

152 (ii) "Child engaged in [~~prostitution~~] commercial sex" means a child who engages in  
153 conduct described in Subsection (1).

154 (iii) "Child engaged in sexual solicitation" means a child who offers or agrees to  
155 commit or engage in any sexual activity with another person for a fee or the functional  
156 equivalent of a fee under Subsection 76-10-1313(1)(a) or (c).

157 (iv) "Division" means the Division of Child and Family Services created in Section  
158 62A-4a-103.

159 (v) "Receiving center" means the same as that term is defined in Section 62A-7-101.

160 (b) Upon encountering a child engaged in ~~H~~→ [~~prostitution~~] commercial sex ←~~H~~ or sexual  
160a solicitation, a law  
161 enforcement officer shall:

162 (i) conduct an investigation regarding possible human trafficking of the child pursuant  
163 to Section 76-5-308 and Section 76-5-308.5;

164 (ii) refer the child to the division;

165 (iii) if an arrest is made, bring the child to a receiving center, if available; and

166 (iv) contact the child's parent or guardian, if practicable.

167 (c) When law enforcement has referred the child to the division under Subsection  
168 (3)(b)(ii):

169 (i) the division shall provide services to the child under Title 62A, Chapter 4a, Child  
170 and Family Services; and

171 (ii) the child may not be subjected to delinquency proceedings under Title 62A,  
172 Chapter 7, Juvenile Justice Services, and Section 78A-6-601 through Section 78A-6-704.

173 Section 6. Section ~~77-38-15~~ is amended to read:

174 **~~77-38-15. Civil action against human traffickers and human smugglers.~~**

175 (1) A victim of a person that commits the offense of human trafficking or human  
176 smuggling under Section 76-5-308, human trafficking of a child under Section 76-5-308.5, [~~or~~]  
177 aggravated human trafficking or aggravated human smuggling under Section 76-5-310, or  
178 benefitting from human trafficking under Subsection 76-5-309(4) may bring a civil action  
179 against that person.

180 (2) (a) The court may award actual damages, compensatory damages, punitive  
181 damages, injunctive relief, or any other appropriate relief.

182 (b) The court may award treble damages on proof of actual damages if the court finds