



VIRGINIA

Legal System	Constitution	Bill of Rights	Form of Government
Common Law Statutory Law	Written	Yes	Republic

A. Criminal Statutes

1. Human Trafficking and Related Offenses

a. Va. Code Ann. § 18.2-355 (2015) – Taking or Detaining a Person for Prostitution; Consent to Prostitution; Human Trafficking

i. Summary

Any person who:

- (1) For purposes of prostitution or unlawful sexual intercourse, takes any person into, or persuades, encourages or causes any person to enter, a bawdy place, or takes or causes such person to be taken to any place against his or her will for such purposes; or
- (2) Takes or detains a person against his or her will with the intent to compel such person, by force, threats, persuasions, menace or duress, to marry him or her or to marry any other person, or to be defiled; or
- (3) Being parent, guardian, legal custodian, or one standing in loco parentis of a person, consents to such person being taken or detained by any person for the purpose of prostitution or unlawful sexual intercourse; or
- (4) For the purposes of prostitution, takes any minor into, or persuades, encourages, or causes any minor to enter, a bawdy place, or takes or causes such person to be taken to any place for such purposes; is guilty of pandering.

Va. Code Ann. § 18.2-355.

“‘[B]awdy place’ means any place within or outside any building or structure that is used or is to be used for lewdness, assignation, or prostitution.” Va. Code Ann. § 18.2-347.

ii. Sentencing

“A violation of subdivision (1), (2), or (3) [of Va. Code Ann. § 18.2-355] is punishable as a Class 4 felony.” Va. Code Ann. § 18.2-355. Class 4 felonies require a prison term of two to 10 years and a fine of not more than USD 100,000. “A violation of subdivision (4) [of Va. Code Ann. § 18.2-355] is punishable as a Class 3 felony.” Va. Code Ann. § 18.2-355. Class 3 felonies require a prison term of five to 20 years and a fine of not more than USD 100,000. Va. Code Ann. § 18.2-10(c), (d). The court will impose either a sentence of imprisonment together with a fine, or imprisonment only. Va. Code Ann. § 18.2-10(g).

In addition to any other penalty, a convicted person must pay a USD 500 fee that goes to the Virginia Prevention of Sex Trafficking Fund. Va. Code Ann. § 17.1-275.13.

A convicted person shall make at least partial restitution for any property damage or loss caused by the crime or for any medical expenses or expenses directly related to a funeral or burial incurred by the victim or the victim’s estate as a result of the crime and may be compelled to perform community service. Va. Code Ann. § 19.2-305.1(B).

iii. Statute of Limitations

Virginia does not have a general statute of limitations for felonies. See Va. Code Ann. § 19.2-8.

b. Va. Code Ann. § 18.2-356 (2015) – Receiving Money for Procuring Person

i. Summary

Any person who receives any money or other valuable thing for or on account of (i) procuring for or placing in a house of prostitution or elsewhere any person for the purpose of causing such person to engage in unlawful sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus or any act in violation of § 18.2-361, or touching of the unclothed genitals or anus of another person with the intent to sexually arouse or gratify, or (ii) causing any person to engage in forced labor or services, concubinage, prostitution, or the manufacture of any obscene material or child pornography is guilty of a Class 4 felony. Any person who violates clause (i) or (ii) with a person under the age of 18 is guilty of a Class 3 felony.

Va. Code Ann. § 18.2-356.

ii. Sentencing

A Class 4 felony requires a prison term of two to 10 years and a fine of not more than USD 100,000. A Class 3 felony requires a prison term of five to 20 years and a fine of not more than USD 100,000. Va. Code Ann. § 18.2-10(c), (d). The court will impose either a sentence of imprisonment together with a fine, or imprisonment only. Va. Code Ann. § 18.2-10(g).

In addition to any other penalty, a convicted person must pay a USD 500 fee that goes to the Virginia Prevention of Sex Trafficking Fund. Va. Code Ann. § 17.1-275.13.

A convicted person shall make at least partial restitution for any property damage or loss caused by the crime or for any medical expenses or expenses directly related to a funeral or burial incurred by the victim or the victim’s estate as a result of the crime and may be compelled to perform community service. Va. Code Ann. § 19.2-305.1(B).

iii. Statute of Limitations

Virginia does not have a general statute of limitations for felonies. See Va. Code Ann. § 19.2-8.

c. Va. Code Ann. § 18.2-357.1 (2019) – Commercial Sex Trafficking

i. Summary

It is a felony for a person to solicit, invite, recruit, encourage, or otherwise cause or attempt to cause a person to violate Va. Code Ann. § 18.2-346 (prostitution and commercial sexual conduct) with the intent to receive money or other valuable things or to assist another in receiving money or other valuable things from the earnings of a person from prostitution or unlawful sexual intercourse. Va. Code Ann. § 18.2-357.1(A).

ii. Sentencing

A violation of this section is generally a Class 5 felony, which requires a prison term of one to 10 years, or in the discretion of the jury or the court, confinement in jail for not more than 12 months, a fine of not more than USD 2,500, or both. Va. Code Ann. § 18.2-10(e).

Violation of this section through the use of force, intimidation, or deception is a Class 4 felony, which requires a prison term of two to 10 years and a fine of not more than USD 100,000. Va. Code Ann. § 18.2-10(d). The court will impose either a sentence of imprisonment together with a fine, or imprisonment only. Va. Code Ann. § 18.2-10(g).

An adult's violation of this section with a person under 18 years of age is a Class 3 felony, which requires a prison term of five to 20 years and a fine of not more than USD 100,000. Va. Code Ann. § 18.2-10(c). The court will impose either a sentence of imprisonment together with a fine, or imprisonment only. Va. Code Ann. § 18.2-10(g).

In addition to any other penalty, a convicted person must pay a USD 500 fee that goes to the Virginia Prevention of Sex Trafficking Fund. Va. Code Ann. § 17.1-275.13.

The court shall order a convicted defendant to pay restitution. Va. Code Ann. § 19.2-305.1(B).

iii. Statute of Limitations

Virginia does not have a general statute of limitations for felonies. See Va. Code Ann. § 19.2-8.

d. Va. Code Ann. § 18.2-47 (2009) – Abduction and Kidnapping

The crime of abduction includes when, “by force, intimidation or deception, and without legal justification or excuse,” a person “seizes, takes, transports, detains or secretes another person with the intent to subject him to forced labor or services.” Va. Code Ann. § 18.2-47(B).

“Intimidation” includes “destroying, concealing, confiscating, withholding, or threatening to withhold a passport, immigration document, or other governmental identification or threatening to report another as being illegally present in the United States.” Va. Code Ann. § 18.2-47(B).

e. Va. Code Ann. § 18.2-513 (2012) – Virginia Racketeer Influenced and Corrupt Organizations Act

Virginia's racketeering statute includes commercial sex trafficking within its predicate acts. Va. Code Ann. § 18.2-513.

2. Online Child Sexual Exploitation and Child Pornography Offenses

Va. Code Ann § 18.2-346 – Prostitution, Commercial Sexual Conduct

Va. Code Ann. § 18.2-370 – Taking Indecent Liberties with Children

Va. Code Ann. § 18.2-371 – Causing or Encouraging Acts Rendering Children Delinquent, Abused, Etc.

Va. Code Ann. § 18.2-374.1 – Production, Publication, Sale, Financing, etc., of Child Pornography

Va. Code Ann. § 18.2-374.1:1 – Possession, Reproduction, Distribution and Facilitation of Child Pornography

Va. Code Ann. § 18.2-374.3 – Use of Communication Systems to Facilitate Certain Offenses Involving Children

Va. Code Ann. § 18-2-374.4 – Display of Child Pornography or Grooming Video or Materials to a Child Unlawful

Va. Code Ann. § 18.2-379 – Employing or Permitting Minor to Assist in Offense Under this Article

3. Va. Code Ann. § 9.1-902 (2019) – Sex Offender Registration

A conviction for committing, attempting to commit, or conspiring to commit a sexually violent offense, including commercial sex trafficking, requires registration as a sex offender. Va. Code Ann. § 9.1-902(A)(4)(1).

B. Civil Liability Statutes

1. Va. Code Ann. § 8.01-42.4 (2019) – Civil Lawsuit for Trafficking in Persons

a. Summary

A victim of trafficking in persons may bring a civil lawsuit to recover damages. A person abducted as a minor for the purpose of manufacturing child pornography may also bring a civil lawsuit under this section. Va. Code Ann. § 8.01-42.4(A).

b. Damages and Other Relief

A plaintiff may recover compensatory damages, punitive damages, and reasonable attorney's fees and costs. Va. Code Ann. § 8.01-42.4(A).

c. Statute of Limitations

No action shall be commenced more than seven years after the later of the date on which the victim was no longer subject to the prohibited conduct or attained 18 years of age. Va. Code Ann. § 8.01-42.4(B).

C. Additional Statutes Specific to Human Trafficking

1. Va. Code Ann. § 2.2-515.2 (2019) – Address Confidentiality Program for Human Trafficking Victims

Victims of crimes, including human trafficking, may apply for a confidential address.

2. Va. Code Ann. §§ 4.1-119.1; 32.1-34.2; 33.2-2671; 40.1-11.3 (2013) – Human Trafficking Hotline

Notice of the human trafficking hotline to alert possible witnesses or victims of human trafficking to a way to report crimes or gain assistance must be placed at all rest areas along interstate highways in Virginia; at local departments of health; in striptease or topless entertainment businesses; at truck stops; within each government store, with limited exceptions; at hospitals, free health clinics, abortion facilities, and health care centers where the majority of patients are seen without appointments; and within each Virginia State Job Service employment office.

3. Va. Code Ann. § 9.1-102 (2019) – Department of Criminal Justice Services; Trafficking Training

The Department of Criminal Justice Services has the power and duty, with others, to establish training standards on awareness of human trafficking offenses and identification of victims.

4. Va. Code Ann. § 9.1-116.4 (2019) – Virginia Prevention of Sex Trafficking Fund

Virginia created a fund for the purpose of promoting prevention and awareness of sex trafficking.

5. Va. Code Ann. § 9.1-116.5 (2019) – Sex Trafficking Response Coordinator

This provision establishes a Sex Trafficking Response Coordinator within the Virginia State Department of Criminal Justice.

6. Va. Code Ann. § 22.1-16.5 (2012) – Training Materials on Human Trafficking for School Staff

The Board of Education must provide awareness and training materials for local school division staff on human trafficking, including prevention strategies.

7. Va. Code Ann. §§ 40.1-28.8 et seq. (2019) – Virginia Minimum Wage Act

An employee may bring a civil lawsuit to recover unpaid wages. A prevailing employee may also recover interest on the amount of wages owed, plus reasonable attorney’s fees. Va. Code Ann. § 40.1-28.12. A noncompliant employer that knowingly and intentionally violates the Act may face additional penalties. Va. Code Ann. § 40.1-28.11.

More information is available at: <https://www.doli.virginia.gov/labor-law/payment-of-wage-english/>.

8. Va. Code Ann. § 46.2-341.9:01 (2019) – Human Trafficking Training Required for Commercial Drivers’ Licenses

Driver training for commercial drivers’ licenses must include training on the recognition, prevention, and reporting of human trafficking.

9. Va. Code Ann. § 63.2-100 (2019) – Child Trafficking Victims

Virginia’s definition of an “abused or neglected child” in its child protection statutes includes a child who has been identified as a victim of sex trafficking or a severe form of human trafficking.

10. Va. Code Ann. § 63.2-1506.1 (2019) – Local Human Trafficking Assessments

Local social services programs must conduct sex trafficking assessments if they receive a report or complaint that a child is a victim of sex trafficking.

D. Significant Cases

No significant cases regarding Virginia’s trafficking statutes were found.

E. Academic Research/Papers

Nicole Tutrani, Note, *Open for the Wrong Kind of Business: An Analysis of Virginia’s Legislative Approach to Combating Commercial Sexual Exploitation*, 26 REGENT U. L. REV. 487 (2014), available at: https://www.regent.edu/acad/schlaw/student_life/studentorgs/lawreview/docs/issues/v26n2/13_Tutrani_vol_26_2.pdf.

Ernie S. Walton, *Protecting Sex Trafficking Victims Through Expungement and Vacatur Statutes: Will Virginia Join the Rest of the Nation?* 6 REGENT J. GLOB. JUST. & PUB. POL’Y 95 (2020), abstract available at: <https://ssrn.com/abstract=3409345>.

F. Resources

National Human Trafficking Hotline (Virginia):
<https://humantraffickinghotline.org/state/virginia>

Shared Hope International, Virginia Report Card (2019):
http://sharedhope.org/PICframe9/reportcards/PIC_RC_2019_VA.pdf

Shared Hope International, Virginia Analysis & Recommendations (2019):
http://sharedhope.org/PICframe9/analysis/PIC_AR_2019_VA.pdf

U.S. Department of Health & Human Services, *Virginia: Efforts to Combat Human Trafficking* (2017):
https://www.acf.hhs.gov/sites/default/files/documents/otip/virginia_profile_efforts_to_combat_human_trafficking.pdf

Virginia Attorney General, Human Trafficking:
<https://www.oag.state.va.us/programs-initiatives/human-trafficking>

Virginia Department of Criminal Justice Services, Human Trafficking:
<https://www.dcjs.virginia.gov/victims-services/human-trafficking>

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