

House Engrossed

human trafficking; civil action; liability

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 76

HOUSE BILL 2116

AN ACT

AMENDING TITLE 12, CHAPTER 6, ARTICLE 12, ARIZONA REVISED STATUTES, BY
ADDING SECTION 12-721; RELATING TO CIVIL ACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, chapter 6, article 12, Arizona Revised
3 Statutes, is amended by adding section 12-721, to read:

4 12-721. Trafficking of persons civil liability;
5 applicability; remedies; joint and several
6 liability; definitions

7 A. A PERSON WHO ENGAGES IN THE TRAFFICKING OF A PERSON OR WHO
8 INTENTIONALLY OR KNOWINGLY BENEFITS FROM PARTICIPATING IN A VENTURE THAT
9 TRAFFICS ANOTHER PERSON IS LIABLE TO THE PERSON TRAFFICKED FOR DAMAGES
10 THAT ARISE FROM THE TRAFFICKING OF THAT PERSON BY THE PERSON OR VENTURE.

11 B. IT IS NOT A DEFENSE TO LIABILITY UNDER THIS SECTION THAT THE
12 PERSON WAS ACQUITTED OR HAS NOT BEEN PROSECUTED FOR OR CONVICTED OF AN
13 OFFENSE INCLUDED IN TITLE 13 OR HAS BEEN CONVICTED OF A DIFFERENT OFFENSE,
14 OR OF A DIFFERENT TYPE OR CLASS OF OFFENSE, FOR THE CONDUCT THAT IS
15 ALLEGED TO GIVE RISE TO LIABILITY UNDER THIS SECTION.

16 C. THIS SECTION APPLIES TO ANY LEGAL ENTITY THAT IS GOVERNED BY
17 TITLE 10 OR 29.

18 D. NOTWITHSTANDING TITLES 10 AND 29, IF A LEGAL ENTITY IS FOUND
19 RESPONSIBLE PURSUANT TO THIS SECTION, A SHAREHOLDER, MEMBER OR PARTNER OF
20 THAT ENTITY IS JOINTLY AND SEVERALLY LIABLE WITH THE ENTITY TO THE PERSON
21 TRAFFICKED FOR DAMAGES THAT ARISE FROM THE TRAFFICKING OF THAT PERSON IF
22 THE PERSON DEMONSTRATES THAT THE SHAREHOLDER, MEMBER OR PARTNER CAUSED THE
23 ENTITY TO BE USED TO TRAFFIC THAT PERSON FOR THE DIRECT PERSONAL BENEFIT
24 OF THE SHAREHOLDER, MEMBER OR PARTNER.

25 E. A CLAIMANT WHO PREVAILS UNDER THIS SECTION:

26 1. SHALL BE AWARDED ACTUAL DAMAGES, INCLUDING DAMAGES FOR MENTAL
27 ANGUISH EVEN IF AN INJURY OTHER THAN MENTAL ANGUISH IS NOT SHOWN, COURT
28 COSTS AND REASONABLE ATTORNEY FEES.

29 2. IN ADDITION TO AN AWARD UNDER PARAGRAPH 1 OF THIS SUBSECTION,
30 MAY RECOVER EXEMPLARY DAMAGES.

31 F. THE RIGHTS AND REMEDIES PROVIDED IN THIS SECTION SUPPLEMENT ANY
32 OTHER RIGHTS AND REMEDIES PROVIDED BY LAW, INCLUDING COMMON LAW RIGHTS.

33 G. A PERSON WHO ENGAGES IN THE TRAFFICKING OF A PERSON OR WHO
34 INTENTIONALLY OR KNOWINGLY BENEFITS FROM PARTICIPATING IN A VENTURE THAT
35 TRAFFICS ANOTHER PERSON AND IS FOUND RESPONSIBLE UNDER THIS SECTION OR
36 OTHER LAW FOR ANY AMOUNT OF DAMAGES ARISING FROM THE TRAFFICKING IS
37 JOINTLY LIABLE WITH ANY OTHER PERSON FOUND TO BE LIABLE FOR THE ENTIRE
38 AMOUNT OF DAMAGES ARISING FROM THE TRAFFICKING.

39 H. FOR THE PURPOSES OF THIS SECTION:

40 1. "PERSON" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-105.

41 2. "TRAFFICS ANOTHER PERSON" OR "TRAFFICKING OF A PERSON" MEANS
42 CONDUCT THAT CONSTITUTES AN OFFENSE UNDER SECTION 13-1306, 13-1307,
43 13-1308, 13-3206 OR 13-3212.

H.B. 2116

APPROVED BY THE GOVERNOR MARCH 23, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 23, 2021.