

HUMAN SMUGGLING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: Jefferson S. Burton

LONG TITLE

General Description:

This bill modifies the offenses of human smuggling, aggravated human smuggling, and aggravated human trafficking.

Highlighted Provisions:

This bill:

- ▶ 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; and
- ▶ removes the requirement of "in a single episode" when there are 10 or more victims from the offenses of aggravated human smuggling and aggravated human trafficking.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-309, as last amended by Laws of Utah 2020, Chapter 108

76-5-310, as last amended by Laws of Utah 2020, Chapter 108

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

30 Section 1. Section 76-5-309 is amended to read:

31 **76-5-309. Human trafficking and human smuggling -- Penalties.**

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

34 (2) Human smuggling under Section 76-5-308 of one or more persons is a [~~third~~
35 second] degree felony, except under Section 76-5-310.

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

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

42 (a) human trafficking for labor or for sexual exploitation in violation of Section
43 76-5-308 is guilty of a second degree felony;

44 (b) human smuggling is guilty of a third degree felony; and

45 (c) human trafficking of a child is guilty of a first degree felony.

46 (5) A person commits a separate offense of human trafficking, human trafficking of a
47 child, or human smuggling for each person who is smuggled or trafficked under Section
48 76-5-308, 76-5-308.5, or 76-5-310.

49 Section 2. Section 76-5-310 is amended to read:

50 **76-5-310. Aggravated human trafficking and aggravated human smuggling --**
51 **Penalties.**

52 (1) An actor commits aggravated human trafficking for labor or sexual exploitation or
53 aggravated human smuggling if, in the course of committing an offense under Section
54 76-5-308, the offense:

55 (a) results in the death of the trafficked or smuggled person;

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

57 (c) involves:

- 58 (i) rape under Section 76-5-402;
- 59 (ii) rape of a child under Section 76-5-402.1;
- 60 (iii) object rape under Section 76-5-402.2;
- 61 (iv) object rape of a child under Section 76-5-402.3;
- 62 (v) forcible sodomy under Section 76-5-403;
- 63 (vi) sodomy on a child under Section 76-5-403.1;
- 64 (vii) aggravated sexual abuse of a child under Section 76-5-404.1; or
- 65 (viii) aggravated sexual assault under Section 76-5-405;
- 66 (d) involves 10 or more victims [~~in a single episode of human trafficking or human~~
- 67 ~~smuggling~~]; or
- 68 (e) involves a victim trafficked for longer than 30 consecutive days.
- 69 (2) An actor commits aggravated human smuggling if the actor commits human
- 70 smuggling under Section 76-5-308 and any human being whom the person engages in
- 71 smuggling is:
 - 72 (a) a child; and
 - 73 (b) not accompanied by a family member who is 18 years of age or older.
- 74 (3) (a) Aggravated human trafficking is a first degree felony.
- 75 (b) Aggravated human smuggling is a [~~second~~] first degree felony.
- 76 (c) Aggravated human trafficking and aggravated human smuggling are each a separate
- 77 offense from any other crime committed in relationship to the commission of either of these
- 78 offenses.