

28 Section 1. Section 76-5-308.5 is enacted to read:

29 **76-5-308.5. Human trafficking of a child -- Penalties.**

30 (1) "Commercial sexual activity with a child" means any sexual act

30a ~~H→~~ with a child ~~←H~~ , on account of
31 which anything of value is given to or received by any person.

32 (2) An actor commits human trafficking of a child if the actor recruits, harbors,
33 transports, or obtains a child for ~~H→~~ sexual exploitation or forced ~~←H~~ labor ~~H→~~ [~~or sexual~~
33a ~~exploitation~~] ~~←H~~ .

34 (3) (a) Human trafficking of a child for ~~H→~~ forced ~~←H~~ labor includes labor in
34a industrial facilities,

35 sweatshops, households, agricultural enterprises, ~~H→~~ [~~and~~] ~~or~~ ~~←H~~ any other workplace.

36 (b) Human trafficking of a child for sexual exploitation includes all forms of
37 commercial sexual activity with a child, including sexually explicit performance, prostitution,
38 participation in the production of pornography, performance in a strip club, and exotic dancing
39 or display.

40 (4) Human trafficking of a child in violation of this section is a first degree felony.

41 Section 2. Section 76-5-309 is amended to read:

42 **76-5-309. Human trafficking and human smuggling -- Penalties.**

43 (1) Human trafficking for forced labor and human trafficking for forced sexual
44 exploitation are each a second degree felony, except under Section 76-5-310.

45 (2) Human smuggling under Section 76-5-308 of one or more persons is a third degree
46 felony, except under Section 76-5-310.

47 (3) Human trafficking for forced labor or for forced sexual exploitation, human
48 trafficking of a child, and human smuggling are each a separate offense from any other crime
49 committed in relationship to the commission of either of these offenses.

50 (4) Under circumstances not amounting to aggravated sexual abuse of a child, a
51 violation of Subsection 76-5-404.1(4)(h), a person who benefits, receives, or exchanges
52 anything of value from knowing participation in:

53 (a) human trafficking for forced labor or for forced sexual exploitation in violation of
54 Section 76-5-308 ~~H→~~ [~~or human trafficking of a child under Section 76-5-308.5~~] ~~←H~~ is guilty
54a of a second
55 degree felony; and

56 (b) human smuggling is guilty of a third degree felony.

57 (5) A person commits a separate offense of human trafficking, human trafficking of a
58 child, or human smuggling for each person who is smuggled or trafficked under Section