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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. SPANO introduced the following bill; which was referred to the Committee
on _____

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

 “28. Human trafficking defense.”.