

N.J.S.A. 2C:13-8.1

Heading: 2C:13-8.1 Civil action permitted by injured person.

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2C:13-8.1 Civil action permitted by injured person.

4. a. Any person injured, including injury due to the loss of moneys or property, real or personal, as a result of the commission of a human trafficking offense in violation of section 1 of P.L.2005, c.77 (C.2C:13-8), or section 5 of P.L.2013, c.51 (C.2C:13-9), may bring a civil action in any court of competent jurisdiction against: (1) the offender; (2) all those acting in concert with that offender; (3) all those knowingly deriving a pecuniary benefit from the offense, whether or not these parties are acting in concert with the offender; and (4) all those knowingly maintaining any victim of the offense, whether or not these parties are acting in concert with the offender. A civil action brought under this section shall not preclude the application of any other civil, administrative, or criminal remedy under any other provision of law.

b. (1) The standard of proof in a civil action brought pursuant to this section is a preponderance of the evidence, and the fact that a prosecution against the offending actor is not instituted or, whenever instituted, terminates without a conviction, shall not preclude a civil action.

(2) A final judgment rendered in favor of the State in any criminal proceeding shall estop the defendant from denying the same conduct in any civil action brought pursuant to this section.

c. In any civil action brought pursuant to this section, the court shall, in addition to any other appropriate legal or equitable relief, including damages for pain and suffering, recovery of reasonable costs for necessary medical, dental, and psychological services and punitive damages, award damages in an amount that is the greater of:

(1) the gross income or value to the defendant of the injured party's labor or services; or

(2) the value of the injured party's labor or services as determined by the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), the "New Jersey State Wage and Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.), the Seasonal Farm Labor Act, P.L.1945, c.71 (C.34:9A-1 et seq.), the laws concerning the regulation of child labor in chapter 2 of Title 34 of

the Revised Statutes, or any other applicable State law, and the "Fair Labor Standards Act of 1938," 29 U.S.C. s.201 et seq., or any other applicable federal law.

d. In addition to any damages, penalty, injunction, or other appropriate relief awarded in an action brought pursuant to this section, the court may award to the injured person bringing suit reasonable attorney's fees and costs.

L.2013, c.51, s.4; amended 2023, c.208.