

116TH CONGRESS  
1ST SESSION

# H. R. 5080

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.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2019

Mr. SPANO (for himself, Mr. HASTINGS, Mr. DIAZ-BALART, Mr. DEUTCH, and Mr. WALTZ) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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 Act” or the “HOPE for Victims of Human Traf-  
 2 ficking 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.”.

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