



GENERAL ASSEMBLY COMMONWEALTH OF KENTUCKY

2014 REGULAR SESSION

SENATE BILL NO. 184

THURSDAY, MARCH 20, 2014

The following bill was reported to the House from the Senate and ordered to be printed.

RECEIVED AND FILED
DATE April 9, 2014
1:49pm

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

1 AN ACT relating to human trafficking.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 →SECTION 1. A NEW SECTION OF KRS CHAPTER 529 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) When a person is charged or convicted under this chapter, or with an offense*
6 *which is not a violent crime as defined in KRS 17.165, and the person's*
7 *participation in the offense is determined to be the direct result of being a victim*
8 *of human trafficking, the person may make a motion in the court in which the*
9 *charges were filed to expunge all records of the offense.*

10 *(2) The motion shall be filed no sooner than sixty (60) days following the date the*
11 *final judgment was entered by the court in which the charges were filed.*

12 *(3) (a) A motion filed under this section, any hearing conducted on the motion,*
13 *and any relief granted, are governed by KRS 431.076, 431.078, and 431.079*
14 *unless otherwise provided in this section.*

15 *(b) For the purposes of expungement under KRS 431.076, a finding by the*
16 *court that the person's participation in the offense was a direct result of*
17 *being a victim of human trafficking shall deem the charges as dismissed*
18 *with prejudice.*

19 *(c) No official determination or documentation is required to find that the*
20 *person's participation in the offense was a direct result of being a victim of*
21 *human trafficking, but documentation from a federal, state, local, or tribal*
22 *governmental agency indicating that the defendant was a victim at the time*
23 *of the offense shall create a presumption that the defendant's participation*
24 *in the offense was a direct result of being a victim.*

25 →SECTION 2. A NEW SECTION OF KRS CHAPTER 529 IS CREATED TO
26 READ AS FOLLOWS:

27 *A person charged under this chapter, or charged with an offense which is not a violent*

- 1 crime as defined in KRS 17.165, may assert being a victim of human trafficking as an
- 2 affirmative defense to the charge.

Kathie Krat Steno
President of Senate

Ernest D. Stiles
Speaker-House of Representatives

Attest: [Signature]
Chief Clerk of Senate

Approved [Signature]
Governor

Date 4/9/14