

HB0405S02 compared with HB0405

~~{Omitted text}~~ shows text that was in HB0405 but was omitted in HB0405S02

inserted text shows text that was not in HB0405 but was inserted into HB0405S02

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Human Trafficking ~~{and Smuggling}~~ Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: Heidi Balderree

LONG TITLE

General Description:

This bill increases penalties for certain human trafficking ~~{and smuggling}~~ offenses.

Highlighted Provisions:

This bill:

- increases penalties for certain human trafficking ~~{and smuggling}~~ offenses; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

AMENDS:

~~{76-5-308, as last amended by Laws of Utah 2022, Chapter 181, as last amended by Laws of Utah 2022, Chapter 181}~~

76-5-308.1, as enacted by Laws of Utah 2022, Chapter 181, as enacted by Laws of Utah 2022, Chapter 181

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~~{76-5-308.3, as enacted by Laws of Utah 2022, Chapter 181, as enacted by Laws of Utah 2022, Chapter 181}~~

76-5-308.5, as last amended by Laws of Utah 2022, Chapter 181, as last amended by Laws of Utah 2022, Chapter 181

76-5-309, as last amended by Laws of Utah 2022, Chapter 181, as last amended by Laws of Utah 2022, Chapter 181

76-5-310, as last amended by Laws of Utah 2022, Chapter 181, as last amended by Laws of Utah 2022, Chapter 181

~~{76-5-310.1, as enacted by Laws of Utah 2022, Chapter 181, as enacted by Laws of Utah 2022, Chapter 181}~~

76-5-311, as last amended by Laws of Utah 2022, Chapter 181, as last amended by Laws of Utah 2022, Chapter 181

Be it enacted by the Legislature of the state of Utah:

~~{Section 1. Section 76-5-308 is amended to read: }~~

76-5-308. Human trafficking for labor.

- (1) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.
- (2) An actor commits human trafficking for labor if the actor recruits, harbors, transports, obtains, patronizes, or solicits an individual for labor through the use of force, fraud, or coercion, which may include:
 - (a) threatening serious harm to, or physical restraint against, that individual or another individual;
 - (b) destroying, concealing, removing, confiscating, or possessing any passport, immigration document, or other government-issued identification document;
 - (c) abusing or threatening abuse of the law or legal process against the individual or another individual;
 - (d) using a condition of an individual being a debtor due to a pledge of the individual's personal services or the personal services of an individual under the control of the debtor as a security for debt where the reasonable value of the services is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined;
 - (e) using a condition of servitude by means of any scheme, plan, or pattern intended to cause an individual to believe that if the individual did not enter into or continue in a condition of servitude,

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the individual or another individual would suffer serious harm or physical restraint, or would be threatened with abuse of legal process; or

(f) creating or exploiting a relationship where the individual is dependent upon the actor.

(3) A violation of Subsection (2) is a [~~second~~] first degree felony.

(4) Human trafficking for labor includes any labor obtained through force, fraud, or coercion as described in Subsection (2).

(5) This offense is a separate offense from any other crime committed in relationship to the commission of this offense.

Section 1. Section **76-5-308.1** is amended to read:

76-5-308.1. Human trafficking for sexual exploitation.

(1) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.

(2) An actor commits human trafficking for sexual exploitation if the actor recruits, harbors, transports, obtains, patronizes, or solicits an individual for sexual exploitation through the use of force, fraud, or coercion, which may include:

(a) threatening serious harm to, or physical restraint against, that individual or another individual;

(b) destroying, concealing, removing, confiscating, or possessing any passport, immigration document, or other government-issued identification document;

(c) abusing or threatening abuse of the law or legal process against the individual or another individual;

(d) using a condition of an individual being a debtor due to a pledge of the individual's personal services or the personal services of an individual under the control of the debtor as a security for debt where the reasonable value of the services is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined;

(e) using a condition of servitude by means of any scheme, plan, or pattern intended to cause an individual to believe that if the individual did not enter into or continue in a condition of servitude, the individual or another individual would suffer serious harm or physical restraint, or would be threatened with abuse of legal process; or

(f) creating or exploiting a relationship where the individual is dependent upon the actor.

(3) A violation of Subsection (2) is a [~~second~~] first degree felony.

(4) Human trafficking for sexual exploitation includes all forms of commercial sexual activity, which may include the following conduct when the person acts under force, fraud, or coercion as described in Subsection (1):

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- (a) sexually explicit performance;
 - (b) prostitution;
 - (c) participation in the production of pornography;
 - (d) performance in strip clubs; and
 - (e) exotic dancing or display.
- (5) This offense is a separate offense from any other crime committed in relationship to the commission of this offense.

~~{Section 3. Section 76-5-308.3 is amended to read: }~~

76-5-308.3. Human smuggling.

- (1) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.
- (2) An actor commits human smuggling if the actor transports or procures the transportation for one or more individuals for a commercial purpose, knowing or having reason to know that the individual or individuals transported or to be transported are not:
 - (a) citizens of the United States;
 - (b) permanent resident aliens; or
 - (c) otherwise lawfully in this state or entitled to be in this state.
- (3) A violation of Subsection (2) is a [second] first degree felony.
- (4) This offense is a separate offense from any other crime committed in relationship to the commission of this offense.

Section 2. Section **76-5-308.5** is amended to read:

76-5-308.5. Human trafficking of a child. <compare mode="add">(Compare Error)</compare>

- (1)
 - (a) As used in this section, "commercial sexual activity with a child" means any sexual act with a child, for which anything of value is given to or received by any person.
- (b) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.
- (2) An actor commits human trafficking of a child if the actor recruits, harbors, transports, obtains, patronizes, or solicits a child for sexual exploitation or forced labor.
- (3) A violation of Subsection (2) is a first degree felony punishable by a term of imprisonment of not less than 10 years and which may be for life.
- (4)

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(a) Human trafficking of a child for labor includes any labor obtained through force, fraud, or coercion as described in Section 76-5-308.

(b) Human trafficking of a child for sexual exploitation includes all forms of commercial sexual activity with a child, including sexually explicit performance, prostitution, participation in the production of pornography, performance in a strip club, and exotic dancing or display as described in Section 76-5-308.1.

(5) This offense is a separate offense from any other crime committed in relationship to the commission of this offense.

Section 3. Section **76-5-309** is amended to read:

76-5-309. Benefitting from trafficking and human smuggling.

(1) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.

(2) An actor is a party to the offense if the actor benefits, receives, or exchanges anything of value from knowing participation in:

(a) human trafficking for labor in violation of Section 76-5-308;

(b) human smuggling in violation of Section 76-5-308.3;

(c) human trafficking of a child in violation of Section 76-5-308.5; and

(d) human trafficking for sexual exploitation in violation of Section 76-5-308.1.

(3)

(a) A violation of Subsection (2)(a) ~~is a~~ is a ~~second~~ first degree felony.

(b) A violation of Subsection (2)(b) is a ~~third~~ second degree felony.

(c) A violation of Subsection (2)(c) is a first degree felony punishable by a term of imprisonment of not less than 10 years and which may be for life.

(d) A violation of Subsection (2)(d) is a first degree felony.

(4) An actor commits a separate offense of human trafficking, human trafficking of a child, or human smuggling for each individual who is smuggled or trafficked under Section 76-5-308, 76-5-308.1, 76-5-308.3, 76-5-308.5, 76-5-310, or 76-5-310.1.

Section 4. Section **76-5-310** is amended to read:

76-5-310. Aggravated human trafficking.

(1) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.

(2) An actor commits aggravated human trafficking for labor or sexual exploitation if, in the course of committing an offense under Section 76-5-308 or 76-5-308.1, the offense:

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- (a) results in the death of a trafficked individual;
- (b) results in serious bodily injury of a trafficked individual;
- (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 76-5-404.3; or
 - (viii) aggravated sexual assault under Section 76-5-405;
- (d) involves the trafficking of 10 or more individuals; or
- (e) involves an individual trafficked for longer than 30 consecutive days.
- (3) A violation of Subsection (2) is a first degree felony punishable by a term of imprisonment of not less than 10 years and which may be for life.
- (4) Aggravated human trafficking is a separate offense from any other crime committed in relationship to the commission of the offense.

~~{Section 7. Section 76-5-310.1 is amended to read: }~~

76-5-310.1. Aggravated human smuggling.

- (1) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.
- (2) An actor commits aggravated human smuggling if, in the course of committing an offense under Section 76-5-308.3, the offense:
 - (a) results in the death of a smuggled individual;
 - (b) results in serious bodily injury to a smuggled individual;
 - (c) involves the smuggling of a child and the child is not accompanied by a family member who is 18 years old or older;
 - (d) 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;

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- (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 Section 76-5-405; or
- (e) involves the smuggling of 10 or more individuals.
- (3) A violation of Subsection (2) is a first degree felony punishable by a term of imprisonment of not less than 10 years and which may be for life.
- (4) Aggravated human smuggling is a separate offense from any other crime committed in relationship to the offense.

Section 5. Section **76-5-311** is amended to read:

76-5-311. Human trafficking of a vulnerable adult.

- (1)
 - (a) As used in this section:
 - (i) "Commercial sexual activity with a vulnerable adult" means any sexual act with a vulnerable adult for which anything of value is given to or received by any individual.
 - (ii) "Vulnerable adult" means the same as that term is defined in Subsection 76-5-111(1).
 - (b) Terms defined in Section 76-1-101.5 apply to this section.
- (2) An actor commits human trafficking of a vulnerable adult if the actor:
 - (a) recruits, harbors, transports, or obtains a vulnerable adult for sexual exploitation or forced labor; or
 - (b) patronizes or solicits a vulnerable adult for sexual exploitation or forced labor when the actor knew or should have known of the victim's vulnerability.
- (3) A violation of Subsection (2) is a first degree felony punishable by a term of imprisonment of not less than 10 years and which may be for life.
- (4)
 - (a) Human trafficking of a vulnerable adult for labor includes any labor obtained through force, fraud, or coercion as described in Section 76-5-308.
 - (b) Human trafficking of a vulnerable adult for sexual exploitation includes all forms of commercial sexual activity with a vulnerable adult involving:
 - (i) sexually explicit performances;
 - (ii) prostitution;
 - (iii) participation in the production of pornography;

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200 (iv) performance in a strip club; or

201 (v) exotic dancing or display.

142 Section 6. **Effective date.**

This bill takes effect on May 7, 2025.

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