EPSTEIN SURVIVORS JUSTICE ACT

Model State Legislation

Version 3.0

Drafted by The Existentialist Republic

This is model legislation drafted by The Existentialist Republic. References to "the Legislature," "this state," and similar terms are placeholders; an adopting state replaces each with its own equivalent.

SECTION 1. FINDINGS AND PURPOSE

The Legislature finds that:

(a) On January 30, 2026, the United States Department of Justice released more than three million pages of documents, more than two thousand videos, and 180,000 images from the federal investigations into Jeffrey Epstein and Ghislaine Maxwell, pursuant to the Epstein Files Transparency Act, H.R. 4405, 119th Congress (2025).

(b) These materials include FBI diagrams mapping Epstein's network of victims, sworn depositions identifying specific individuals and specific criminal acts, flight logs, financial records, and photographs recovered from properties in multiple states and territories.

(c) Survivors have testified under oath about sexual abuse and trafficking committed in multiple states, including Florida, New York, and New Mexico, among others. The criminal conduct documented in these materials occurred within the territorial jurisdiction of state governments that possess independent authority to investigate and prosecute such offenses.

(d) Federal authorities have brought no criminal charges against any individual based on these materials. A Department of Justice and Federal Bureau of Investigation memorandum issued July 7, 2025 stated that the review found no evidence that would predicate an investigation against uncharged third parties. The federal government's determination regarding the sufficiency of evidence for federal prosecution does not bind, constrain, or inform any state's independent evaluation of the same or related evidence under state criminal statutes.

(e) The federal executive branch has demonstrated that it cannot be relied upon to pursue these investigations free from political interference. After the President publicly called on the Department of Justice to investigate his political opponents over their associations with Epstein, the Attorney General's office moved to do so, while individuals whose names appear in sworn victim testimony describing specific criminal conduct remain unquestioned by any federal law enforcement agency.

(f) The Supreme Court of the United States held in Gamble v. United States, 587 U.S. 678 (2019), by a 7-2 vote, that the federal government and state governments are separate sovereigns whose criminal authority derives from independent sources. A state prosecution for conduct that also violates federal law constitutes a separate offense. Neither sovereign's decision to prosecute or decline prosecution bars the other.

(g) A presidential pardon reaches only federal offenses. It does not bar, affect, or modify any state prosecution, conviction, or sentence for the same or related conduct. The Constitution has always guaranteed this separation, and no executive action can alter it.

(h) Multiple foreign nations, including Turkey, Lithuania, and Latvia, have opened criminal investigations connected to the released materials. Within the United States, the State of New Mexico reopened its criminal investigation into conduct at Epstein's Zorro Ranch property, an investigation it had closed in 2019 at the request of federal prosecutors, and has sought access to the complete, unredacted federal files. Few states have commenced comparable investigations. This Act establishes the authority and the investigative tools for this state to do so.

(i) The New York Martin Act, N.Y. Gen. Bus. Law Sections 352-359, has demonstrated for more than a century that state investigative subpoena authority, including the power to compel testimony and production of documents without prior demonstration of probable cause, is a constitutional and effective tool for investigating complex crimes that powerful individuals and institutions have the means to conceal.

(j) The use immunity mechanism, by which prosecutors compel testimony from witnesses who invoke the Fifth Amendment privilege against self-incrimination under a grant that prevents the testimony itself from being used against the witness while permitting independent pursuit of what the testimony reveals about others, is the same mechanism prosecutors have used for decades to dismantle organized crime networks. This Act establishes such a mechanism to enable the investigation of criminal enterprises that span multiple jurisdictions and implicate powerful individuals.

(k) Sex trafficking of children is among the most serious criminal offenses recognized by this state and by every civilized legal system. The victims of such trafficking have waited decades for accountability. The failure of federal authorities to act does not diminish the state's obligation to its residents, and particularly to the survivors who have already come forward at great personal cost.

(l) As a sovereign, this state has independent authority to define and prosecute crimes against its peace and dignity, and this authority exists concurrently with federal authority. The exercise of this authority requires no federal referral, no federal cooperation, and no federal permission.

(m) Obstruction of a state criminal investigation, including the destruction or concealment of evidence, the intimidation of witnesses or victims, and the making of false statements to state

investigators, is an offense against the peace and dignity of this state regardless of the office held by the person who commits it. The protection the Supremacy Clause affords a federal officer extends only to conduct that is necessary and proper to a legitimate federal function. Obstructing this state's investigation of sex trafficking and sexual abuse is not, and can never be, such a function. A federal officer who obstructs an investigation or proceeding under this Act is therefore subject to prosecution on the same terms as any other person, and federal employment furnishes no immunity from that prosecution and no basis for removal under 28 U.S.C. § 1442. Removal under that statute requires a federal officer to raise a colorable federal defense, as the Supreme Court held in Mesa v. California, 489 U.S. 121 (1989), and obstruction of a state criminal investigation supplies none.

(n) In civil litigation arising from the same conduct, financial institutions that provided banking services to Jeffrey Epstein reached substantial settlements with survivors, including a settlement of two hundred ninety million dollars ($290,000,000) by JPMorgan Chase and a settlement of seventy-five million dollars ($75,000,000) by Deutsche Bank. These settlements demonstrate that civil liability for those who knowingly benefit from participation in a trafficking venture is an established and effective avenue of accountability, and that such liability reaches institutions as well as individuals.

The purpose of this Act is to establish comprehensive state authority to investigate and prosecute sex trafficking, sexual abuse, and related criminal conduct connected to Jeffrey Epstein, Ghislaine Maxwell, or any associate, accomplice, or co-conspirator, when such conduct occurred within or affected the residents of this state.

SECTION 2. DEFINITIONS

As used in this Act:

(a) "Covered conduct" means:

(1) Sex trafficking: recruiting, enticing, harboring, transporting, providing, obtaining, advertising, maintaining, patronizing, or soliciting any person for the purpose of a commercial sex act, or benefiting financially or otherwise from participation in a venture that has engaged in such acts, when the person trafficked is a minor or when force, fraud, or coercion is used.

(2) Sexual abuse of a minor: engaging in any sexual act with, or sexual exploitation of, any person under the age of eighteen, or causing or facilitating such conduct by another person.

(3) Sexual assault: engaging in any sexual act with any person without that person's consent, or when that person is incapable of consent due to age, incapacitation, coercion, or any other circumstance.

(4) Facilitating sex trafficking or sexual abuse: knowingly recruiting victims, arranging travel or accommodations, providing funds or logistical support, acting as an intermediary between

traffickers and victims, or performing any other act that facilitates the commission of offenses described in paragraphs (1) through (3).

(5) Conspiracy: agreeing with one or more persons to commit any offense described in paragraphs (1) through (4), where any party to the agreement takes any overt act in furtherance of the conspiracy.

(6) Obstruction: destroying, concealing, altering, or falsifying evidence, intimidating or retaliating against witnesses or victims, making false statements to investigators, or engaging in any other conduct intended to impede or obstruct any investigation or proceeding under this Act.

(7) Money laundering: conducting or attempting to conduct financial transactions involving proceeds derived from covered conduct, or transporting or transmitting funds derived from covered conduct, with intent to promote the carrying on of covered conduct or to conceal the nature, location, source, ownership, or control of such proceeds.

(8) Failure to report: any person who, at the time the knowledge described herein was acquired, held a mandatory reporting obligation under then-existing state law, and who knew or had reason to know that a minor was being subjected to sex trafficking or sexual abuse in connection with the conduct addressed by this Act, and who failed to report such knowledge to appropriate authorities. This provision applies only when the mandatory reporting obligation was in effect at the time the person knew or had reason to know of the abuse.

(b) "Epstein files" means all documents, recordings, photographs, videos, depositions, witness statements, flight logs, financial records, communications, and other materials released, produced, or made available by the United States Department of Justice, the Federal Bureau of Investigation, any federal court, or any federal agency in connection with the investigations and prosecutions of Jeffrey Epstein and Ghislaine Maxwell, including but not limited to materials released pursuant to the Epstein Files Transparency Act, H.R. 4405, 119th Congress (2025), and any materials subsequently released by any federal entity.

(c) "Person" means any natural person, regardless of office, title, employment status, or governmental affiliation. A person's status as a federal official or employee, or as a former federal official or employee, does not exempt that person from this Act.

(d) "Victim" means any individual who was subjected to covered conduct, or who was a minor at the time covered conduct was committed against them, regardless of whether that individual has made a formal complaint, testified in any proceeding, or been identified in any public document.

(e) "Associate" means any person who had a personal, professional, financial, or social relationship with Jeffrey Epstein or Ghislaine Maxwell, and who is alleged in any sworn testimony, deposition, victim statement, flight log, financial record, or other credible evidence to have participated in, facilitated, or had knowledge of covered conduct.

(f) "Participation in a venture" means knowingly assisting, supporting, or facilitating a venture that has engaged in covered conduct, or knowingly benefiting, financially or by receiving anything of value, from such a venture, where the person or entity knew or should have known that the venture engaged in covered conduct.

SECTION 3. JURISDICTION

(a) This state has jurisdiction over covered conduct when:

(1) The conduct occurred in whole or in part within or from this state;

(2) The conduct produced or was intended to produce effects within this state;

(3) The victim of the conduct is or was a resident of this state;

(4) The person who engaged in the conduct resides in this state, maintains or maintained property in this state, or conducted business within this state;

(5) The proceeds of the conduct are or were located within this state; or

(6) Any act in furtherance of the conduct, including travel, communications, financial transactions, or recruitment, occurred within or from this state.

(b) Jurisdiction under this Act exists regardless of:

(1) The office or position held by the person who engaged in the covered conduct;

(2) The governmental entity, if any, that employs or employed such person;

(3) Whether the conduct is also subject to prosecution under federal law or the laws of another state;

(4) Any claim of immunity based on federal employment, diplomatic status, or public office;

(5) Whether federal authorities have investigated, declined to investigate, prosecuted, declined to prosecute, or entered into any agreement regarding the same conduct.

(c) The decision of the United States Department of Justice or any federal prosecutor to decline prosecution of any person for any conduct does not create any presumption of innocence, evidentiary insufficiency, or prosecutorial unsuitability under state law. Federal and state criminal statutes define different offenses with different elements, and a federal determination regarding federal charges has no bearing on the viability of state charges.

(d) Sex trafficking, sexual abuse of minors, and the other conduct covered by this Act can never, as a matter of law, constitute conduct necessary and proper to any official duty. No person may claim immunity from prosecution under this Act on the ground that covered conduct was performed in the course of official duties.

SECTION 4. INVESTIGATIVE AUTHORITY

(a) The Attorney General has exclusive authority to investigate covered conduct under this Act. This authority is independent of, and does not require referral from, any federal agency, any federal prosecutor, or any other state or local agency. Nothing in this Act diminishes the authority of county or district prosecutors under existing law.

(b) The Attorney General may open an investigation under this Act upon determining that credible evidence exists suggesting that covered conduct occurred within the jurisdiction of this state. Credible evidence includes, but is not limited to, sworn testimony, depositions, victim statements, flight logs, financial records, communications, photographs, or other materials contained in the Epstein files or obtained through any other source.

(c) Before filing any charges, the Attorney General may:

(1) Issue subpoenas compelling the production of documents, records, communications, financial statements, travel records, employment records, and any other materials relevant to an investigation, without prior judicial approval and without prior demonstration of probable cause;

(2) Issue civil investigative demands requiring any person to answer interrogatories under oath;

(3) Compel testimony from any person with information relevant to an investigation, including but not limited to persons identified in the Epstein files, persons who traveled with or visited Jeffrey Epstein, persons employed by or associated with Jeffrey Epstein or Ghislaine Maxwell, and persons identified by victims or other witnesses;

(4) Petition any court of competent jurisdiction for orders enforcing compliance with subpoenas, civil investigative demands, or testimony requirements;

(5) Enter into agreements with witnesses providing immunity or other consideration in exchange for cooperation;

(6) Convene or request the convening of a grand jury;

(7) Apply for authorization to conduct wiretaps and electronic surveillance in accordance with state law;

(8) Apply for and execute search warrants for any premises, vehicle, electronic device, or other location or object where evidence of covered conduct may be found;

(9) Issue evidence preservation demands requiring any person or entity to preserve documents, records, communications, financial data, or other materials relevant to an investigation. Destruction, alteration, or concealment of any material subject to a preservation demand constitutes obstruction as defined in Section 2(a)(6).

(d) Investigations under this Act may be conducted confidentially. Any person who discloses the existence or substance of a confidential investigation, other than as required by law or as

necessary for the investigation, is guilty of a misdemeanor.

(e) No person may refuse to comply with a subpoena, civil investigative demand, or testimony requirement issued under this Act on the basis of any privilege other than the Fifth Amendment privilege against self-incrimination. Attorney-client privilege remains available only with respect to communications made for the purpose of obtaining legal advice, and does not extend to communications made in furtherance of covered conduct.

(f) Any person who fails to comply with a subpoena, civil investigative demand, or testimony requirement issued under this Act without asserting a recognized privilege shall be subject to contempt proceedings. A court may impose a fine of up to ten thousand dollars ($10,000) per day of noncompliance and may order imprisonment until compliance is obtained.

SECTION 5. COMPELLED TESTIMONY AND USE IMMUNITY

(a) When a witness invokes the Fifth Amendment privilege against self-incrimination in response to a subpoena or testimony requirement issued under this Act, the Attorney General may petition the court for an order compelling the witness to testify under a grant of use immunity.

(b) Upon a finding that the testimony is necessary to the public interest and that the Attorney General has authorized the request, the court shall issue such an order.

(c) A witness compelled to testify under this section may not refuse to comply with the order on the basis of the privilege against self-incrimination. No testimony or other information compelled under such an order, and no information directly or indirectly derived from such testimony, may be used against the witness in any criminal case, except in a prosecution for perjury, false statements, contempt, or obstruction committed during or in connection with the compelled testimony.

(d) The grant of use immunity does not prevent the state from prosecuting the witness for covered conduct based on evidence obtained independently of the compelled testimony. The prosecution bears the burden of proving that all evidence offered against the witness was derived from a legitimate source wholly independent of the compelled testimony.

SECTION 6. ADVERSE INFERENCES IN CIVIL PROCEEDINGS AND CONTEMPT ACTIONS

(a) If any person, having been served with a subpoena, civil investigative demand, or order to testify issued under this Act:

(1) Refuses to attend or be sworn; or

(2) Refuses to answer any material question when not asserting a recognized privilege; or

(3) Refuses to produce any document, record, or material described in the subpoena or demand; or

(4) Destroys, conceals, alters, or causes the destruction, concealment, or alteration of any document, record, or material that is the subject of a subpoena or demand; the trier of fact may draw an adverse inference against that person, including an inference that the person engaged in covered conduct. Where a person destroys, conceals, or alters material as described in subsection (a)(4), the trier of fact may further presume that the material was unfavorable to that person. That presumption is rebuttable.

(b) This section applies in civil proceedings under Section 8 and Section 9 of this Act and in contempt proceedings under Section 4(f) of this Act. This section does not apply in criminal proceedings under Section 10 of this Act.

SECTION 7. ACCESS TO FEDERAL INVESTIGATIVE MATERIALS

(a) The Attorney General shall formally request from the United States Department of Justice, the Federal Bureau of Investigation, and any other relevant federal agency all investigative materials related to Jeffrey Epstein, Ghislaine Maxwell, and any associated persons or entities, to the extent such materials are relevant to potential state criminal offenses within the jurisdiction of this state.

(b) Such request shall be made pursuant to the Epstein Files Transparency Act, H.R. 4405, 119th Congress (2025), and any other applicable federal law, regulation, or intergovernmental agreement providing for the sharing of federal investigative materials with state law enforcement.

(c) The Attorney General shall assign a dedicated investigative team within the office to review the publicly released Epstein files, comprising more than three million pages of documents, more than two thousand videos, and 180,000 images, for evidence of criminal offenses under state law. This review shall commence within thirty (30) days of the effective date of this Act.

(d) The Attorney General may enter into agreements with attorneys general of other states for the purpose of sharing information, coordinating investigations, avoiding duplication of effort, and developing common legal strategies in connection with investigations under this Act.

(e) Nothing in this section conditions the Attorney General's investigative authority on the receipt of federal cooperation. The Attorney General may investigate and prosecute covered conduct using any evidence lawfully available, including publicly released materials, victim testimony, witness statements, and evidence obtained through the investigative powers established by this Act.

(f) The Attorney General shall publish the request made under subsection (a), and any federal response to it, including any refusal or partial refusal, within thirty (30) days of making the

request or receiving the response, redacted only as necessary to protect victim identities and specific investigative steps.

SECTION 8. CIVIL ENFORCEMENT

(a) The Attorney General may bring a civil action against any person who engages in covered conduct.

(b) In any civil action under this Act, the Attorney General may seek:

(1) Injunctive relief prohibiting continued covered conduct or contact with victims;

(2) Disgorgement of all proceeds obtained through covered conduct;

(3) Civil penalties of up to five hundred thousand dollars ($500,000) per violation;

(4) Recovery of the costs of investigation and prosecution;

(5) Compensatory damages on behalf of victims;

(6) Any other relief the court deems appropriate.

(c) The standard of proof in civil actions under this Act is preponderance of the evidence. Proof of specific intent is not required for civil enforcement. It is sufficient to prove that the person engaged in the conduct and knew the nature of their actions, or could have known the nature of their actions with reasonable effort, or made no reasonable effort to ascertain the nature of their actions.

(d) The Attorney General may seek injunctive relief under this Act without proving irreparable harm.

(e) Civil enforcement under this section is independent of, and does not preclude, criminal prosecution under Section 10 of this Act. Evidence obtained through civil discovery may be used in subsequent criminal proceedings to the extent permitted by law.

(f) A civil judgment under this section does not require a finding of criminal guilt and does not constitute a criminal conviction.

SECTION 9. CIVIL ACTIONS BY VICTIMS

(a) Any victim of covered conduct may bring a civil action against:

(1) Any person who engaged in the covered conduct; and

(2) Any person or entity, including any financial institution, employer, agency, or organization, that engaged in participation in a venture as defined in Section 2(f).

(b) A victim who prevails in an action under this section is entitled to recover the greater of actual damages or liquidated damages of one hundred fifty thousand dollars ($150,000), together

with punitive damages, injunctive relief, and reasonable attorney's fees and costs.

(c) A victim may proceed under a pseudonym, and the court shall enter protective orders as necessary under Section 13(c) to protect the victim's identity, safety, and privacy.

(d) No period of limitation applies to a civil action under this section arising from covered conduct committed against a person who was a minor at the time of the conduct. For all other covered conduct, an action under this section may be commenced within ten (10) years of the conduct or within five (5) years of the date the victim discovered the injury and its cause, whichever is later, subject to the tolling and revival provisions of Section 12.

(e) An action under this section is independent of any criminal prosecution and of any action brought by the Attorney General, and may proceed regardless of whether any such prosecution or action has been commenced, resolved, or declined.

SECTION 10. CRIMINAL PENALTIES

(a) Sex trafficking of a minor. Any person who engages in sex trafficking of a minor as defined in Section 2(a)(1) is guilty of a felony and upon conviction shall be sentenced to imprisonment for not less than fifteen (15) years and not more than life, and shall be fined not less than one hundred thousand dollars ($100,000) or three times the value obtained or sought through the covered conduct, whichever is greater.

(b) Sexual abuse of a minor. Any person who engages in sexual abuse of a minor as defined in Section 2(a)(2) is guilty of a felony and upon conviction shall be sentenced to imprisonment for not less than five (5) years and not more than thirty (30) years, and shall be fined not less than fifty thousand dollars ($50,000) or twice the value obtained or sought through the covered conduct, whichever is greater.

(c) Sexual assault. Any person who engages in sexual assault as defined in Section 2(a)(3) is guilty of a felony and upon conviction shall be sentenced to imprisonment for not less than two (2) years and not more than twenty (20) years, and shall be fined not less than twenty-five thousand dollars ($25,000).

(d) Facilitating sex trafficking or sexual abuse. Any person who facilitates sex trafficking or sexual abuse as defined in Section 2(a)(4) is guilty of a felony and upon conviction shall be sentenced to imprisonment for not less than five (5) years and not more than twenty-five (25) years, and shall be fined not less than fifty thousand dollars ($50,000) or twice the value obtained or sought through the covered conduct, whichever is greater.

(e) Conspiracy. Any person who engages in conspiracy as defined in Section 2(a)(5) shall be punished as if the person had committed the underlying offense.

(f) Obstruction. Any person who engages in obstruction as defined in Section 2(a)(6) is guilty of a felony and upon conviction shall be sentenced to imprisonment for not less than two (2) years

and not more than fifteen (15) years, and shall be fined not less than twenty-five thousand dollars ($25,000).

(g) Money laundering. Any person who engages in money laundering as defined in Section 2(a)(7) is guilty of a felony and upon conviction shall be sentenced to imprisonment for not less than two (2) years and not more than twenty (20) years, and shall be fined not less than fifty thousand dollars ($50,000) or twice the amount laundered, whichever is greater.

(h) Failure to report. Any person who violates a mandatory reporting obligation as defined in Section 2(a)(8) is guilty of a misdemeanor and upon conviction shall be sentenced to imprisonment for not more than one (1) year, fined not more than ten thousand dollars ($10,000), or both. If the failure to report was willful and the person acted with knowledge that a minor was being subjected to sex trafficking or sexual abuse, the offense is a felony punishable by imprisonment for not less than one (1) year and not more than five (5) years.

SECTION 11. FORFEITURE AND DISQUALIFICATION

(a) Forfeiture. Any person convicted under this Act shall forfeit to the state:

(1) All proceeds obtained through covered conduct;

(2) All property used or intended for use in covered conduct, including real property, vehicles, aircraft, watercraft, and electronic devices;

(3) All property traceable to proceeds of covered conduct.

(b) Disqualification. Any person convicted under this Act is permanently disqualified from holding any public office or position of public trust in this state, and is ineligible to contract with any governmental entity in this state for a period of ten (10) years.

(c) Professional consequences. The Attorney General shall notify any relevant licensing board of any conviction under this Act, and such conviction shall constitute grounds for revocation of any professional license.

(d) Forfeiture proceeds. Proceeds from forfeitures under this section shall be deposited in the Survivors' Compensation Fund established under Section 14 of this Act.

SECTION 12. STATUTE OF LIMITATIONS

(a) Prospective elimination. There shall be no statute of limitations for sex trafficking offenses involving minors as defined in Section 2(a)(1) of this Act, or for sexual abuse of minors as defined in Section 2(a)(2) of this Act, committed on or after the effective date of this Act.

(b) Preservation of existing authority. For offenses committed prior to the effective date of this Act, the Attorney General retains authority to investigate and prosecute any offense whose statute of limitations has not expired as of the effective date of this Act. Nothing in this Act

revives a criminal prosecution for which the statute of limitations has already expired, consistent with the holding in Stogner v. California, 539 U.S. 607 (2003).

(c) Tolling. The statute of limitations for any offense under this Act is tolled:

(1) During any period when the person who engaged in covered conduct holds any public office or position of public trust;

(2) During any period when the person who engaged in covered conduct actively conceals the covered conduct or the evidence thereof;

(3) During any period when the person who engaged in covered conduct is absent from this state;

(4) During any period when the identity of the person who engaged in covered conduct is unknown to the victim;

(5) During the pendency of any criminal prosecution of the person in any jurisdiction for conduct arising from the same transaction or occurrence;

(6) During any period when any government agency withheld, sealed, or concealed evidence of the covered conduct.

(d) Obstruction, money laundering, conspiracy, and other offenses committed in connection with or to conceal the original covered conduct carry their own statutes of limitations, which run from the date of the obstructive or concealing act rather than the date of the underlying offense.

(e) Civil revival window. Notwithstanding any other provision of law, any civil action under Section 8 or Section 9 of this Act arising from covered conduct that would otherwise be barred because the applicable period of limitation has expired is revived, and may be commenced within three (3) years of the effective date of this Act. This subsection applies to civil actions only. Nothing in this subsection revives any criminal prosecution.

SECTION 13. VICTIM AND WITNESS PROTECTIONS

(a) No person may discharge, demote, suspend, threaten, harass, discriminate against, or take any adverse action against any individual because that individual:

(1) Reported suspected covered conduct to the Attorney General, any law enforcement agency, or any other authority;

(2) Participated or is expected to participate in any investigation or proceeding under this Act;

(3) Provided testimony, documents, or other evidence in connection with any investigation or proceeding under this Act;

(4) Filed or is expected to file a claim under Section 14 of this Act.

(b) Any individual who suffers retaliation in violation of this section may bring a civil action and is entitled to reinstatement, two times the amount of back pay with interest, compensation for special damages including litigation costs and reasonable attorney's fees, and punitive damages where the retaliation was willful.

(c) The Attorney General shall take all reasonable measures to protect the identity, safety, and privacy of victims and witnesses who participate in investigations and proceedings under this Act. The court may issue protective orders limiting the disclosure of victim and witness identities where necessary to protect their safety or privacy.

(d) No victim shall be required to submit to a polygraph examination or any other credibility assessment test as a condition of an investigation proceeding under this Act.

(e) The Attorney General shall ensure that victims are informed of their rights under this Act, the status of any investigation or prosecution in which they are involved, and the availability of victim services and compensation.

(f) A civil action for retaliation under this section must be commenced within three (3) years of the retaliatory act.

(g) Any person who in good faith reports suspected covered conduct, or in good faith provides information or testimony in connection with an investigation or proceeding under this Act, is immune from civil liability arising from the report or the provision of information or testimony.

SECTION 14. SURVIVORS' COMPENSATION FUND

(a) There is established a Survivors' Compensation Fund to provide financial assistance to victims of covered conduct prosecuted under this Act.

(b) The Fund shall be financed by:

(1) Criminal fines collected under Section 10;

(2) Proceeds from forfeitures under Section 11;

(3) Civil penalties and disgorgement collected under Section 8;

(4) Appropriations by the Legislature; and

(5) Voluntary contributions.

(c) The Attorney General shall administer the Fund and shall establish procedures for victims to apply for compensation, including for medical care, mental health treatment, lost wages, and other damages resulting from covered conduct.

(d) Compensation from the Fund does not preclude a victim from pursuing any other civil remedy available under law, including an action under Section 9 of this Act.

SECTION 15. NON-DEFERRAL

(a) The Attorney General's authority to investigate and prosecute covered conduct under this Act is independent and exclusive within this state.

(b) The pendency of any federal investigation or prosecution does not divest the Attorney General of authority under this Act, stay any proceeding under this Act, or require the Attorney General to defer action.

(c) No provision of this Act shall be construed to require or authorize the Attorney General to defer to, coordinate with, or transfer jurisdiction to any federal agency or official. The Attorney General may choose to coordinate with federal authorities when doing so serves the interests of the investigation, but no federal request for deference or delay is binding.

(d) A federal pardon or commutation does not bar prosecution under this Act, affect any conviction under this Act, or require release of any person imprisoned under this Act.

(e) A federal non-prosecution agreement, deferred prosecution agreement, plea agreement, or immunity agreement does not bar prosecution under this Act. The state is not a party to any such federal agreement and is not bound by its terms.

(f) No agency, department, or political subdivision of this state, and no officer or employee thereof, shall furnish confidential investigative information obtained under this Act to any federal agency, or provide assistance to any federal effort to impede, delay, or terminate an investigation or proceeding under this Act, except as authorized in writing by the Attorney General.

SECTION 16. REMOVAL TO FEDERAL COURT

(a) If any prosecution under this Act is removed to federal court, the Attorney General shall oppose removal and seek remand to state court.

(b) It is the finding of the Legislature that sex trafficking, sexual abuse, and the other covered conduct defined in this Act can never constitute conduct necessary and proper to any federal duty, and therefore federal officer removal jurisdiction under 28 U.S.C. § 1442 does not apply to prosecutions under this Act.

SECTION 17. SPECIAL INVESTIGATIONS UNIT

(a) There is established within the Office of the Attorney General a Special Investigations Unit dedicated to investigations and prosecutions under this Act.

(b) The Special Investigations Unit shall have primary responsibility for:

(1) Reviewing the Epstein files and all other available evidence for indications of covered conduct within the jurisdiction of this state;

(2) Investigating allegations of covered conduct;

(3) Prosecuting violations of this Act;

(4) Operating a confidential tip line for reporting information related to covered conduct;

(5) Coordinating with law enforcement agencies of this state and other states;

(6) Providing regular reports to the Legislature on the status of investigations, subject to the confidentiality requirements of Section 4(d);

(7) Administering the Survivors' Compensation Fund established under Section 14;

(8) Publishing an annual public report describing the number and status of investigations and prosecutions under this Act and the disbursements of the Survivors' Compensation Fund, redacted as required by Section 4(d) and Section 13(c).

(c) The Special Investigations Unit may initiate investigations on its own initiative, without referral from any other agency or official.

(d) The Attorney General shall staff the Special Investigations Unit with prosecutors and investigators experienced in the prosecution of sex trafficking, sexual abuse, financial crimes, and organized criminal enterprises.

SECTION 18. CONFLICT OF INTEREST AND SPECIAL PROSECUTOR

(a) If the Attorney General, any employee of the Office of the Attorney General, or any member of the Attorney General's immediate family is identified as a person of interest, target, subject, or potential witness in an investigation under this Act, the Attorney General shall immediately recuse the Office of the Attorney General from any investigation or prosecution of such matter.

(b) Upon recusal under subsection (a), the Governor shall appoint a Special Prosecutor to investigate and, if warranted, prosecute the matter. The Special Prosecutor shall have all powers granted to the Attorney General under this Act.

(c) If the Governor is identified as a person of interest, target, subject, or potential witness in an investigation under this Act, the Attorney General shall retain authority. If both the Governor and the Attorney General are identified as persons of interest, targets, subjects, or potential witnesses in related matters, the Chief Justice of the state Supreme Court shall appoint a Special Prosecutor.

(d) A Special Prosecutor appointed under this section:

(1) Shall be a member in good standing of the state bar with at least ten (10) years of experience in criminal prosecution;

(2) Shall have no personal, professional, or financial relationship with any person of interest, target, or subject of the investigation;

(3) Shall serve until the matter is resolved and may not be removed except for cause;

(4) Shall be compensated at a rate determined by the appointing authority, payable from funds appropriated under Section 19.

SECTION 19. APPROPRIATIONS AND FUNDING

(a) The Legislature shall appropriate funds sufficient to establish and maintain the Special Investigations Unit created under Section 17 and to carry out all other purposes of this Act.

(b) In addition to appropriated funds, the Special Investigations Unit and the Survivors' Compensation Fund may be funded by criminal fines, civil penalties, and forfeiture proceeds collected under this Act.

(c) Funds collected under subsection (b) shall be deposited in a dedicated fund and shall be used exclusively for enforcement of this Act and compensation of victims.

SECTION 20. INTERSTATE COOPERATION

(a) The Attorney General may enter into cooperative agreements with attorneys general of other states for the purpose of sharing information, coordinating investigations, providing mutual legal assistance, and developing common legal strategies in connection with investigations and prosecutions arising from the Epstein files or related evidence.

(b) The Attorney General may participate in multistate task forces or working groups dedicated to the investigation and prosecution of sex trafficking and related offenses connected to the matters addressed by this Act.

(c) No agreement entered into under this section limits the Attorney General's independent authority to investigate and prosecute covered conduct within the jurisdiction of this state.

SECTION 21. PRIVATE ENFORCEMENT

(a) This section effects a partial assignment by the state of its claims for civil penalties and damages under Section 8 of this Act. Any resident of this state may bring a civil action under Section 8 on behalf of the state as a partial assignee of the state's claim. A person bringing such action does not thereby become an officer, employee, or agent of the state.

(b) Before filing a civil action under this section, the person must:

(1) Submit a written complaint to the Attorney General, under seal, describing the covered conduct and providing all supporting evidence in the person's possession;

(2) Serve a copy of the complaint and evidence on the Attorney General;

(3) Wait one hundred twenty (120) days from the date of submission before serving the complaint on the defendant, unless the Attorney General consents to earlier service.

(c) The complaint shall remain under seal for one hundred twenty (120) days, during which time the Attorney General shall investigate the allegations.

(d) Within one hundred twenty (120) days, or any extension granted by the court, the Attorney General shall notify the court and the person whether the Attorney General will:

(1) Intervene and assume primary responsibility for the action;

(2) Decline to intervene, in which case the person may proceed with the action;

(3) Move to dismiss the action, which the court shall grant if the Attorney General demonstrates that dismissal serves the interests of justice.

(e) If the Attorney General intervenes, the Attorney General may settle the action, dismiss charges, or pursue any claims, subject to court approval of any settlement.

(f) In any civil action brought under this section, the person bringing the action is entitled to twenty-five percent (25%) of any monetary recovery if the Attorney General does not intervene, fifteen percent (15%) of any monetary recovery if the Attorney General intervenes and assumes primary responsibility for the action, and reasonable attorney's fees and costs if the action is successful.

(g) No action may be brought under this section based on allegations or transactions that are the subject of a pending criminal prosecution or civil action brought by the Attorney General.

(h) No action may be brought under this section based substantially on publicly disclosed information, unless the person bringing the action is an original source of such information. For purposes of this subsection, the contents of the Epstein files shall not be treated as publicly disclosed information, and an action may be based on the Epstein files without regard to the original source requirement.

SECTION 22. SEVERABILITY

(a) If any provision of this Act, or the application of any provision to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications that can be given effect without the invalid provision or application. To this end, the provisions of this Act are severable.

(b) Without limiting the generality of subsection (a), the Legislature specifically finds and declares that:

(1) The investigative subpoena power established by Section 4 is severable from the criminal penalty provisions of Section 10;

(2) The civil enforcement provisions of Section 8 and Section 9 are severable from the criminal penalty provisions of Section 10;

(3) The statute of limitations provisions of Section 12 are severable from all other provisions, and the civil revival provisions of Section 12(e) are severable from the remainder of Section 12;

(4) The provisions of this Act applicable to any particular category of covered conduct are severable from provisions applicable to other categories;

(5) This Act would have been enacted regardless of whether any particular provision is held invalid.

SECTION 23. SAVINGS CLAUSE

(a) Nothing in this Act limits any other state or federal remedy, civil or criminal, that may be available for covered conduct.

(b) Nothing in this Act shall be construed to regulate the operations of the federal government. This Act addresses only the criminal and civil liability of individual persons and private entities for covered conduct.

(c) All existing state criminal laws applicable to the conduct covered by this Act remain in full force and effect, and the Attorney General may prosecute any person for violation of such laws in addition to or instead of prosecution under this Act.

SECTION 24. EFFECTIVE DATE

This Act takes effect immediately upon passage.

This model legislation was drafted by The Existentialist Republic.