

**SENATE, No. 1211**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED FEBRUARY 3, 2022

**Sponsored by:**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Assemblywoman ELIANA PINTOR MARIN**

**District 29 (Essex)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblywoman ELLEN J. PARK**

**District 37 (Bergen)**

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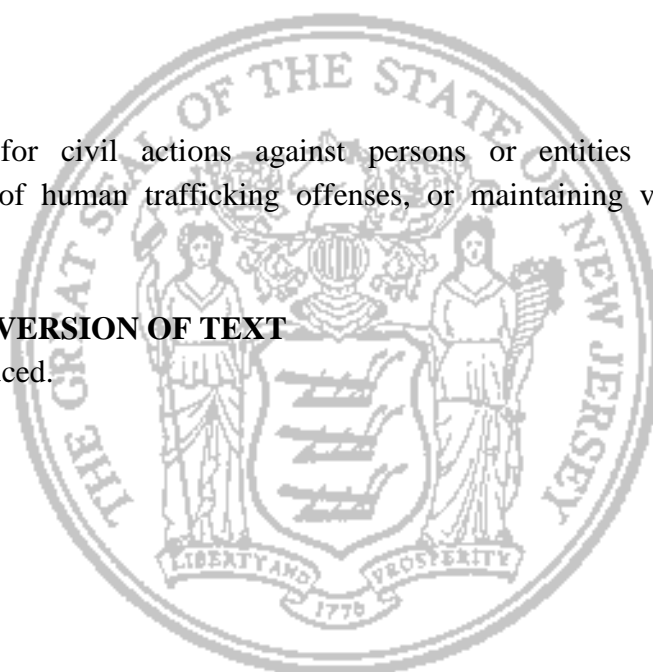
**Senators Ruiz, Stack, Pou, Assemblywomen Chaparro, Timberlake, Speight, McKnight, Dunn, Assemblymen Space, Wirths, Stanley, Assemblywomen Murphy, Haider, Jasey, Assemblyman Sampson and Assemblywoman Quijano**

**SYNOPSIS**

Provides for civil actions against persons or entities profiting from commission of human trafficking offenses, or maintaining victims of such offenses.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/7/2023)**

1 AN ACT concerning civil actions by persons injured as a result of  
2 the commission of human trafficking offenses, and amending  
3 P.L.2013, c.51.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 4 of P.L.2013, c.51 (C.2C:13-8.1) is amended to  
9 read as follows:

10 4. a. Any person injured, including injury due to the loss of  
11 moneys or property, real or personal, **by an actor and all those**  
12 **acting in concert with that actor who committed** as a result of the  
13 commission of a human trafficking offense in violation of section 1  
14 of P.L.2005, c.77 (C.2C:13-8)<sub>2</sub> or section 5 of P.L.2013, c.51  
15 (C.2C:13-9)<sub>2</sub> may bring a civil action in any court of competent  
16 jurisdiction against: (1) the actor and offender; (2) all those  
17 acting in concert with that actor offender; (3) all those knowingly  
18 deriving a pecuniary benefit from the offense, whether or not these  
19 parties are acting in concert with the offender; and (4) all those  
20 knowingly maintaining any victim of the offense, whether or not  
21 these parties are acting in concert with the offender. A civil action  
22 brought under this section shall not preclude the application of any  
23 other civil, administrative, or criminal remedy under any other  
24 provision of law.

25 b. (1) The standard of proof in a civil action brought pursuant  
26 to this section is a preponderance of the evidence, and the fact that a  
27 prosecution against the offending actor is not instituted or,  
28 whenever instituted, terminates without a conviction, shall not  
29 preclude a civil action.

30 (2) A final judgment rendered in favor of the State in any  
31 criminal proceeding shall estop the defendant from denying the  
32 same conduct in any civil action brought pursuant to this section.

33 c. In any civil action brought pursuant to this section, the court  
34 shall, in addition to any other appropriate legal or equitable relief,  
35 including damages for pain and suffering, recovery of reasonable  
36 costs for necessary medical, dental, and psychological services and  
37 punitive damages, award damages in an amount that is the greater  
38 of:

39 (1) the gross income or value to the defendant of the injured  
40 party's labor or services; or

41 (2) the value of the injured party's labor or services as  
42 determined by the "New Jersey Prevailing Wage Act," P.L.1963,  
43 c.150 (C.34:11-56.25 et seq.), the "New Jersey State Wage and  
44 Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.), the Seasonal  
45 Farm Labor Act, P.L.1945, c.71 (C.34:9A-1 et seq.), the laws

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 concerning the regulation of child labor in chapter 2 of Title 34 of  
2 the Revised Statutes, or any other applicable State law, and the  
3 "Fair Labor Standards Act of 1938," 29 U.S.C. s.201 et seq., or any  
4 other applicable federal law.

5 d. In addition to any damages, penalty, injunction, or other  
6 appropriate relief awarded in an action brought pursuant to this  
7 section, the court may award to the injured person bringing suit  
8 reasonable attorney's fees and costs.

9 (cf: P.L.2013, c.51, s.4)

10  
11 2. This act shall take effect immediately.

12  
13  
14 STATEMENT

15  
16 This bill would provide for civil actions against persons or  
17 entities knowingly profiting from the commission of human  
18 trafficking offenses, or maintaining the victims of such offenses,  
19 even though such parties are not "acting in concert" with the  
20 offender and thus not involved in any agreed-upon conspiracy with  
21 the offender. In other words, these parties could be subject to a  
22 civil suit if they are aware of human trafficking offenses and allow  
23 such offenses to continue while receiving a pecuniary benefit from  
24 such, or by maintaining the trafficking victims.

25 The bill thus would expand the statute providing for human  
26 trafficking civil actions, section 4 of P.L.2013, c.51 (C.2C:13-8.1),  
27 beyond its current scope, which addresses suits against any person  
28 who commits the human trafficking offense and any conspiring  
29 parties who are "acting in concert" with that person.