

Human Trafficking

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Human Trafficking in Utah





Human Trafficking Statutes:

A Brief Overview

Human Trafficking 76-5-308

- (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.

Definitions

- “Serious Harm” =
 - (Federal) any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm

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Human Trafficking of a Child

76-5-308.5

Utah Code

Effective 5/12/2015

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

- (1) "Commercial sexual activity with a child" means any sexual act with a child on account of which anything of value is given **recruits, harbors, transports, or obtains**
- (2) An actor commits human trafficking **a child for sexual exploitation or forced labor.**
- (3) (a) Human trafficking of a child for forced labor includes labor in industrial facilities, sweatshops, households, agricultural enterprises, or any other workplace **NO force, fraud, or coercion required!** production of pornography, performance in a strip club, and exotic dancing or display.
- (4) Human trafficking of a child in violation of this section is a first degree felony.

Enacted by Chapter 160, 2015 General Session

Case Study: Charles Kelley



Questions to Ask

- Who gets the money?
- Where are you from? / How did you get here?
- Do you want to be doing this?
- Any threats, violence, etc?
- Any debt you are working off?
- ID?

Utah Trafficking in Persons (UTIP) Task Force

- Statewide task force made up of service providers, law enforcement, and legal professionals
- Established in September 2012 by victim advocates
- Forum for collaboration, discussion, an exchange of ideas, and resource expansion



Creating an Open Forum

- Exchange ideas
- Share intelligence information
- Case staffing
- Develop resources for human trafficking victims
- Strategize on how to address and deal with the crime of human trafficking
- Create opportunities for all entities involved to help address and resolve the crime of human trafficking.

Reporting Human Trafficking

- 911
- AG Hotline: 801-200-3443
- Polaris Project: 1-888-373-7888
- Local Law Enforcement

- For information on the UTIP Task Force –
 - Elise Reifschneider
 - ereifschneider@utah.gov
 - 801-214-5306

- Thank You!