

**HUMAN TRAFFICKING PROVISIONS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David Litvack**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE****General Description:**

This bill criminalizes human trafficking and outlines basic services for victims.

**Highlighted Provisions:**

This bill:

- ▶ criminalizes human trafficking for forced labor and human trafficking for sexual exploitation;
- ▶ distinguishes between human trafficking and aggravated human trafficking; and
- ▶ outlines basic services for trafficked victims.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**76-5-307**, Utah Code Annotated 1953**76-5-308**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **76-5-307** is enacted to read:**76-5-307. Human trafficking.**

28       (1) An actor commits human trafficking for forced labor or forced sexual exploitation  
29 if the actor recruits, harbors, transports, or obtains a person through the use of force, fraud, or  
30 coercion by means of:

31       (a) threatening serious harm to, or physical restraint against, that person or a third  
32 person;

33       (b) destroying, concealing, removing, confiscating, or possessing any passport,  
34 immigration document, or other government identification document;

35       (c) abusing or threatening abuse of the law or legal process against the person or a third  
36 person;

37       (d) using a condition of a person being a debtor due to a pledge of the debtor's personal  
38 services or the personal services of a person under the control of a debtor as a security for debt  
39 where the reasonable value of the services is not applied toward the liquidation of the debt or  
40 the length and nature of those services are not respectively limited and defined; or

41       (e) using a condition of servitude by means of any scheme, plan, or pattern intended to  
42 cause a person to believe that if the person did not enter into or continue in a condition of  
43 servitude, that person or a third person would suffer serious harm or physical restraint, or  
44 would be threatened with abuse of legal process.

45       (2) (a) Human trafficking for forced labor includes forced labor in sweatshops,  
46 households, agricultural fields, and any other workplace.

47       (b) Human trafficking for forced sexual exploitation includes all forms of forced  
48 commercial sexual activity, including forced sexually explicit performance, forced prostitution,  
49 forced participation in the production of pornography, forced performance in strip clubs, and  
50 forced exotic dancing or display.

51       (3) (a) Human trafficking for forced labor and human trafficking for forced sexual  
52 exploitation is a second degree felony.

53       (b) Human trafficking is a separate offense from any other crime committed in  
54 relationship to human trafficking.

55       (4) A person who benefits financially or materially by receiving anything of value from  
56 knowing participation in human trafficking is guilty of a second degree felony.

57       (5) Human trafficking is an affirmative defense to prosecution of a person for a  
58 criminal violation directly related to the defendant's status as a victim of a crime that is a

violation of this section.

(6) Human trafficking victims:

(a) shall be housed in appropriate shelter as quickly as possible;

(b) may not be detained in facilities inappropriate to their status as crime victims;

(c) shall receive prompt medical care, mental health care, food, clothing, and other assistance;

(d) shall have access to legal assistance, information about their rights, and translation services; and

(e) shall be provided protection if a person's safety is at risk or if there is danger of additional harm by recapture of the person by a trafficker, including:

(i) taking measures to protect trafficked persons and their family members from intimidation and threats of reprisals and reprisals from traffickers and their associates; and

(ii) ensuring that the names and identifying information of trafficked persons and their family members are not disclosed to the public.

(7) Services under Subsection (6) shall be provided by the Department of Human Services, directly or by contract, to the extent resources and funding are available.

Section 2. Section **76-5-308** is enacted to read:

**76-5-308. Aggravated human trafficking.**

(1) An actor commits aggravated human trafficking for forced labor or forced sexual exploitation if, in the course of committing a human trafficking offense under Subsection 76-5-307(3) or (4), the offense:

(a) results in the death of the trafficked person;

(b) results in serious bodily injury of the trafficked person;

(c) involves a person who is younger than 18 years of age at the time of the offense;

(d) involves:

(i) rape under Section 76-5-402;

(ii) rape of a child under Section 76-5-402.1;

(iii) object rape under Section 76-5-402.2;

(iv) object rape of a child under Section 76-5-402.3;

(v) forcible sodomy under Section 76-5-403;

(vi) sodomy on a child under Section 76-5-403.1;

- 90        (vii) aggravated sexual abuse of a child under Section 76-5-404.1; or  
91        (viii) aggravated sexual assault under 76-5-405;  
92        (e) involves more than ten victims in a single episode of human trafficking; or  
93        (f) involves a victim who is held against the victim's will for longer than 180  
94 consecutive days.  
95        (2) (a) Aggravated human trafficking for forced labor or forced sexual exploitation is a  
96 first degree felony.  
97        (b) Aggravated human trafficking is a separate offense from any other crime committed  
98 in relationship to aggravated human trafficking.
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**Legislative Review Note**  
**as of 2-7-07 6:35 AM**

**Office of Legislative Research and General Counsel**

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**H.B. 167 - Human Trafficking Provisions**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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