

## HB 68 Human and Sex Trafficking

Sex Trafficking <sup>12</sup>	Patron of a Victim of Sex Trafficking	Prostitution <sup>3</sup>	Human Trafficking <sup>4</sup>
<p><b><u>Sex Trafficking in the First Degree</u></b> (Unclassified sex felony)</p> <p>1) A person <b>induces or causes</b> another person to engage in <b>commercial sexual acts</b> through the <b>use of force</b> or threat of force against any person; or</p> <p>2) The person <b>induced or caused</b> to engage in <b>commercial sexual acts</b> is <b>under 20 years of age</b> or <b>in that person's legal custody</b>;</p> <p>3) A person <b>manages, supervises, controls, or owns</b>, either alone or in association with others, a <b>prostitution enterprise</b> or a <b>place of prostitution</b>.</p> <p><b><u>Sex Trafficking in the Second Degree</u></b> (Class A sex felony)</p> <p>With the <b>intent to promote sex trafficking</b>, a person <b>induces or causes</b> another person to engage in <b>commercial sexual acts</b>.</p> <p><b><u>Sex Trafficking in the Third Degree</u></b> (Class B or C sex felony)</p> <p>The person <b>provides services, resources, or other assistance</b> in furtherance of sex trafficking.</p>	<p><b><u>Patron of a Victim of Sex Trafficking</u></b> (Class B or C sex felony)</p> <p>A person <b>solicits</b> a <b>commercial sexual act</b></p> <p>1) with <b>reckless disregard</b> that the person engaging in the sexual act is a <b>victim of sex trafficking</b>; or</p> <p>2) from a person who is <b>under 18 years of age</b>.</p>	<p><b><u>Prostitution</u></b> (B misdemeanor)</p> <p>1) engages in or agrees or offers to engage in <b>sexual conduct in return for a fee</b>; or</p> <p>2) <b>offers a fee</b> in return for <b>sexual conduct</b>.</p>	<p><b><u>Human Trafficking in the First Degree</u></b> (Unclassified felony)</p> <p>1) <b>induces or causes</b> another person to engage in <b>adult entertainment or labor by force</b> or threat of force against any person; or</p> <p>2) the <b>victim is under 20 years of age</b></p> <p><b><u>Human Trafficking in the Second Degree</u></b> (Class A felony)</p> <p>With the <b>intent to promote human trafficking</b>, the person <b>induces or causes</b> another person to engage in <b>adult entertainment or labor</b> by *see definition of “induce or cause”*</p> <p><b><u>Human Trafficking in the Third Degree</u></b> (Class B or C felony)</p> <p><b>Provides services, resources, or other assistance</b> with the intent to promote human trafficking.</p>

<sup>1</sup> This sheet provides a broad overview of HB 68, it is not comprehensive and is not meant to serve as legal advice or opinion. This is not a substitute for independent review of HB 68.

<sup>2</sup> HB 68 lifts some concepts found in current law, but largely rewrites the sex trafficking statutes.

<sup>3</sup> The only change made to this statute in HB 68 is that a patron of a sex worker under (2) would be a class A misdemeanor. Recidivist patrons of sex workers under (2) are elevated to a Class C felony.

<sup>4</sup> HB 68 lifts some concepts found in current law, but largely rewrites the human trafficking statutes.

## HB 68 Human and Sex Trafficking

Sex Trafficking Definitions	Sex Trafficking and Patron of a Victim of Sex Trafficking Definitions	Sex Trafficking and Prostitution Definitions	Human Trafficking Definitions
<p>1) "place of prostitution" means any place where a person engages in <i>commercial sexual conduct</i> in return for a fee and the person is not the manager, supervisor, owner, or other person who controls the place;</p> <p>2) "prostitution enterprise" means an arrangement in which two or more persons are organized to render <i>sexual conduct</i> in return for a fee;</p> <p>3) "commercial sexual conduct" means genital or anal intercourse, cunnilingus, fellatio, or masturbation of one person by another person for which anything of value is given or received by any person; in this paragraph, "anything of value" does not include compensation for reasonably apportioned shared expenses of a residence;</p>	<p>1) "commercial sexual act" means a sexual act for which anything of value is given or received by any person; in this paragraph, "anything of value" does not include compensation for reasonably apportioned shared expenses of a residence;</p> <p>2) "sexual act" means sexual penetration or sexual contact.</p>	<p>"<i>sexual conduct</i>" means genital or anal intercourse, cunnilingus, fellatio, or masturbation of one person by another person.</p>	<p>"adult entertainment" means where one or more individuals are employed or contracted to, wholly or in part, or permitted to entertain others by</p> <p>1) removing clothes or other items that clothe or hide the person's body;</p> <p>2) dancing or in any other manner exhibiting the individual's body in a completely or almost completely unclothed state;</p> <p>3) participating in simulated illegal, indecent, or lewd exhibition, act, or practice including, simulated</p> <p style="padding-left: 40px;">A) sexual penetration;</p> <p style="padding-left: 40px;">B) the lewd exhibition or touching of a person's genitals, anus, or breast; or</p> <p style="padding-left: 40px;">C) bestiality.</p>

### **Inducing or causing.**

Inducing or causing another person to engage in the act in question includes

- (1) exposing or threatening to expose confidential information, whether true or false, that would subject a person to hatred, contempt, or ridicule;
- (2) destroying, concealing, or threatening to destroy or conceal an actual or purported passport or immigration document or another actual or purported identification document of a person;
- (3) threatening to report a person to a government agency for the purpose of arrest or deportation;
- (4) threatening to collect a debt;
- (5) instilling in a person a fear that lodging, food, clothing, or medication will be withheld;
- (6) providing a controlled substance to or withholding a controlled substance from the other person; or
- (7) deception.

All elements must be present and proved beyond a reasonable doubt.

Prepared by Department of Law 3.15.23