



S.B. 117 Human Smuggling Amendments

Senator Luz Escamilla | Representative Jefferson S. Burton

Background

- Under Utah Code (76-5-308), an individual commits human smuggling by “*transporting or procuring the transportation for one or more persons for a commercial purpose...*” Under state law, someone who commits human smuggling is charged with only a Third Degree Felony.
- In *State v. Paul Peterson*, the Utah Attorney General’s Office charged former Maricopa County Assessor, Paul Petersen for a Human Smuggling scheme targeting pregnant Marshallese women. Because Human Smuggling is only a Third Degree Felony in Utah code, this conduct was treated less seriously than other aspects of his crime that targeted the American population.
- In order to account for the victimization inherent in Human Smuggling, it must be punished at a level comparable with other serious offenses.

What does S.B. 117 do?

- Increases the penalty for Human Smuggling from a Third Degree Felony to a Second Degree Felony;
- Increases the penalty for Aggravated Human Smuggling from a Second Degree Felony to a First Degree Felony;
- Clarifies that smuggling ten or more victims is Aggravated Human Smuggling, and that the ten victims do not need to be smuggled “in a single episode.”

Supporting Organizations

- Utah Attorney General’s Office (UAGO)
- Law Enforcement Legislative Committee (LELC)
- Statewide Association of Prosecutors Legislative Action Committee (SWAPLAC)
- Utah Commission on Criminal and Juvenile Justice (CCJJ)
- Utah Council on Victims of Crime (UCV)