

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 282

By: Senator Irvin
By: Representative Gazaway

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING A CIVIL CAUSE OF ACTION FOR VICTIMS OF HUMAN TRAFFICKING; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING A CIVIL CAUSE OF ACTION FOR VICTIMS OF HUMAN TRAFFICKING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 16-64-122(a), concerning comparative fault in certain civil actions, is amended to read as follows:

(a) ~~In~~ Except as otherwise provided under § 16-118-109, in all actions for damages for personal injuries or wrongful death or injury to property in which recovery is predicated upon fault, liability shall be determined by comparing the fault chargeable to a claiming party with the fault chargeable to the party or parties from whom the claiming party seeks to recover damages.

SECTION 2. Arkansas Code § 16-118-109 is amended to read as follows:
16-118-109. Civil cause of action for victims of human trafficking –
Definition.

(a) As used in this section, “victim of human trafficking” means the same as defined in § 5-18-102.

(b) An individual who is a victim of human trafficking may bring a



civil action in any appropriate state court against a person or entity who:

(1) Knew or should have known that the individual was or would be subjected to any form of trafficking of persons pursuant to § 5-18-103; and

(2) Caused, was responsible for, or benefitted financially or received anything of value from the human trafficking incident.

(c) The court may award actual damages, compensatory damages, punitive damages, injunctive relief, or any other appropriate relief.

(d) A prevailing plaintiff shall also be awarded attorney's fees and costs.

(e) Three (3) times actual damages shall be awarded on proof of actual damages when a defendant's acts were willful and malicious.

(f)(1) A statute of limitation period imposed for the filing of a civil action under this section will not begin to run until the plaintiff discovers that the human trafficking incident occurred and that the defendant caused, was responsible for, or ~~profited~~ benefitted financially or received anything of value from the human trafficking incident.

(2) If the plaintiff is a minor, the limitation period will not begin until he or she is eighteen (18) years of age.

(3) If the plaintiff is under a disability at the time the cause of action accrues so that it is impossible or impracticable for him or her to bring an action, the time of the disability will not be part of the time limited for the commencement of the action.

(4) If 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, the time period during which the threats, intimidation, manipulation, or fraud occurred will not be part of the statute of limitations for the commencement of this action.

(5) A defendant is estopped to assert a defense of the statute of limitations when the expiration of the statute of limitations is due to conduct by the defendant that induced the plaintiff to delay the filing of the action or placed the plaintiff under duress.

(g) In a civil action brought under this section:

(1) Fault of a victim of human trafficking shall not be apportioned against the victim of human trafficking; and

(2) The comparative fault provisions under § 16-64-122 do not

apply.