

**Superseded 5/12/2015**

**76-5-310 Aggravated human trafficking and aggravated human smuggling -- Penalties.**

- (1) An actor commits aggravated human trafficking for forced labor or forced sexual exploitation or aggravated human smuggling if, in the course of committing a human trafficking for forced labor or for forced sexual exploitation, a violation of Section 76-5-308, or human smuggling offense under Section 76-5-308, the offense:
  - (a) results in the death of the trafficked or smuggled person;
  - (b) results in serious bodily injury of the trafficked or smuggled person;
  - (c) involves:
    - (i) rape under Section 76-5-402;
    - (ii) rape of a child under Section 76-5-402.1;
    - (iii) object rape under Section 76-5-402.2;
    - (iv) object rape of a child under Section 76-5-402.3;
    - (v) forcible sodomy under Section 76-5-403;
    - (vi) sodomy on a child under Section 76-5-403.1;
    - (vii) aggravated sexual abuse of a child under Section 76-5-404.1; or
    - (viii) aggravated sexual assault under 76-5-405;
  - (d) involves 10 or more victims in a single episode of human trafficking or human smuggling; or
  - (e) involves a victim who is held against the victim's will for longer than 30 consecutive days.
- (2) An actor commits aggravated human trafficking for forced labor or forced sexual exploitation if the actor recruits, harbors, transports, or obtains a child for forced labor or forced sexual exploitation.
- (3) An actor commits aggravated human smuggling if the actor commits human smuggling under Section 76-5-308 and any human being whom the person engages in smuggling is:
  - (a) a child; and
  - (b) not accompanied by a family member who is 18 years of age or older.
- (4)
  - (a) Aggravated human trafficking is a first degree felony.
  - (b) Aggravated human smuggling is a second degree felony.
  - (c) Aggravated human trafficking and aggravated human smuggling are each a separate offense from any other crime committed in relationship to the commission of either of these offenses.