

1 **Human Trafficking and Smuggling Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill increases penalties for human trafficking and smuggling offenses.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ increases penalties for human trafficking and smuggling offenses; and
- 9 ▶ makes technical and conforming changes.

10 **Money Appropriated in this Bill:**

11 None

12 **Other Special Clauses:**

13 None

14 **Utah Code Sections Affected:**

15 **AMENDS:**

16 **76-5-308**, as last amended by Laws of Utah 2022, Chapter 181

17 **76-5-308.1**, as enacted by Laws of Utah 2022, Chapter 181

18 **76-5-308.3**, as enacted by Laws of Utah 2022, Chapter 181

19 **76-5-308.5**, as last amended by Laws of Utah 2022, Chapter 181

20 **76-5-309**, as last amended by Laws of Utah 2022, Chapter 181

21 **76-5-310**, as last amended by Laws of Utah 2022, Chapter 181

22 **76-5-310.1**, as enacted by Laws of Utah 2022, Chapter 181

23 **76-5-311**, as last amended by Laws of Utah 2022, Chapter 181

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

26 Section 1. Section **76-5-308** is amended to read:

27 **76-5-308 . Human trafficking for labor.**

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

29 (2) An actor commits human trafficking for labor if the actor recruits, harbors, transports,
30 obtains, patronizes, or solicits an individual for labor through the use of force, fraud, or

- 31 coercion, which may include:
- 32 (a) threatening serious harm to, or physical restraint against, that individual or another
33 individual;
- 34 (b) destroying, concealing, removing, confiscating, or possessing any passport,
35 immigration document, or other government-issued identification document;
- 36 (c) abusing or threatening abuse of the law or legal process against the individual or
37 another individual;
- 38 (d) using a condition of an individual being a debtor due to a pledge of the individual's
39 personal services or the personal services of an individual under the control of the
40 debtor as a security for debt where the reasonable value of the services is not applied
41 toward the liquidation of the debt or the length and nature of those services are not
42 respectively limited and defined;
- 43 (e) using a condition of servitude by means of any scheme, plan, or pattern intended to
44 cause an individual to believe that if the individual did not enter into or continue in a
45 condition of servitude, the individual or another individual would suffer serious harm
46 or physical restraint, or would be threatened with abuse of legal process; or
- 47 (f) creating or exploiting a relationship where the individual is dependent upon the actor.
- 48 (3) A violation of Subsection (2) is a [~~second~~] first degree felony.
- 49 (4) Human trafficking for labor includes any labor obtained through force, fraud, or
50 coercion as described in Subsection (2).
- 51 (5) This offense is a separate offense from any other crime committed in relationship to the
52 commission of this offense.

53 Section 2. Section **76-5-308.1** is amended to read:

54 **76-5-308.1 . Human trafficking for sexual exploitation.**

- 55 (1) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.
- 56 (2) An actor commits human trafficking for sexual exploitation if the actor recruits, harbors,
57 transports, obtains, patronizes, or solicits an individual for sexual exploitation through
58 the use of force, fraud, or coercion, which may include:
- 59 (a) threatening serious harm to, or physical restraint against, that individual or another
60 individual;
- 61 (b) destroying, concealing, removing, confiscating, or possessing any passport,
62 immigration document, or other government-issued identification document;
- 63 (c) abusing or threatening abuse of the law or legal process against the individual or
64 another individual;

- 65 (d) using a condition of an individual being a debtor due to a pledge of the individual's
66 personal services or the personal services of an individual under the control of the
67 debtor as a security for debt where the reasonable value of the services is not applied
68 toward the liquidation of the debt or the length and nature of those services are not
69 respectively limited and defined;
- 70 (e) using a condition of servitude by means of any scheme, plan, or pattern intended to
71 cause an individual to believe that if the individual did not enter into or continue in a
72 condition of servitude, the individual or another individual would suffer serious harm
73 or physical restraint, or would be threatened with abuse of legal process; or
- 74 (f) creating or exploiting a relationship where the individual is dependent upon the actor.
- 75 (3) A violation of Subsection (2) is a [~~second~~] first degree felony.
- 76 (4) Human trafficking for sexual exploitation includes all forms of commercial sexual
77 activity, which may include the following conduct when the person acts under force,
78 fraud, or coercion as described in Subsection (1):
- 79 (a) sexually explicit performance;
- 80 (b) prostitution;
- 81 (c) participation in the production of pornography;
- 82 (d) performance in strip clubs; and
- 83 (e) exotic dancing or display.
- 84 (5) This offense is a separate offense from any other crime committed in relationship to the
85 commission of this offense.

86 Section 3. Section **76-5-308.3** is amended to read:

87 **76-5-308.3 . Human smuggling.**

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

98 Section 4. Section **76-5-308.5** is amended to read:

99 **76-5-308.5 . Human trafficking of a child.**

- 100 (1)(a) As used in this section, "commercial sexual activity with a child" means any
 101 sexual act with a child, for which anything of value is given to or received by any
 102 person.
 103 (b) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.
 104 (2) An actor commits human trafficking of a child if the actor recruits, harbors, transports,
 105 obtains, patronizes, or solicits a child for sexual exploitation or forced labor.
 106 (3) A violation of Subsection (2) is a first degree felony punishable by a term of
 107 imprisonment of not less than 10 years and which may be for life.
 108 (4)(a) Human trafficking of a child for labor includes any labor obtained through force,
 109 fraud, or coercion as described in Section 76-5-308.
 110 (b) Human trafficking of a child for sexual exploitation includes all forms of commercial
 111 sexual activity with a child, including sexually explicit performance, prostitution,
 112 participation in the production of pornography, performance in a strip club, and
 113 exotic dancing or display as described in Section 76-5-308.1.
 114 (5) This offense is a separate offense from any other crime committed in relationship to the
 115 commission of this offense.

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

117 **76-5-309 . Benefitting from trafficking and human smuggling.**

- 118 (1) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.
 119 (2) An actor is a party to the offense if the actor benefits, receives, or exchanges anything of
 120 value from knowing participation in:
 121 (a) human trafficking for labor in violation of Section 76-5-308;
 122 (b) human smuggling in violation of Section 76-5-308.3;
 123 (c) human trafficking of a child in violation of Section 76-5-308.5; and
 124 (d) human trafficking for sexual exploitation in violation of Section 76-5-308.1.
 125 (3)(a) A violation of Subsection (2)(a) or (2)(d) is a [~~second~~] first degree felony.
 126 (b) A violation of Subsection (2)(b) is a [~~third~~] second degree felony.
 127 (c) A violation of Subsection (2)(c) is a first degree felony punishable by a term of
 128 imprisonment of not less than 10 years and which may be for life.
 129 (4) An actor commits a separate offense of human trafficking, human trafficking of a child,
 130 or human smuggling for each individual who is smuggled or trafficked under Section
 131 76-5-308, 76-5-308.1, 76-5-308.3, 76-5-308.5, 76-5-310, or 76-5-310.1.

132 Section 6. Section **76-5-310** is amended to read:

133 **76-5-310 . Aggravated human trafficking.**

- 134 (1) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.
- 135 (2) An actor commits aggravated human trafficking for labor or sexual exploitation if, in
- 136 the course of committing an offense under Section 76-5-308 or 76-5-308.1, the offense:
- 137 (a) results in the death of a trafficked individual;
- 138 (b) results in serious bodily injury of a trafficked individual;
- 139 (c) involves:
- 140 (i) rape under Section 76-5-402;
- 141 (ii) rape of a child under Section 76-5-402.1;
- 142 (iii) object rape under Section 76-5-402.2;
- 143 (iv) object rape of a child under Section 76-5-402.3;
- 144 (v) forcible sodomy under Section 76-5-403;
- 145 (vi) sodomy on a child under Section 76-5-403.1;
- 146 (vii) aggravated sexual abuse of a child under Section 76-5-404.3; or
- 147 (viii) aggravated sexual assault under Section 76-5-405;
- 148 (d) involves the trafficking of 10 or more individuals; or
- 149 (e) involves an individual trafficked for longer than 30 consecutive days.
- 150 (3) A violation of Subsection (2) is a first degree felony punishable by a term of
- 151 imprisonment of not less than 10 years and which may be for life.
- 152 (4) Aggravated human trafficking is a separate offense from any other crime committed in
- 153 relationship to the commission of the offense.

154 Section 7. Section **76-5-310.1** is amended to read:

155 **76-5-310.1 . Aggravated human smuggling.**

- 156 (1) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.
- 157 (2) An actor commits aggravated human smuggling if, in the course of committing an
- 158 offense under Section 76-5-308.3, the offense:
- 159 (a) results in the death of a smuggled individual;
- 160 (b) results in serious bodily injury to a smuggled individual;
- 161 (c) involves the smuggling of a child and the child is not accompanied by a family
- 162 member who is 18 years old or older;
- 163 (d) involves:
- 164 (i) rape under Section 76-5-402;
- 165 (ii) rape of a child under Section 76-5-402.1;
- 166 (iii) object rape under Section 76-5-402.2;

- 167 (iv) object rape of a child under Section 76-5-402.3;
- 168 (v) forcible sodomy under Section 76-5-403;
- 169 (vi) sodomy on a child under Section 76-5-403.1;
- 170 (vii) aggravated sexual abuse of a child under Section 76-5-404.1; or
- 171 (viii) aggravated sexual assault under Section 76-5-405; or
- 172 (e) involves the smuggling of 10 or more individuals.
- 173 (3) A violation of Subsection (2) is a first degree felony punishable by a term of
- 174 imprisonment of not less than 10 years and which may be for life.
- 175 (4) Aggravated human smuggling is a separate offense from any other crime committed in
- 176 relationship to the offense.
- 177 Section 8. Section **76-5-311** is amended to read:
- 178 **76-5-311 . Human trafficking of a vulnerable adult.**
- 179 (1)(a) As used in this section:
- 180 (i) "Commercial sexual activity with a vulnerable adult" means any sexual act with a
- 181 vulnerable adult for which anything of value is given to or received by any
- 182 individual.
- 183 (ii) "Vulnerable adult" means the same as that term is defined in Subsection
- 184 76-5-111(1).
- 185 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 186 (2) An actor commits human trafficking of a vulnerable adult if the actor:
- 187 (a) recruits, harbors, transports, or obtains a vulnerable adult for sexual exploitation or
- 188 forced labor; or
- 189 (b) patronizes or solicits a vulnerable adult for sexual exploitation or forced labor when
- 190 the actor knew or should have known of the victim's vulnerability.
- 191 (3) A violation of Subsection (2) is a first degree felony punishable by a term of
- 192 imprisonment of not less than 10 years and which may be for life.
- 193 (4)(a) Human trafficking of a vulnerable adult for labor includes any labor obtained
- 194 through force, fraud, or coercion as described in Section 76-5-308.
- 195 (b) Human trafficking of a vulnerable adult for sexual exploitation includes all forms of
- 196 commercial sexual activity with a vulnerable adult involving:
- 197 (i) sexually explicit performances;
- 198 (ii) prostitution;
- 199 (iii) participation in the production of pornography;
- 200 (iv) performance in a strip club; or

201 (v) exotic dancing or display.

202 Section 9. **Effective Date.**

203 This bill takes effect on May 7, 2025.