

Candice B. Pierucci proposes the following substitute bill:

Human Trafficking Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor:

LONG TITLE

General Description:

This bill increases penalties for human trafficking offenses.

Highlighted Provisions:

This bill:

- increases penalties for human trafficking offenses; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

76-5-311, 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:

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

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

52 **76-5-308.1 . Human trafficking for sexual exploitation.**

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

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

84 Section 3. Section **76-5-308.5** is amended to read:

85 **76-5-308.5 . Human trafficking of a child.**

- 86 (1)(a) As used in this section, "commercial sexual activity with a child" means any
87 sexual act with a child, for which anything of value is given to or received by any
88 person.
- 89 (b) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.
- 90 (2) An actor commits human trafficking of a child if the actor recruits, harbors, transports,
91 obtains, patronizes, or solicits a child for sexual exploitation or forced labor.
- 92 (3) A violation of Subsection (2) is a first degree felony punishable by a term of
93 imprisonment of not less than:
- 94 (a) 10 years and which may be for life if the child described in Subsection (2) is 14 years
95 old or older but younger than 18 years old; or
- 96 (b) 15 years and which may be for life if the child described in Subsection (2) is under
97 14 years old.

- 98 (4)(a) Human trafficking of a child for labor includes any labor obtained through force,
99 fraud, or coercion as described in Section 76-5-308.
- 100 (b) Human trafficking of a child for sexual exploitation includes all forms of commercial
101 sexual activity with a child, including sexually explicit performance, prostitution,
102 participation in the production of pornography, performance in a strip club, and
103 exotic dancing or display as described in Section 76-5-308.1.
- 104 (5) This offense is a separate offense from any other crime committed in relationship to the
105 commission of this offense.

106 Section 4. Section **76-5-309** is amended to read:

107 **76-5-309 . Benefitting from trafficking and human smuggling.**

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

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

123 **76-5-310 . Aggravated human trafficking.**

- 124 (1) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.
- 125 (2) An actor commits aggravated human trafficking for labor or sexual exploitation if, in
126 the course of committing an offense under Section 76-5-308 or 76-5-308.1, the offense:
127 (a) results in the death of a trafficked individual;
128 (b) results in serious bodily injury of a trafficked individual;
129 (c) involves:
130 (i) rape under Section 76-5-402;
131 (ii) rape of a child under Section 76-5-402.1;

- 132 (iii) object rape under Section 76-5-402.2;
- 133 (iv) object rape of a child under Section 76-5-402.3;
- 134 (v) forcible sodomy under Section 76-5-403;
- 135 (vi) sodomy on a child under Section 76-5-403.1;
- 136 (vii) aggravated sexual abuse of a child under Section 76-5-404.3; or
- 137 (viii) aggravated sexual assault under Section 76-5-405;
- 138 (d) involves the trafficking of 10 or more individuals; or
- 139 (e) involves an individual trafficked for longer than 30 consecutive days.
- 140 (3) A violation of Subsection (2) is a first degree felony punishable by a term of
- 141 imprisonment of not less than 10 years and which may be for life.
- 142 (4) Aggravated human trafficking is a separate offense from any other crime committed in
- 143 relationship to the commission of the offense.
- 144 Section 6. Section **76-5-311** is amended to read:
- 145 **76-5-311 . Human trafficking of a vulnerable adult.**
- 146 (1)(a) As used in this section:
- 147 (i) "Commercial sexual activity with a vulnerable adult" means any sexual act with a
- 148 vulnerable adult for which anything of value is given to or received by any
- 149 individual.
- 150 (ii) "Vulnerable adult" means the same as that term is defined in Subsection
- 151 76-5-111(1).
- 152 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 153 (2) An actor commits human trafficking of a vulnerable adult if the actor:
- 154 (a) recruits, harbors, transports, or obtains a vulnerable adult for sexual exploitation or
- 155 forced labor; or
- 156 (b) patronizes or solicits a vulnerable adult for sexual exploitation or forced labor when
- 157 the actor knew or should have known of the victim's vulnerability.
- 158 (3) A violation of Subsection (2) is a first degree felony punishable by a term of
- 159 imprisonment of not less than 10 years and which may be for life.
- 160 (4)(a) Human trafficking of a vulnerable adult for labor includes any labor obtained
- 161 through force, fraud, or coercion as described in Section 76-5-308.
- 162 (b) Human trafficking of a vulnerable adult for sexual exploitation includes all forms of
- 163 commercial sexual activity with a vulnerable adult involving:
- 164 (i) sexually explicit performances;
- 165 (ii) prostitution;

166 (iii) participation in the production of pornography;

167 (iv) performance in a strip club; or

168 (v) exotic dancing or display.

169 Section 7. **Effective Date.**

170 This bill takes effect on May 7, 2025.