

Effective 5/10/2016

76-5-308 Human trafficking -- Human smuggling.

- (1) An actor commits human trafficking for forced labor or forced sexual exploitation if the actor recruits, harbors, transports, obtains, patronizes, or solicits a person through the use of force, fraud, or coercion by means of:
 - (a) threatening serious harm to, or physical restraint against, that person or a third person;
 - (b) destroying, concealing, removing, confiscating, or possessing any passport, immigration document, or other government identification document;
 - (c) abusing or threatening abuse of the law or legal process against the person or a third person;
 - (d) using a condition of a person being a debtor due to a pledge of the debtor's personal services or the personal services of a person 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; or
 - (e) using a condition of servitude by means of any scheme, plan, or pattern intended to cause a person to believe that if the person did not enter into or continue in a condition of servitude, that person or a third person would suffer serious harm or physical restraint, or would be threatened with abuse of legal process.
- (2)
 - (a) Human trafficking for forced labor includes forced labor in industrial facilities, sweatshops, households, agricultural enterprises, and any other workplace.
 - (b) Human trafficking for forced sexual exploitation includes all forms of forced commercial sexual activity, including forced sexually explicit performance, forced prostitution, forced participation in the production of pornography, forced performance in strip clubs, and forced exotic dancing or display.
- (3) A person commits human smuggling by transporting or procuring the transportation for one or more persons for a commercial purpose, knowing or having reason to know that the person or persons 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.

Amended by Chapter 231, 2016 General Session