

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

SENATE BILL 282

5 By: Senator Irvin
6 By: Representative Gazaway
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING A CIVIL CAUSE OF
10 ACTION FOR VICTIMS OF HUMAN TRAFFICKING; AND FOR
11 OTHER PURPOSES.
12
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Subtitle

15 TO AMEND THE LAW CONCERNING A CIVIL CAUSE
16 OF ACTION FOR VICTIMS OF HUMAN
17 TRAFFICKING.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 16-64-122(a), concerning comparative fault
23 in certain civil actions, is amended to read as follows:

24 (a) ~~In~~ Except as otherwise provided under § 16-118-109, in all actions
25 for damages for personal injuries or wrongful death or injury to property in
26 which recovery is predicated upon fault, liability shall be determined by
27 comparing the fault chargeable to a claiming party with the fault chargeable
28 to the party or parties from whom the claiming party seeks to recover
29 damages.
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31 SECTION 2. Arkansas Code § 16-118-109 is amended to read as follows:
32 16-118-109. Civil cause of action for victims of human trafficking –
33 Definition.

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

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



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

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

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

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

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

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

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

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

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

24 (4) If the plaintiff is subject to threats, intimidation,
25 manipulation, or fraud perpetrated by the defendant or by any person acting
26 in the interest of the defendant, the time period during which the threats,
27 intimidation, manipulation, or fraud occurred will not be part of the statute
28 of limitations for the commencement of this action.

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

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

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

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

1 apply.
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