

## **CHAPTER 12.1-40 HUMAN TRAFFICKING**

### **12.1-40-01. Human trafficking - Penalty.**

1. A person is guilty of human trafficking if the person:
  - a. Benefits financially or receives anything of value from knowing participation in human trafficking; or
  - b. Promotes, recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to promote, recruit, entice, harbor, transport, provide, or obtain by any means, another person, knowing that the person will be subject to human trafficking.
2. An offense under this section is a class AA felony if the person subject to human trafficking is less than eighteen years of age. Otherwise, the offense is a class A felony.
3. If the person subject to human trafficking is under the age of eighteen years, it is no defense that the actor did not know the child's age or reasonably believed the child to be eighteen years of age or older.
4. In addition to any sentence or fine imposed for a conviction of an offense under this chapter, the court shall order the person convicted to make restitution to the victim of the crime.

### **12.1-40-02. Definitions.** In this chapter:

1. "Debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of the debtor's personal services or those of a person under the debtor's control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.
2. "Forced labor or services" means labor or services that are performed or provided by another person and are obtained or maintained through an actor's:
  - a. Threat, either implicit or explicit, scheme, plan, or pattern, or other action intended to cause a person to believe that, if the person did not perform or provide the labor or services:
    - (1) That person or another person would suffer bodily harm or physical restraint; or
    - (2) That any fact or alleged fact tending to cause shame or to subject any person to hatred, contempt, or ridicule would be exposed;
  - b. Physically restraining or threatening to physically restrain a person;
  - c. Abuse or threatened abuse of the legal process; or
  - d. Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person.

"Forced labor or services" does not mean labor or services required to be performed by a person in compliance with a court order or as a required condition of probation, parole, or imprisonment.

3. "Human trafficking" means labor trafficking or sex trafficking.
4. "Labor trafficking" means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining, or receipt of a person by any means, whether a United States citizen or foreign national, for the purpose of:
  - a. Debt bondage or forced labor or services;
  - b. Slavery or practices similar to slavery; or
  - c. The removal of organs through the use of coercion or intimidation.
5. "Sex trafficking" means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining, or receipt of a person by any means, whether a United States citizen or foreign national, for the purpose of:
  - a. Causing the person or another to engage in sexual acts or sexual conduct in violation of chapter 12.1-20; or
  - b. Violating chapter 12.1-27.1, 12.1-27.2, or 12.1-29.