here.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Vermont Statutes Annotated § 2652

Human trafficking

(a) No person shall knowingly:

- (1) recruit, entice, harbor, transport, provide, or obtain by any means a person under the age of 18 for the purpose of having the person engage in a commercial sex act;
- (2) recruit, entice, harbor, transport, provide, or obtain a person through force, fraud, or coercion for the purpose of having the person engage in a commercial sex act;
- (3) compel a person through force, fraud, or coercion to engage in a commercial sex act;
- (4) benefit financially or by receiving anything of value from participation in a venture, knowing that force, fraud, or coercion was or will be used to compel any person to engage in a commercial sex act as part of the venture;
- (5) subject a person to labor servitude;
- (6) recruit, entice, harbor, transport, provide, or obtain a person for the purpose of subjecting the person to labor servitude; or
- (7) benefit financially or by receiving anything of value from participation in a venture, knowing that a person will be subject to labor servitude as part of the venture.

(b) A person who violates subsection (a) of this section shall be imprisoned for a term up to and including life or fined not more than \$500,000.00, or both.

(c)(1)(A) A person who is a victim of sex trafficking in violation of subdivisions 2652(a)(1)-(4) of this title shall not be found in violation of or be the subject of a delinquency petition based on chapter 59 (lewdness and prostitution) or 63 (obscenity) of this title for any conduct committed as a victim of sex trafficking.

(B) Notwithstanding any other provision of law, a person under the age of 18 shall be immune from prosecution in the Criminal Division of the Superior Court for a violation of section 2632 of this title (prohibited acts; prostitution), but may be treated as a juvenile under 33 V.S.A. chapter 52 or referred to the Department for Children and Families for treatment under 33 V.S.A. chapter 53.

(2) If a person who is a victim of sex trafficking in violation of subdivisions 2652(a)(1)-(4) of this title is prosecuted for any offense or is the subject of any delinquency petition other than a violation of chapter 59 (lewdness and prostitution) or 63 (obscenity) of this title that arises out of the sex trafficking or benefits the sex trafficker, the person may raise as an affirmative defense that he or she committed the offense as a result of force, fraud, or coercion by a sex trafficker.

(d) In a prosecution for a violation of this section, the victim's alleged consent to the human trafficking is immaterial and shall not be admitted.

(e) If a person who is a victim of human trafficking is under 18 years of age at the time of the offense, the State may treat the person as the subject of a child in need of care or supervision proceeding.

Vermont Statutes Annotated § 2653

Aggravated human trafficking

(a) A person commits the crime of aggravated human trafficking if the person commits human trafficking in violation of section 2652 of this title under any of the following circumstances:

- (1) the offense involves a victim of human trafficking who is a child under the age of 18;
- (2) the person has previously been convicted of a violation of section 2652 of this title;
- (3) the victim of human trafficking suffers serious bodily injury or death; or

(4) the actor commits the crime of human trafficking under circumstances that constitute the crime of sexual assault as defined in section 3252 of this title, aggravated sexual assault as defined in section 3253 of this title, or aggravated sexual assault of a child as defined in section 3253a of this title.

(b) A person who violates this section shall be imprisoned not less than 20 years and a maximum term of life or fined not more than \$100,000.00, or both.

(c) The provisions of this section do not limit or restrict the prosecution for murder or manslaughter.

Vermont Statutes Annotated § 2654

Patronizing or facilitating human trafficking

(a) No person shall knowingly:

(1) permit a place, structure, or building owned by the person or under the person's control to be used for the purpose of human trafficking;

(2) receive or offer or agree to receive or offer a person into a place, structure, or building for the purpose of human trafficking; or

(3) permit a person to remain in a place, structure, building, or conveyance for the purpose of human trafficking.

(b) A person who violates this section shall be imprisoned not more than five years or fined not more than \$100,000.00, or both.

Vermont Statutes Annotated § 2655

Solicitation

(a) No person shall knowingly solicit a commercial sex act from a victim of human trafficking.

(b) A person who violates this section shall be imprisoned not more than five years or fined not more than \$100,000.00, or both.

Vermont Statutes Annotated § 2656

Human trafficking by a business entity; dissolution

If a business entity, including a corporation, partnership, association, or any other legal entity, is convicted of violating this chapter, the Attorney General may commence a proceeding in the Civil Division of the Superior Court to dissolve the entity pursuant to 11A V.S.A. §§ 14.30-14.33.

Vermont Statutes Annotated § 2662

Private cause of action

(a) A victim of human trafficking may bring an action against the offender in the Civil Division of the Superior Court for damages, injunctive relief, punitive damages in the case of a willful violation, and reasonable costs and attorney's fees. Actual damages may include any loss for which restitution is available under section 2657 of this chapter.

(b) If the victim is deceased or otherwise unable to represent himself or herself, the victim may be represented by a legal guardian, family member, or other representative appointed by the court, provided that the legal guardian, family member, or other representative appointed by the court has not benefited in any way from the trafficking.

(c) In a civil action brought under this section, the victim's alleged consent to the human trafficking is immaterial and shall not be admitted.

VIRGINIA

What is the statute of limitations for civil sexual assault cases?

Generally, the statute of limitations in Virginia is two years after the time of the injury. As for childhood sexual assault, victims have 20 years after the cause of action accrues. *Va. Code § 8.01-243*

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Childhood sexual assault victims have 20 years after the cause of action accrues to file a claim.

Virginia Code Ann. § 8.01-243

Personal action for injury to person or property generally

D. Every action for injury to the person, whatever the theory of recovery, resulting from sexual abuse occurring during the infancy or incapacity of the person as set forth in subdivision 6 of § 8.01-249 shall be brought within 20 years after the cause of action accrues.

Is there a cap on damages and, if so, what is it?

Virginia has no general compensatory tort cap but has caps on all damages for medical malpractice cases and on punitive damages, which are capped at \$350,000. *Va. Code Ann. § 8.01-581.15. Va. Code Ann. § 8.01-38.1.* Additionally, the collateral source rule applies here.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Virginia Code Ann. § 18.2-355

Taking, detaining, etc., person for prostitution, etc., or consenting thereto; human trafficking

Any person who:

- (1) For purposes of prostitution or unlawful sexual intercourse, takes any person into, or persuades, encourages or causes any person to enter, a bawdy place, or takes or causes such person to be taken to any place against his or her will for such purposes; or
- (2) Takes or detains a person against his or her will with the intent to compel such person, by force, threats, persuasions, menace or duress, to marry him or her or to marry any other person, or to be defiled; or

(3) Being parent, guardian, legal custodian or one standing in loco parentis of a person, consents to such person being taken or detained by any person for the purpose of prostitution or unlawful sexual intercourse; or

(4) For purposes of prostitution, takes any minor into, or persuades, encourages, or causes any minor to enter, a bawdy place, or takes or causes such person to be taken to any place for such purposes; is guilty of pandering.

A violation of subdivision (1), (2), or (3) is punishable as a Class 4 felony. A violation of subdivision (4) is punishable as a Class 3 felony.

Virginia Code Ann. § 40.1-11.3

Human trafficking hotline; posted notice required; civil penalty

A. Any employer who (i) operates a business that provides entertainment commonly called stripteasing or topless entertaining or entertainment that has employees who are not clad above or below the waist and (ii) fails to post notice of the existence of a human trafficking hotline to alert potential human trafficking victims of the availability of assistance, is subject to a civil penalty of \$500. Civil penalties under this subsection shall be assessed by the Department and paid to the Literary Fund. The notice required by this subsection shall be posted in the same location where other employee notices required by state or federal law are posted. The provisions of this subsection shall not apply to businesses described in this subsection providing entertainment in theaters, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances, when the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.

B. Any employer who (i) operates a truck stop and (ii) fails to post notice of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking of the availability to report crimes or gain assistance, which failure is not cured within 72 hours following notification to the employer of such failure by the Department, is subject to a civil penalty of \$100 per truck stop. Civil penalties under this subsection shall be assessed by the Department and paid to the Literary Fund, provided that no civil penalty shall be assessed under this subsection prior to January 1, 2014. The notice required by this subsection shall be posted in the same location where other employee notices required by state or federal law are posted. As used in this subsection, “truck stop” means a facility that is capable of fueling a qualified highway vehicle that bears an IFTA identification marker as those terms are defined in § 58.1-2700.

C. The Department shall (i) determine the content of the notice which shall include the National Human Trafficking Resource Center Hotline, (ii) determine the size of the notice, (iii) determine the languages in which the notice is to be posted, and (iv) publish the notice size and notice languages, and make the notice available in each of those languages, on the website of the Department and by any other means of publication the Department deems appropriate. The Department is not otherwise required to produce or distribute the notice. An employer is not required to use a notice produced by the Department, provided the notice complies with guidelines established by the Department. The Department may certify that a notice produced by an employer or other entity complies with the requirements of this section.

Virginia Code Ann. § 32.1-133.1

Human trafficking hotline; posted notice required; civil penalty

Any health care facility (i) licensed as a hospital pursuant to § 32.1-125 that includes an emergency department or that is a dedicated emergency department as defined in 42 C.F.R. § 489.24(b), (ii) operating as a clinic which is organized in whole or in part for the delivery of health care services without charge, (iii) licensed as an abortion facility pursuant to § 32.1-127, or (iv) in which the majority of patients are seen without appointments shall post notice of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a means to report crimes or gain assistance. The notice required by this section shall be posted in a place readily visible and accessible to the public such as the admitting area or public or patient restrooms of such facility. Such notice shall meet the requirements specified in subsection C of § 40.1-11.3. The State Board shall promulgate regulations necessary to implement the provisions of this section.

Virginia Code Ann. § 32.1-34.2

Human trafficking hotline; posted notice required

Each local department of health shall post notice of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a means to report crimes or gain assistance. The notice required by this section shall (i) be posted in a place readily visible and accessible to the public and (ii) meet the requirements specified in subsection C of § 40.1-11.3.

Virginia Code Ann. § 33.2-267.1

Human trafficking hotline; posted notice required

The Department shall post notice at all rest areas along Interstate System highways in the Commonwealth of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a means to report crimes or gain assistance. The notice required by this section shall (i) be posted in a place readily visible and accessible to the public and (ii) meet the requirements specified in subsection C of § 40.1-11.3.

Virginia Code Ann. § 4.1-119.1

Human trafficking hotline; posted notice required

Within each government store, except for government stores established on a distiller's licensed premises pursuant to subsection D of § 4.1-119, the Authority shall post notice of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a means to report crimes or gain assistance. The notice required by this section shall (i) be posted in a place readily visible and accessible to the public and (ii) meet the requirements specified in subsection C of § 40.1-11.3.

Virginia Code Ann. § 60.2-400.1

Human trafficking hotline; posted notice required

Within each employment office, the Commission shall post notice of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a means to report crimes or gain assistance. The notice required by this

section shall (i) be posted in a place readily visible and accessible to the public and (ii) meet the requirements specified in subsection C of § 40.1-11.3.

WASHINGTON

What is the statute of limitations for civil sexual assault cases?

In general, claims may be brought within three years of the act alleged to have caused the injury, or within three years of the time of discovery or when the victim reasonably should have discovered that the injury was caused by abuse. As for childhood sexual abuse cases, the victim may bring a claim within three years of the act, three years after they discovered or reasonably should have discovered that the injury was caused by said act, or three years after they discovered that the act caused the injury. Additionally, the statute of limitations is tolled for a child until he/she reaches 18 years old in this situation.
Wash. Rev. Code § 4.16.340

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Revised Code of Washington Annotated 4.16.340

Actions based on childhood sexual abuse

(1) All claims or causes of action based on intentional conduct brought by any person for recovery of damages for injury suffered as a result of childhood sexual abuse shall be commenced within the later of the following periods:

- (a) Within three years of the act alleged to have caused the injury or condition;
- (b) Within three years of the time the victim discovered or reasonably should have discovered that the injury or condition was caused by said act; or
- (c) Within three years of the time the victim discovered that the act caused the injury for which the claim is brought:

PROVIDED, That the time limit for commencement of an action under this section is tolled for a child until the child reaches the age of eighteen years.

(2) The victim need not establish which act in a series of continuing sexual abuse or exploitation incidents caused the injury complained of, but may compute the date of discovery from the date of discovery of the last act by the same perpetrator which is part of a common scheme or plan of sexual abuse or exploitation.

(3) The knowledge of a custodial parent or guardian shall not be imputed to a person under the age of eighteen years.

(4) For purposes of this section, "child" means a person under the age of eighteen years.

(5) As used in this section, "childhood sexual abuse" means any act committed by the defendant against a complainant who was less than eighteen years of age at the time of the act and which act would have been a violation of chapter 9A.44 RCW or RCW 9.68A.040 or prior laws of similar effect at the time the act was committed.

Is there a cap on damages and, if so, what is it?

Washington has no tort caps. In fact, the Washington Supreme Court has found that caps on non-economic damages are unconstitutional. See *Sofie v. Fibreboard Corp.*, 771 P.2d 711 (Wash. 1989). Additionally, punitive damages are prohibited unless authorized by statute.

The collateral source rule applies here.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Revised Code of Washington Annotated 9A.40.100

Trafficking

(1) A person is guilty of trafficking in the first degree when:

(a) Such person:

(i) Recruits, harbors, transports, transfers, provides, obtains, buys, purchases, or receives by any means another person knowing, or in reckless disregard of the fact, (A) that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in:

(I) Forced labor;

(II) Involuntary servitude;

(III) A sexually explicit act; or

(IV) A commercial sex act, or (B) that the person has not attained the age of eighteen years and is caused to engage in a sexually explicit act or a commercial sex act; or

(ii) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i) of this subsection; and

(b) The acts or venture set forth in (a) of this subsection:

(i) Involve committing or attempting to commit kidnapping;

(ii) Involve a finding of sexual motivation under RCW 9.94A.835;

(iii) Involve the illegal harvesting or sale of human organs; or

(iv) Result in a death.

(2) Trafficking in the first degree is a class A felony.

(3)(a) A person is guilty of trafficking in the second degree when such person:

(i) Recruits, harbors, transports, transfers, provides, obtains, buys, purchases, or receives by any means another person knowing, or in reckless disregard of the fact, that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act, or that the person has not attained the age of eighteen years and is caused to engage in a sexually explicit act or a commercial sex act; or

(ii) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i) of this subsection.

(b) Trafficking in the second degree is a class A felony.

(4)(a) In any prosecution under this chapter in which the offense or degree of the offense depends on the victim's age, it is not a defense that the perpetrator did not know the victim's age, or that the perpetrator believed the victim to be older, as the case may be.

(b) A person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a

result of an arrest for a violation of a trafficking crime shall be assessed a ten thousand dollar fee.

(c) The court shall not reduce, waive, or suspend payment of all or part of the fee assessed in this section unless it finds, on the record, that the offender does not have the ability to pay the fee in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee.

(d) Fees assessed under this section shall be collected by the clerk of the court and remitted to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town. Revenue from the fees must be used for local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws.

(i) At least fifty percent of the revenue from fees imposed under this section must be spent on prevention, including education programs for offenders, such as john school, and rehabilitative services, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling.

(ii) Revenues from these fees are not subject to the distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or 35.20.220.

(5) If the victim of any offense identified in this section is a minor, force, fraud, or coercion are not necessary elements of an offense and consent to the sexually explicit act or commercial sex act does not constitute a defense.

(6) For purposes of this section:

(a) “Commercial sex act” means any act of sexual contact or sexual intercourse, both as defined in chapter 9A.44 RCW, for which something of value is given or received by any person; and

(b) “Sexually explicit act” means a public, private, or live photographed, recorded, or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons for which something of value is given or received.

Revised Code of Washington Annotated 7.68.370

Trafficking of persons--Clearinghouse on human trafficking--Functions

(1) The office of crime victims advocacy is designated as the single point of contact in state government regarding the trafficking of persons.

(2) The Washington state clearinghouse on human trafficking is created as an information portal to share and coordinate statewide efforts to combat the trafficking of persons. The clearinghouse will include an internet web site operated by the office of crime victims advocacy, and will serve the following functions:

(a) Coordinating information regarding all statewide task forces relating to the trafficking of persons including, but not limited to, sex trafficking, commercial sexual exploitation of children, and labor trafficking;

(b) Publishing the findings and legislative reports of all statewide task forces relating to the trafficking of persons;

(c) Providing a comprehensive directory of resources for victims of trafficking; and

(d) Collecting and disseminating up-to-date information regarding the trafficking of persons, including news and legislative efforts, both state and federal.

Revised Code of Washington Annotated 47.38.080

Human trafficking informational posters at rest areas

The department may work with human trafficking victim advocates in developing informational posters for placement in rest areas. The department may adopt policies for the placement of these posters in rest areas and these policies must address, at a minimum, placement of the posters in bathroom stalls. The posters may be in a variety of languages and include toll-free telephone numbers a person may call for assistance, including the number for the national human trafficking resource center at (888)373-7888 and the number for the Washington state office of crime victims advocacy at (800)822-1067.

Revised Code of Washington Annotated 43.280.110

Public restrooms--Model notice on human trafficking--Voluntary posting--Report to legislature

(1) Every establishment that maintains restrooms for use by the public may voluntarily, upon availability of the model notice as described in subsection (2) of this section, post a notice that complies with the requirements of this section in a conspicuous place within all restrooms of the establishment in clear view of the public and employees. The office of crime victims advocacy may work with businesses and other establishments and with human trafficking victim advocates to adopt policies for the placement of such notices.

(2)(a) The model notice that may be voluntarily posted pursuant to subsection (1) of this section may be in a variety of languages and include toll-free telephone numbers a person may call for assistance, including the number for the national human trafficking resource center and the number for the Washington state office of crime victims advocacy.

(b) The office of crime victims advocacy shall review and approve the initial form and content of the model notice to ensure the notice is appropriate for public display and likely to be an effective communication to reach human trafficking victims. The office of crime victims advocacy shall review the model notice on a yearly basis to ensure the information provided remains accurate.

(3) The cost of production, printing, and posting of the model notices shall be paid by a participating nonprofit at no cost to the state.

(4) The office of crime victims advocacy must provide a report to the appropriate committees of the legislature no later than December 31, 2016, regarding the voluntary participation in this effort.

WEST VIRGINIA

What is the statute of limitations for civil sexual assault cases?

Generally, the statute of limitations is two years. For childhood sexual assault, victims may bring a claim within 18 years after reaching the age of majority (36 years old), or within four years after discovery of the sexual assault, whichever is longer. A childhood sexual assault victim could also bring a claim against a person or entity, which aided,

abetted, or concealed the sexual assault within 18 years after reaching the age of majority.
W. Va. Code § 55-2-15

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Childhood sexual assault victims may bring a claim within 18 years after reaching the age of majority (36 years old), or within four years after discovery of the sexual assault, whichever is longer. A childhood sexual assault victim could also bring a claim against a person or entity, which aided, abetted, or concealed the sexual assault within 18 years after reaching the age of majority.

West Virginia Code, § 55-2-15

Special and general savings as to persons under disability

(a) A personal action for damages resulting from sexual assault or sexual abuse of a person who was an infant at the time of the act or acts alleged, shall be brought against the perpetrator of the sexual assault or sexual abuse, within 18 years after reaching the age of majority, or within four years after discovery of the sexual assault or sexual abuse, whichever is longer. A personal action for damages resulting from sexual assault or sexual abuse of a person who was an infant at the time of the act or acts alleged shall be brought against a person or entity which aided, abetted, or concealed the sexual assault or sexual abuse within 18 years after reaching the age of majority.

(b) If any person to whom the right accrues to bring any personal action other than an action described in subsection (a) of this section, suit, or scire facias, or any bill to repeal a grant, shall be, at the time the same accrues, an infant or insane, the same may be brought within the like number of years after his or her becoming of full age or sane that is allowed to a person having no such impediment to bring the same after the right accrues, or after such acknowledgment as is mentioned in § 55-2-8 of this this code, except that it shall in no case be brought after 20 years from the time when the right accrues.

(c) The amendments to this section enacted during the 2020 Regular Session of the Legislature are intended to extend the statute of limitations for all actions whether or not an earlier established period of limitation has expired.

Is there a cap on damages and, if so, what is it?

West Virginia has no general compensatory tort cap but has a cap on noneconomic damages for medical malpractice cases. *W. Va. Code § 55-7B-8*.

Additionally, trial courts deduct collateral source payments from the jury's verdict per statute.

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

West Virginia Code, § 61-14-2

Human trafficking of an individual; aiding and abetting human trafficking; penalties.

(a) Any person who knowingly and willfully traffics an adult, or who knowingly and willfully aids, assists, or abets in any manner in the trafficking of an adult, is guilty of a felony and, upon conviction, shall be confined in a state correctional facility for not less than three nor more than 15 years, fined not more than \$200,000, or both confined and fined.

(b) Any person who knowingly and willfully traffics a minor, or who knowingly and willfully aids, assists, or abets in any manner in the trafficking of a minor, is guilty of a felony and, upon conviction, shall be confined in a state correctional facility for not less than five nor more than 20 years, fined not more than \$300,000, or both confined and fined.

West Virginia Code, § 15A-2-5

Human trafficking assistance notices

(a) For the purpose of assisting victims of human trafficking to obtain help and services, the following businesses and establishments shall post a notice which meets the requirements of this section:

(1) All locations licensed by the Alcohol Beverage Control Commissioner that permit on-premises consumption of alcoholic beverages, pursuant to § 60-7-1 et seq. of this code;

(2) Exotic entertainment facilities, which are facilities featuring live nude dancing, nude service personnel, or live nude entertainment;

(3) Primary airports;

(4) Passenger rail stations;

(5) Bus stations;

(6) Locations where gasoline and diesel fuel are sold;

(7) Emergency departments within hospitals;

(8) Urgent care centers;

(9) Locations at which farm labor contractors and day haulers work, if a physical facility is available at those locations, upon or in which notice can be posted;

(10) Privately operated job recruitment centers;

(11) Rest areas located along interstate highways in this state operated by the Division of Highways;

(12) Hotels; and

(13) Any other business or establishment that the director determines, by legislative rule, is an effective location to provide notice to victims of human trafficking.

(b) Requirements for posting of notice. -- The notice required by this section must be posted in English, Spanish, and any other language determined by legislative rule by the director. The notice must be posted in each public restroom for the business or establishment, and either in a conspicuous place near the public entrance of the business or establishment, or in another location in clear view of the public and employees where similar notices are customarily posted.

(c) The director shall provide hyperlinks on the division's website to downloadable notices that are eight and one-half inches by 11 inches in size that provide information regarding the National Human Trafficking Resource Center and display the telephone

number for the National Human Trafficking Resource Center hotline. These downloadable notices must be available in English, Spanish, and any other language determined by legislative rule by the director. These downloadable notices, if printed and posted, will satisfy the notice posting requirements of this section.

(d) Any law-enforcement officer, representative of the Bureau for Public Health or of a county health department, representative of the State Alcohol Beverage Control Commissioner, representative of the Division of Labor, or other state representative inspecting a business or establishment, or otherwise lawfully acting under his or her state authority, may notify, in writing, any business or establishment that it has failed to comply with the requirements of this section. The written notice must be delivered to the noncomplying business or establishment by certified mail, with return receipt requested. A business or establishment that does not correct a violation within 30 days from the receipt of the written notice is guilty of a misdemeanor and, upon a first conviction thereof, shall be fined not more than \$250; and upon a second or subsequent conviction, shall be fined not less than \$250 nor more than \$500.

WISCONSIN

What is the statute of limitations for civil sexual assault cases?

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Wis. Stat. §893.587 extended the statute of limitations for a claim caused by the sexual abuse of a child to the child's 35th birthday. That statute applies to claims not barred as of the statute's effective date which was in 2004. This does not apply to fraudulent misrepresentation claims (i.e. fraud claims against the church).

Is there a cap on damages and, if so, what is it?

No caps specific to sexual abuse claims (could be different provisions providing caps, such as governmental immunity).

Has your state enacted legislation to combat human trafficking?

If so, please provide a summary of the statute.

Main Trafficking laws:

Trafficking of a Child (Wis. Stat. § 948.051) (1) Whoever knowingly recruits, entices, provides, obtains, harbors, transports, patronizes, or solicits or knowingly attempts to recruit, entice, provide, obtain, harbor, transport, patronize, or solicit any child for the purpose of commercial sex acts, as defined in s. 940.302(1) (a), is guilty of a Class C felony.(2) Whoever benefits in any manner from a violation of sub. (1) is guilty of a Class C felony if the person knows that the benefits come from an act described in sub. (1).(3) Any person who incurs an injury or death as a result of a violation of sub. (1) or (2)

may bring a civil action against the person who committed the violation. In addition to actual damages, the court may award punitive damages to the injured party, not to exceed treble the amount of actual damages incurred, and reasonable attorney fees.

Human Trafficking (Wis. Stat. § 940.302) Human Trafficking: A person is guilty of a Class D felony if he or she knowingly engages in trafficking for the purpose of a labor or services or commercial sex act and the trafficking is done through any of the following: a. Causing or threatening to cause bodily harm to any individual b. Causing or threatening to cause financial harm to any individual c. Restraining or threatening to restrain any individual d. Violating or threatening to violate a law e. Destroying, concealing, removing, confiscating or possessing any actual or purported passport or official document of any individual or threatening to do the same f. Extortion g. Fraud or deception h. Debt bondage i. Controlling any individual's access to an addictive controlled substance j. Using a scheme or pattern to cause an individual to believe that any individual would suffer bodily harm, financial harm, restraint, or other harm.

Additional Wisconsin Human Trafficking Laws:

- Child sex trafficking is classified as child abuse for the purpose of county and state child protection intervention and services. Wis. Stat. § 48.02 (1) (cm)
- Patronizing a child is a Class G felony under Wis. Stat. § 948.081.
- Third and subsequent offenses for patronizing (adults) is a Class I felony under § 944.31.
- Whoever knowingly receives compensation from the earnings of debt bondage, a person engaged in prostitution, or a commercial sex act is guilty of a Class F felony. Wis. Stat. § 940.302 (2) (c)
- A victim of trafficking for the purpose of a commercial sex act may request a court to vacate a conviction, adjudication, or finding, or to expunge the record for a violation of prostitution. Wis. Stat. § 973.015 (2m)
- In criminal proceedings alleging human trafficking, evidence of similar acts by the defendant(s) may be admissible as evidence of the person's character without regard to whether the victim of the crime is the same as the victim of the similar act. Wis. Stat. § 904.04 (2)

WYOMING

What is the statute of limitations for civil sexual assault cases?

Generally, the statute of limitations is four years. For childhood sexual assault, victims may bring an action within eight years after their eighteenth birthday (26 years old) or three years after the time of discovery. Wyo. Stat. § 1-3-105

Has your state adopted legislation expanding the statute of limitations within which child victims of sexual abuse may bring an action?

Yes.

If so, (a) please provide a summary of the provisions and (b) the expiration date of the extended statute of limitations.

Wyoming Statutes Annotated § 1-3-105

Actions other than recovery of real property

(b) Notwithstanding subsection (a) of this section, a civil action based upon sexual assault as defined by W.S. 6-2-301(a)(v) against a minor may be brought within the later of:

- (i) Eight (8) years after the minor's eighteenth birthday; or
- (ii) Three (3) years after the discovery.

Is there a cap on damages and, if so, what is it?

Wyoming has no caps on either compensatory or punitive damages. Additionally, the collateral source rule applies, but only in tort cases. *Miller v. Campbell Co.*, 901 P.2d 1107 (Wy. 1995).

Has your state enacted legislation to combat human trafficking?

Yes.

If so, please provide a summary of the statute.

Wyoming Statutes Annotated § 6-2-702

Human trafficking in the first degree; penalty

(a) A person is guilty of human trafficking in the first degree when the person intentionally or knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains or entices an individual for the purpose of:

- (i) Forced labor or servitude in violation of W.S. 6-2-704;
- (ii) Sexual servitude in violation of W.S. 6-2-705; or
- (iii) Sexual servitude of a minor in violation of W.S. 6-2-706.

(b) Except as provided in W.S. 6-2-712(a), human trafficking in the first degree is a felony punishable by imprisonment for not less than five (5) nor more than fifty (50) years unless the victim is a minor in which case it is a felony punishable by imprisonment for not less than twenty-five (25) nor more than fifty (50) years and a fine of not more than ten thousand dollars (\$10,000.00), or both.

Wyoming Statutes Annotated § 6-2-703

Human trafficking in the second degree; penalty

(a) A person is guilty of human trafficking in the second degree when the person recklessly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains or entices an individual for the purpose of:

- (i) Forced labor or servitude in violation of W.S. 6-2-704;
- (ii) Sexual servitude in violation of W.S. 6-2-705;
- (iii) Sexual servitude of a minor in violation of W.S. 6-2-706.

(b) Except as provided in W.S. 6-2-712(a), human trafficking in the second degree is a felony punishable by imprisonment for not less than two (2) nor more than twenty (20) years and a fine of not more than ten thousand dollars (\$10,000.00), or both.

Wyoming Statutes Annotated § 6-2-712

Penalties for subsequent human trafficking convictions

(a) A person who is convicted of human trafficking under W.S. 6-2-702 or 6-2-703 shall be punished by imprisonment for not less than twenty-five (25) years or for life imprisonment without parole if:

(i) The victim in the instant case was a minor;

(ii) The person has one (1) or more previous convictions for a violation of W.S. 6-2-702, 6-2-703 or a criminal statute containing the same or similar elements as the crimes defined by W.S. 6-2-702 or 6-2-703 where the victim was a minor and which arose out of separate occurrences in this state or elsewhere; and

(iii) The convictions were for offenses committed after the person reached eighteen (18) years of age.