

## **Human Trafficking, Transporting, and Harboring Amendments**

## 2026 GENERAL SESSION

# STATE OF UTAH

## Chief Sponsor: Trevor Lee

**Senate Sponsor:**

## LONG TITLE

### **General Description:**

This bill concerns human trafficking and the transporting and harboring of aliens.

## Highlighted Provisions:

This bill:

- adds an increased penalty to the offense of transporting or harboring an alien if a victim of the offense is younger than 13 years old;
- adds aggravated exploitation of prostitution involving a child to the list of human trafficking offenses for which a victim may bring a right of action;
- provides that the attorney general may bring an action against a person if the attorney general has reason to believe that the person is committing, has committed, or is about to commit a human trafficking offense; and
- makes technical and conforming changes.

## **Money Appropriated in this Bill:**

None

## Other Special Clauses:

None

## Utah Code Sections Affected:

## AMENDS:

**76-14-209**, as renumbered and amended by Laws of Utah 2025, Chapter 173

**78B-3-113**, as renumbered and amended by Laws of Utah 2024, Chapter 331

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

Section 1. Section **76-14-209** is amended to read:

**76-14-209 . Transporting or harboring an alien.**

(1)(a) As used in this section:

(i) Except as provided in Subsection (1)(a)(ii), "alien" means an individual who is illegally present in the United States.

- (ii) On or after the program start date, as defined in Section 63G-12-102, "alien" does not include an individual who holds a valid permit, as defined in Section 63G-12-102.
- (b) Terms defined in Sections 76-1-101.5, 76-14-101, and 76-14-201 apply to this section.
- (2) An actor commits transporting or harboring an alien if the actor:
  - (a) transports, moves, or attempts to transport into this state or within the state an alien for commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien is in the United States in violation of federal law, in furtherance of the illegal presence of the alien in the United States;
  - (b) knowingly, with the intent to violate federal immigration law, conceals, harbors, or shelters from detection an alien in a place within this state, including a building or means of transportation for commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien is in the United States in violation of federal law;
  - (c) encourages or induces an alien to come to, enter, or reside in this state, knowing or in reckless disregard of the fact that the alien's coming to, entry, or residence is or will be in violation of law; or
  - (d) engages in a conspiracy, for commercial advantage or private financial gain, to commit any of the offenses listed in Subsection (2)(a), (b), or (c).
- (3)(a)(i) [A-] Except as provided in Subsection (3)(a)(ii), a violation of Subsection (2)(a), (c), or (d) is a third degree felony.
  - (ii) A violation of Subsection (2)(a), (c), or (d) is a second degree felony if a victim of the offense is younger than 13 years old.
- (b)(i) [A-] Except as provided in Subsection (3)(b)(ii), a violation of [-]Subsection (2)(b) is a class A misdemeanor.
  - (ii) A violation of Subsection (2)(b) is a third degree felony if a victim of the offense is younger than 13 years old.
- (4) Nothing in this section prohibits or restricts the provision of:
  - (a) a state or local public benefit described in 8 U.S.C. Sec. 1621(b); or
  - (b) charitable or humanitarian assistance, including medical care, housing, counseling, food, victim assistance, religious services and sacraments, or transportation to and from a location where the assistance is provided, by a charitable, educational, or religious organization or the employees, agents, or volunteers of a charitable,

educational, or religious organization, using private funds.

(5)(a) It is not a violation of this section for a religious denomination or organization or an agent, officer, or member of a religious denomination or organization to encourage, invite, call, allow, or enable an alien to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses.

(b) Subsection (5)(a) applies only to an alien who has been a member of the religious denomination or organization for at least one year.

(6) An individual's participation in Title 63G, Chapter 14, Utah Pilot Sponsored Resident Immigrant Program Act, either as a sponsor or resident alien, does not constitute encouraging or inducing an alien to come to, enter, or reside in this state in violation of Subsection (2)(c).

Section 2. Section **78B-3-113** is amended to read:

### **78B-3-113 . Right of action for a victim of a human trafficking offense.**

(1) As used in this section:

(a) "Human trafficking offense" means an offense for:

(i) human trafficking for labor under Section 76-5-308;

(ii) human trafficking for sexual exploitation under Section 76-5-308.1;

(iii) human smuggling under Section 76-5-308.3;

(iv) human trafficking of a child under Section 76-5-308.5;

(v) aggravated human trafficking under Section 76-5-310:

(vj) aggravated human smuggling under Section 76-5-310

(vii) benefitting from human trafficking under Section 76-5-309[-] : or

(viii) aggravated exploitation of prostitution under Subsection 76-5d-208(3)(b)

(b) "Victim" means an individual against whom a human trafficking offense has been committed.

(2) A victim has a right of action against a person that committed a human trafficking offense against the victim to recover:

(a) actual damages, compensatory damages, punitive damages, injunctive relief, or any other appropriate relief for the human trafficking offense; and

(b) treble damages on proof of actual damages for the human trafficking offense if the court finds that the person's acts were willful and malicious.

(3) Notwithstanding any other statute of limitation or repose that may be applicable to an

99 action described in this section, a victim may only bring an action described in this  
100 section within 10 years after the later of:

101 (a) the day on which the victim was freed from the human trafficking or human  
102 smuggling situation;  
103 (b) the day on which the victim reaches 18 years old; or  
104 (c) if the victim was unable to bring an action due to a disability, the day on which the  
105 victim's disability ends.

106 (4) The time period described in Subsection (3) is tolled during a period of time when the  
107 victim fails to bring an action due to the person:

108 (a) inducing the victim to delay filing the action;  
109 (b) preventing the victim from filing the action; or  
110 (c) threatening and causing duress upon the victim in order to prevent the victim from  
111 filing the action.

112 (5) The court shall credit any restitution paid by the person to the victim as described in  
113 Subsection 77-38b-303(5)(b).

114 (6) The court shall award reasonable attorney fees and costs as described in Subsection  
115 77-38b-303(7) in an action brought under this section.

116 (7)(a) Notwithstanding Chapter 3a, Venue for Civil Actions, a victim shall bring an  
117 action under this section in the county in which:

118 (i) the human trafficking offense occurred;  
119 (ii) the victim resides; or  
120 (iii) the defendant resides at the commencement of the action.

121 (b) If the defendant is a business organization as defined in Section 78B-3a-101, the  
122 residence of the business organization is as described in Section 78B-3a-104.

123 (8) If the victim is deceased or otherwise unable to represent the victim's own interests in  
124 the action, a legal guardian, family member, representative of the victim, or court  
125 appointee may bring an action under this section on behalf of the victim.

126 (9) This section does not preclude any other remedy available to the victim under the laws  
127 of this state or under federal law.

128 (10) In addition to any other remedy, if the attorney general has reason to believe that a  
129 person is committing, has committed, or is about to commit a human trafficking offense,  
130 the attorney general may bring an action against the person to stop or prevent the human  
131 trafficking offense, which may include:

132 (a) requesting injunctive relief;

133        (b) requesting the appointment of a receiver; and  
134        (c) if the person is a legal entity, seeking the revocation, cancellation, termination, or  
135        involuntary dissolution of the entity, as appropriate.

136        **Section 3. Effective Date.**

137        This bill takes effect on May 6, 2026.