

Non-Violent Crimes Expunged for Human Trafficking Victims

The Act allows non-violent crimes committed by victims of human trafficking to be expunged. Victims charged with non-violent offenses may make a motion in the court to expunge the offense after 60 days of being charged. If the court finds that the offense occurred because the individual was a victim of human trafficking the charges may be dismissed with prejudice.

Submitted as:

Kentucky

[SB 184](#)

Status: Signed into law on April 9, 2014.

Suggested State Legislation

(Title, enacting clause, etc.)

- 1 Section 1. [*Non-violent crimes expunged for human trafficking victims.*]
2 (1) When a person is charged or convicted under this chapter, or with an offense which is not a
3 violent crime as defined in [Insert citation.], and the person's participation in the offense is
4 determined to be the direct result of being a victim of human trafficking, the person may
5 make a motion in the court in which the charges were filed to expunge all records of the
6 offense.
7 (2) The motion shall be filed no sooner than sixty (60) days following the date the final judgment
8 was entered by the court in which the charges were filed.
9 (3)
10 (a) A motion filed under this section, any hearing conducted on the motion, and any relief
11 granted, are governed by [Insert citation.] unless otherwise provided in this section.
12 (b) For the purposes of expungement under [Insert citation.], a finding by the court that the
13 person's participation in the offense was a direct result of being a victim of human
14 trafficking shall deem the charges as dismissed with prejudice.
15 (c) No official determination or documentation is required to find that the person's
16 participation in the offense was a direct result of being a victim of human trafficking, but
17 documentation from a federal, state, local, or tribal governmental agency indicating that
18 the defendant was a victim at the time of the offense shall create a presumption that the
19 defendant's participation in the offense was a direct result of being a victim.
20
21 Section 2. [*Affirmative Defense.*]
22 A person charged under this chapter, or charged with an offense which is not a violent crime as
23 defined in [Insert citation.], may assert being a victim of human trafficking as an affirmative
24 defense to the charge.