

[CHAPTER 663J]
LIABILITY FOR COERCION INTO PROSTITUTION

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" **§663J-1 Title.** This chapter may be cited as the Sex Trafficking and Prostitution Coercion Liability Act. [L 1999, c 203, pt of §2; am L 2016, c 206, §3]

" **§663J-2 Definitions.** As used in this chapter:

"Coerce" means to use or threaten to use any form of domination, restraint, or control for the purpose of causing an individual to engage in or remain in prostitution or to relinquish earnings derived from prostitution. Coercion exists if the totality of the circumstances establish the existence of domination, restraint, or control that would have the reasonably foreseeable effect of causing an individual to engage in or remain in prostitution or to relinquish earnings derived from prostitution.

"Promoting prostitution" means promoting prostitution as provided in section 712-1203.

"Prostitution" has the same meaning as provided in section 712-1200.

"Sex trafficking" has the same meaning as provided in section 712-1202. [L 1999, c 203, pt of §2; am L 2016, c 206, §4]

" **§663J-3 Cause of action for coercion into prostitution or sex trafficking.** An individual has a cause of action against a person who:

- (1) Coerced the individual into prostitution or to remain in prostitution, or subjected the individual to sex trafficking;
- (2) Used coercion to collect or receive any of the individual's earnings derived from prostitution or from being the subject of sex trafficking; or
- (3) Hired, or attempted to hire the individual to engage in prostitution, when a reasonable person would believe that the individual was coerced into prostitution by another person or was being subjected to sex trafficking. [L 1999, c 203, pt of §2; am L 2016, c 206, §5]

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[§663J-4] Evidence. Acts that may serve as evidence in support of a claim under section 663J-3 include but are not limited to:

- (1) Physical force or threats of physical force;
- (2) Physical or mental torture;
- (3) Leading an individual to believe that the individual will be protected from violence or arrest;
- (4) Kidnapping;

- (5) Blackmail;
 - (6) Extortion;
 - (7) Threat of criminal prosecution for any violation of the law;
 - (8) Threat of interference with parental rights;
 - (9) Restriction or interference with speech or communication with others;
 - (10) Isolation;
 - (11) Exploitation of pornographic performance;
 - (12) Interference with opportunities for education;
 - (13) Destroying property of the individual;
 - (14) Restriction of movement; or
 - (15) In the case of a person coerced while a minor:
 - (A) Exploiting needs for food, shelter, safety, affection, or intimate relationship;
 - (B) Exploiting a condition of developmental disability, cognitive limitation, affective disorder, or substance dependency;
 - (C) Promise of legal benefit, such as posting bail, procuring an attorney, protecting from arrest, or promising unionization;
 - (D) Promise of financial rewards; or
 - (E) Defining the terms of an individual's employment or working conditions in a manner that is likely to lead to the individual's use in prostitution.
- [L 1999, c 203, pt of §2]

" **§663J-5 Damages.** An individual entitled to bring an action under section 663J-3 may recover all of the following damages:

- (1) Economic damages proximately caused by coercion into prostitution or being the subject of sex trafficking;
- (2) Noneconomic damages proximately caused by coercion into prostitution or being the subject of sex trafficking;
- (3) Exemplary damages;
- (4) Reasonable attorney's fees; and
- (5) Costs of suit, including reasonable expenses for expert testimony. [L 1999, c 203, pt of §2; am L 2016, c 206, §6]

" **§663J-6 Joinder of parties.** (a) In the discretion of the court, two or more individuals may join in one action under this chapter as plaintiffs if their respective actions involve a person who engages in promoting prostitution by coercion or subjecting the individuals to sex trafficking.

(b) In the discretion of the court, two or more persons may be joined in one action under this chapter as defendants if those persons may be liable to at least one plaintiff. [L 1999, c 203, pt of §2; am L 2016, c 206, §7]

" **§663J-7 Statute of limitations.** (a) A claim under this chapter may not be brought against a person more than six years after an act of promoting prostitution by coercion or sex trafficking by that person.

(b) The limitation period provided for in this chapter is tolled:

- (1) During the minority of the individual who engages in prostitution; or
- (2) Any time there is a criminal offense investigation being actively conducted against the defendant by a governmental agency or there is a criminal offense charge, information, or indictment pending against the defendant. [L 1999, c 203, pt of §2; am L 2013, c 247, §2; am L 2016, c 206, §8]

" **§663J-8 Stay of action.** On motion by a governmental agency involved in an investigation or prosecution for promoting prostitution or sex trafficking, an action brought under this chapter shall be stayed until the completion of the criminal investigation or prosecution that gave rise to the motion for a stay of the action. [L 1999, c 203, pt of §2; am L 2016, c 206, §9]

" **§663J-9 Other remedies preserved.** The remedies provided under this chapter do not restrict the right of any individual to bring an action under other law, including common law, to recover damages arising out of the use of the individual in prostitution, or subjecting the individual to sex trafficking, or the coercion incident to the individual being used in prostitution or sex trafficking; nor does this chapter limit or restrict the liability of any person under other law. [L 1999, c 203, pt of §2; am L 2016, c 206, §10]