

**DCJS Response
to SB 1453
Concerning
Human Trafficking in Virginia**

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I. Background

Purpose of Report

SB 1453 (2011) adds to DCJS's statutory powers and duties the requirement to:

In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia.;

In response to SB 1453, the Secretary of Public Safety directed DCJS to report on the following:

1. Current laws relating human trafficking.
2. Current statistics relating to human trafficking in Virginia as compared to national statistics.
3. What law enforcement is now doing throughout the Commonwealth to address human trafficking.
4. The DCJS plan for implementation of SB 1453.

This report provides the information about each item above as directed by the Secretary of Public Safety.

Many reports we reviewed from other states discussed needs for additional laws to address human trafficking. Because SB 1453 specifically states that DCJS provide advice relevant to using *existing* criminal statutes in the Code of Virginia, this report does not address the need for additional Virginia statutes.

What is Human Trafficking?

Current Virginia criminal statutes do not define or use the term "human trafficking."

The federal Victims of Trafficking and Violence Protection Act (TVPA, P.L. 106-386 as amended) defines human trafficking as the recruitment, harboring, transportation, provision or obtaining of a person for the purposes of commercial sex acts or labor services through the use of force, fraud or coercion. If a trafficked person is under age 18 and is used for the purpose of commercial sex acts, the elements of force, fraud or coercion do not have to be present for it to be considered a trafficking crime.

This definition does not require that an adult victim be moved or transported; only that he or she is forced into a state of servitude. Additionally, U.S. law differentiates between trafficking and smuggling. A smuggled person is a willing

participant; a trafficked person is not. A smuggled person must cross an international border; a trafficked person can be victimized in their home country.

Under the TVPA, trafficking victims in the U.S. can be divided into three populations:

- Minors (under age 18) involved in commercial sex;
- Adults age 18 or over involved in commercial sex via force, fraud, or coercion;
- Children and adults forced to perform labor and/or services through use of force, fraud, or coercion.

II. Current Laws Relating to Human Trafficking

In addition to the U.S. TVPA cited above, many states have enacted, or are considering, laws to address human trafficking. These laws generally attack trafficking in the following ways:

- Criminalizing human trafficking and increasing penalties
- Creating task forces, state commissions or committees on trafficking
- Providing services and protections to victims of human trafficking
- Prohibiting destruction, concealment, removal or possession of any false passport, immigration or other government document
- Establishing that threats to report immigration status are extortion
- Miscellaneous laws

A summary of human trafficking laws in the U.S. as of June 2010, prepared by the National Conference of State Legislatures, is contained in Appendix A.

Virginia Statutes Relating to Human Trafficking

Current *criminal* statutes in Virginia do not contain the term “human trafficking.” However, two bills passed by the 2011 General Assembly, SB 1453 and HB 2190, do direct Virginia agencies to develop plans for specifically addressing human trafficking:

- *SB1453* requires the Department of Criminal Justice Services, in conjunction with the Office of the Attorney General, to advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing Virginia criminal statutes.
- *HB2190* requires the Department of Social Services to develop a plan for the provision of services to victims of human trafficking, which must include provisions for (i) identifying victims of human trafficking in the Commonwealth; (ii) assisting victims of human trafficking with applying for benefits and services to which they may be entitled; (iii) coordinating the delivery of services for victims of human trafficking; (iv) preparing and disseminating educational and training programs and materials to increase awareness of human trafficking and services available to victims; (v) developing and maintaining community-based services for victims of human trafficking; and (vi) assisting victims with family reunification or return to their place of origin if the person so desires.

Various bills containing the term human trafficking have been introduced in previous General Assembly sessions. For example, HB 2551 (2007 session) concerning extortion created a Human Anti-Trafficking Act in its introduced version, but was left in committee. HB 2923 (2007 session) created a Legislative Commission to study human trafficking. The commission heard testimony from

various experts concerning human trafficking. This testimony included suggestions for requiring training on trafficking for law enforcement and emergency personnel, creating law enforcement task forces, and creating statewide and community coalitions to deal with trafficking. The commission expired in July 2009 without making any concrete recommendations for further action.

Although current Virginia criminal statutes do not specifically define “human trafficking” as an offense, some existing criminal statutes define activities that closely match activities defined in the federal Victims of Trafficking and Violence Protection Act. Among these Virginia statutes are:

§ 18.2-47. Abduction and kidnapping defined; punishment.

B. Any person who, by force, intimidation or deception, and without legal justification or excuse, seizes, takes, transports, detains or secretes another person with the intent to subject him to forced labor or services shall be deemed guilty of "abduction." For purposes of this subsection, the term "intimidation" shall include destroying, concealing, confiscating, withholding, or threatening to withhold a passport, immigration document, or other governmental identification or threatening to report another as being illegally present in the United States.

§ 18.2-59. Extortion of money, property or pecuniary benefit.

Any person who (i) threatens injury to the character, person, or property of another person, (ii) accuses him of any offense, (iii) threatens to report him as being illegally present in the United States, or (iv) knowingly destroys, conceals, removes, confiscates, withholds or threatens to withhold, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person, and thereby extorts money, property, or pecuniary benefit or any note, bond, or other evidence of debt from him or any other person, is guilty of a Class 5 felony.

To date, it appears that these statutes have been little-used. Section III of this report contains a detailed description of how these statutes have been used in charging and convictions to date in Virginia.

As previously noted, various national and state studies on human trafficking indicate that many activities associated with human trafficking are already defined in states' criminal statutes, they are just not defined in the context of “human trafficking.” In the Code of Virginia, human trafficking-related criminal offenses are included in statutes that address activities such as:

- labor

- immigration
- sexual assault
- sexual abuse
- forfeiture
- prostitution
- pornography
- racketeering

For example, §19.2-386.16, concerning the forfeiture of vehicles, was amended in 2010 to allow such forfeiture in connection to pandering involving a minor or abduction. During the 2011 Session, House Bill 1898 was enrolled and made amendments to §§18.2-48, 18.2-67.7, and 18.2-356 related to abduction in connection with prostitution or production of child pornography.

A more detailed list and description of human trafficking-related Virginia statutes is contained in Appendix B.

Virginia's statutory provisions that can be used to address aspects of human trafficking are not as comprehensive, clear, and explicit as advocates concerned with these issues believe necessary. However, proposed Virginia anti-human trafficking legislation has been repeatedly rejected and the General Assembly is now directing the Executive Branch to raise awareness about identification, investigation, and prosecution of human trafficking crimes using existing laws.

This approach is consistent with some research findings. In "Finding Victims of Human Trafficking" (National Institute of Justice, 2007), researchers examined experiences with human trafficking at the local level across the United States and found both confusion about how human trafficking is defined and a general lack of awareness of the issue. For example, in states *with* anti-trafficking statutes, 44 percent of law enforcement respondents and 50 percent of prosecutors reported that their states *do not* have or they are not aware of having anti-trafficking legislation.

Federal Statutes Related to Human Trafficking

Reports from other states indicate that one effective strategy for attacking human trafficking is for state officials to refer these cases for federal prosecution. The Trafficking Victims Protection Act (TVPA) of 2000 (and subsequent reauthorizations) defines and criminalizes human trafficking more specifically than the laws of many states, including Virginia. Virginia may wish to consider this strategy. Therefore, a list of federal laws that may be relevant to human trafficking is provided in Appendix C.

III. Current Statistics Relating to Human Trafficking in Virginia as Compared to National Statistics

As stated previously, it is difficult to obtain statistics that directly measure incidents of human trafficking, whether at the state or national level. Some indicators of the relative level of human trafficking in Virginia and nationally are available from non-government organizations, and from federal court statistics. These indicators, although indirect and imprecise, are described below.

The National Human Trafficking Resource Center (NHTRC), a program of the Polaris Project, a non-profit, non-governmental organization concerned with human trafficking, operates a national, toll-free hotline which takes calls concerning trafficking from anywhere in the U.S. The hotline operates 24 hours a day, 7 days a week, 365 days a year. The relative number of calls placed to the hotline from different states may be an indicator of the level of human trafficking in those states.

As seen in Table 1 below, Virginia was one of the 10 states producing the largest number of hotline calls to the NHTRS between December 2007 and December 2010. This *may* indicate that Virginia has a larger problem with human trafficking than most other states.

Table 1
Top 10 States Receiving NHTRC Calls
(cases where caller's state is known)
12/7/2007 – 12/31/2010

State	Percent
California	15.6%
Texas	13.4%
Florida	7.7%
Illinois	5.2%
New York	5.1%
District of Columbia	3.4%
Ohio	2.9%
New Jersey	2.9%
Washington	2.9%
Virginia	2.8%

Note: During 2008-2010, the NHTRS received a total of about 25,300 hotline calls from the U.S.

Additionally, as seen in Table 2 below, the total number of NHTRC Hotline calls received from Virginia and nearby states increased from 2009 to 2010.

Table 2
National Human Trafficking Resource Center
Hotline Statistics for Virginia and Several Nearby States

State	Year	Total Calls	Crisis Calls*	Tips**
Virginia				
	2009	143	1	37
	2010	226	9	23
North Carolina				
	2009	139	0	22
	2010	190	1	21
Maryland				
	2009	97	2	12
	2010	209	6	37
District of Columbia				
	2009	255	6	48
	2010	270	16	48
Total Hotline Calls***				
(from US and from outside US)	2009	7,637	76	1,527
	2010	11,867	238	1,781

*Crisis Calls – Calls from self-identifying trafficking victims needing immediate assistance or from individuals calling on behalf of a potential victim needing immediate assistance. Calls referencing potential minor victims of trafficking may fall into this category even if the situation is not an emergency.

**Tips – Calls from individuals to report information related to potential trafficking victims, suspicious behaviors, and/or locations where trafficking is suspected.

***Includes calls from inside and outside the U.S. Number of Crisis and Tip calls for the Hotline Total is estimated based on NHTRC published percentages to the total number of calls.

Table 3 provides figures from the U.S. Marshal's Service on the numbers of persons arrested and booked for various federal offenses that may be related to human trafficking. These figures are shown for all Federal Court Districts in the U.S., and for the two Federal Districts that include Virginia. The total number of persons arrested for these offenses increased from 2000 to 2009 in both the U.S. and Virginia. Virginia arrests for Obscene Materials and Nonviolent Sex Offenses generally comprised from about 1% to 5% of the national total, whereas Virginia arrests for Immigration: Smuggling generally comprised less than 0.5% of the national total.

Table 3
Persons Arrested and Booked for a Federal Offense Possibly Related to Human Trafficking
All Federal Districts Compared to Virginia Federal Districts
FY 2000 – 2009

FY 2000-2009 Persons Arrested and Booked – All Federal Districts										
Offense	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Immigration: Smuggling	3203	2643	3049	3253	4169	4788	4972	4738	4467	3769
Obscene Material	362	460	512	560	722	864	948	1279	1456	1570
Nonviolent Sex Offenses	491	512	699	643	810	882	997	1132	1166	1253
FY 2000-2009 Persons Arrested and Booked – VA Western and Eastern Districts										
Offense	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Immigration: Smuggling	10	6	6	26	1	12	28	7	8	3
Obscene Material	13	20	15	16	16	25	32	44	58	55
Nonviolent Sex Offenses	23	27	17	14	11	14	24	16	19	33
FY 2000-2009 Persons Arrested and Booked – VA Districts as Percentage of All Federal Districts										
Offense	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Immigration: Smuggling	0.3	0.2	0.2	0.8	0.0	0.3	0.6	0.1	0.2	0.1
Obscene Material	3.6	4.3	2.9	2.9	2.2	3.0	3.4	3.4	4.0	3.5
Nonviolent Sex Offenses	4.7	5.3	2.4	2.2	1.4	1.6	2.4	1.4	1.6	2.6
Data Source: U.S. Marshals Service – USMS Prisoner Tracking System 2000 – 2009. Retrieved via the BJS' Federal Justice Statistics Program website (http://bjs.ojp.usdoj.gov/fjsrc).										

Virginia-Specific Statistics on Human Trafficking

DCJS identified various Virginia-specific statistics on offenses related to human trafficking. It must again be noted that these statistics are not specific, direct measures of human trafficking. However, they closely reflect elements of the definition of human trafficking in the federal Victims of Trafficking and Violence Protection Act.

The Virginia State Crime Commission recently released a report (HD No. 8, 2011) examining these statutes, and containing data provided by the Virginia Criminal Sentencing Commission, for the years FY 2005-2009. The Sentencing Commission provided the DCJS Research Center with 2010 data, as well as updated 2009 data (which includes cases that were still pending at the time of the Crime Commission's request).

Convictions for Violations of Human Trafficking-Related Statutes

The Sentencing Commission examined data from the Supreme Court of Virginia's Court Automated Information System (CAIS) to identify convictions under Virginia's recently enacted human trafficking-related statutes.

- *Extortion, § 18.2-59(iii)* (enacted 2006) - § 18.2-59(iii) makes it a Class 5 felony to extort someone by threatening to report him or her as an illegal alien. According to CAIS, two offenders were convicted under this statute in FY 2010. No convictions were identified in prior years.
- *Extortion, § 18.2-59(iv)* (enacted 2007) - § 18.2-59(iv) makes it a Class 5 felony to extort someone by withholding or threatening to withhold passports or immigration documents. According to CAIS, there have been no convictions under this statute during or prior to FY 2010.
- *Abduction, § 18.2-47(B)* (enacted 2009) - § 18.2-47(B) states that seizing, transporting, or detaining a person with intent to subject him to forced labor or services is criminal abduction under the law. Clarifies that destroying or withholding passports or immigration documents, or threatening to report the person as being an illegal alien, is considered intimidation. According to CAIS, there have been no convictions under this statute during or prior to FY 2010.

Convictions or Sentencing Events for Related Offenses

The federal Trafficking Victims Protection Act of 2000 (TPVA), and its subsequent reauthorizations, defines human trafficking as one of two types.

- *Sex trafficking* occurs when a person is induced to perform a commercial sex act through force, fraud, or coercion. If the person induced to perform the act is under 18, he or she is considered a victim of sex trafficking regardless of whether force, fraud, or coercion were involved.
- *Labor trafficking* occurs when a person is induced to perform labor or services through force, fraud, or coercion. The recruitment, harboring, transportation, provision, and obtaining of such persons are all included within the concept of labor trafficking.

Various activities related to human trafficking have long been criminalized under Virginia law. Reported violations of these laws may or may not involve actual instances of human trafficking, but they are an indicator of the level of such trafficking-related activities.

For example, violations of the laws against taking indecent liberties with children could involve cases of sex trafficking, if these activities occurred as a commercialized activity. The Sentencing Commission provided the following information regarding sentencing events for such violations.

Table 4
Sentencing Events for Taking Indecent Liberties With Children
FY 2005 - 2010

Statute	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
§18.2-370 Indecent liberties with children	94	103	137	146	128	135
§18.2-370.1 Indecent liberties by custodian	96	117	88	89	102	85
<i>Total</i>	<i>190</i>	<i>220</i>	<i>225</i>	<i>235</i>	<i>230</i>	<i>220</i>

*Violations of § 18.2-370 or § 18.2-370.1, as either primary or additional sentencing offenses.
Data Source: Virginia Criminal Sentencing Commission – Sentencing Guidelines Database.
Response to information request March 29, 2011.

An obvious offense tied to sex trafficking is prostitution. The U.S. Department of State's Human Smuggling and Trafficking Center (HSTC) clarifies that, with regard to individuals working as prostitutes:

If a child is being used to commit a commercial sex act (pimped), the child is considered a victim of trafficking; no further criteria (force, fraud, or coercion) are required...

A victim has to be subjected only to a form of force, fraud, or coercion once to meet the definition of “trafficking victim” so long as that misconduct was aimed at obtaining their labor, services, or a commercial sex act. The force, fraud, or coercion does not need to be sustained (“Human Smuggling & Trafficking Center, Domestic Human Trafficking, an Internal Issue”, December, 2008).

The Virginia Sentencing Commission was able to provide some information on prostitution cases in General District Court and Circuit Court.

Virginia’s sentencing guidelines do not cover misdemeanor offenses. However, the Sentencing Commission was able to provide the Research Center with a count of misdemeanor prostitution convictions, which they retrieved from the Supreme Court of Virginia. They also provided sentencing data for felony prostitution convictions.

From the available data, it is difficult or impossible to tell whether the individual prostitutes were under the age of 18 at the time of their action, or whether there was some form of force, fraud, or coercion involved in the cases of adult prostitutes. However, given the HSTC’s point that an individual need only be subjected to such forms of inducement once in order to be considered a trafficking victim, it seems reasonable to assume that some portion of the prostitution “offenders” are in fact human trafficking victims.

Table 5
Misdemeanor Prostitution Cases in General District Court, Number of Indictments and Number of Defendants, FY 2005 - 2010

	FY2005	FY2006	FY2007	FY2008	FY2009*	FY2010*
Misdemeanor Prostitution Indictments	1,333	1,532	1,270	976	1,416	1,110
Number of Defendants Indicted	1,104	1,218	1,036	811	1,113	922

*Data do not include charges that were still pending at the end of FY2010. 2009 data reported here are updated from those reported by the Crime Commission (HD 8, 2011).
Data Source: Supreme Court of Virginia - General District Court Automated Information System (CAIS). Provided by the Virginia Criminal Sentencing Commission. Response to information request March 29, 2011.

Table 6
Misdemeanor Prostitution Convictions*, FY 2005 - 2010

Statute	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
§ 18.2-346(A) Prostitution for money	217	261	276	219	241	336
§ 18.2-346(B) Solicitation for prostitution	217	200	261	134	187	250
§ 18.2-347 Maintain or frequent bawdy place	47	28	34	25	32	21
§ 18.2-348 Aid or assist in procurement of prostitute	11	23	12	14	28	17
§ 18.2-349 Use vehicle to promote prostitution	4	7	2	5	9	6
General misdemeanor prostitution (Type cannot be determined from available data)	478	310	251	176	250	271
<i>Total</i>	<i>974</i>	<i>829</i>	<i>836</i>	<i>573</i>	<i>747</i>	<i>901</i>

*Violations of §§ 18.2-346, 18.2-347, 18.2-348 and 18.2-349

Data Source: Supreme Court of Virginia - General District Court Automated Information System (CAIS). Provided by Virginia Criminal Sentencing Commission. Response to information request March 29, 2011.

Table 7
Felony Prostitution Cases in Circuit Court, Number of Indictments and
Number of Defendants, FY 2005 – 2010

	FY2005	FY2006	FY2007	FY2008	FY2009*	FY2010*
Felony Prostitution Indictments	21	16	46	19	17	5
Number of Defendants Indicted	8	10	17	10	16	5

*Data do not include charges that were still pending at the end of FY2010. 2009 data reported here are updated from those reported by the Crime Commission (HD 8, 2011).
 Data Source: Supreme Court of Virginia - General District Court Automated Information System (CAIS). Provided by Virginia Criminal Sentencing Commission. Response to information request March 29, 2011.

Table 8
Sentencing Events for Felony Prostitution*, FY 2005 - 2010

Statute	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009**	FY 2010
§ 18.2-355(1) Enticement/procurement	1	2	0	0	1	0
§ 18.2-355(2) Compel to marry by force/threats	0	0	0	0	0	0
§ 18.2-355(3) Parent permitting child	0	0	0	0	1	1
§ 18.2-356 Receive money for procurement	2	4	1	1	0	3
§ 18.2-357 Pander, pimp or receive money from prostitute	2	2	7	3	11	8
§ 18.2-368 Place or leave wife for prostitution	0	0	0	0	0	0
Total	5	8	8	4	13	12

*Violations of §§ 18.2-355, 18.2-356, 18.2-357 and 18.2-368, as either primary or additional sentencing offenses.

** One sentencing event in FY2009 had two felony prostitution offenses as additional offenses
 Data Source: Virginia Criminal Sentencing Commission – Sentencing Guidelines Database.
 Response to information request March 29, 2011.

Of the 50 sentencing events involving a felony conviction for prostitution between FY 2005 and 2010, the Sentencing Commission reports that details in the charges for seven events suggest that a child victim was involved (i.e. the sentencing event included a conviction for indecent liberties, production of child pornography, or other crime involving a minor).

Another potential indicator of sex trafficking is the prevalence of child pornography. Child pornography does not always involve human trafficking, but the presence of child pornography could suggest the presence of child sex trafficking as well. The U.S. State Department states:

Sex trafficking of children can involve several different forms of exploitation, including the production of child pornography. However, the production of sexual images representing children – which increasingly includes drawings and computer-generated images – is not sex trafficking unless a child is actually induced to perform a commercial sex act for the purpose of producing the pornography. Distribution and possession of child pornography, while often criminally prohibited, are not acts of human trafficking. (U.S. State Department, Trafficking in Persons website (<http://www.state.gov/g/tip/what/index.htm>)).

Table 9 shows the number of reported instances of pornography in Virginia, in which the type of criminal activity was identified as “child exploitation.” It also indicates the number of cases in which the criminal activity type included distribution, manufacturing, promotion, or transport, any of which could indicate the offender was connected to or involved in the production of the pornography, rather than simply possessing it (which is, of course, a crime unto itself).

Table 9
Reported Pornography Offenses Involving Child Exploitation
CY 2005 - 2009

Calendar Year	Total Offenses	Offenses involving distribution, manufacture, promotion, or transport
2005	72	7
2006	113	10
2007	105	11
2008	116	11
2009	182	23

Note: Type of Criminal Activity” determined by information included on the offense in the Incident Based Reporting system. Three types of criminal activity may be entered for certain offenses, including Pornography/Obscene Materials offenses. Child exploitation offenses are designated by the code “E”. Child pornography incidents which also involve distribution, manufacturing, promoting, or transporting are identified as those in which one of the three types of criminal activity identified is “E”, and one of the other two is either “D” (Distributing/Selling), “C”

(Cultivating/Manufacturing/Publishing), “O” (Operating/Promoting/Assisting”, or “T” (Transporting/Transmitting/Importing).

The available data indicate a recent increase in reported child pornography offenses, as well as those offenses that might indicate a closer involvement in child sex trafficking.

Several other measures that are potentially related to human trafficking in Virginia were also examined. As seen in the Table 10 below, adult arrests for assisting/promoting prostitution have increased from 2002 to 2010, with particularly large increases since 2007.

Table 10
Number of Arrests of Adults and Juveniles in Virginia
for Assisting or Promoting Prostitution, and for Prostitution
CY 2002 - 2010

Age	Year	Assisting/Promoting Prostitution	Prostitution	Total
Adult	2002	96	422	518
	2003	109	454	563
	2004	78	677	755
	2005	100	691	791
	2006	94	677	771
	2007	163	488	651
	2008	122	432	554
	2009	164	745	909
	2010*	216	422	638
	Juvenile	2002	1	3
2003		1	1	2
2004		1	3	4
2005		1	1	2
2006		1		1
2007			1	1
2008		1	2	3
2009			1	1
2010*		1	2	3

* 2010 data are complete through October 2010.

Table 11 illustrates how the prostitution-related arrests (all ages combined) shown in the previous table were distributed across different regions in Virginia. Table 11 clearly shows that the Hampton Roads region, and to a lesser degree the Central region, comprise the largest percentage of prostitution-related arrests. Anecdotal reports from law enforcement, and from various non-government organizations involved with human trafficking, suggest that the Hampton Roads region of Virginia may be particularly vulnerable to human trafficking offenses.

Tables 12 and 13 present data on jail admissions for prostitution-related offenses which may be indicators of human trafficking in Virginia.

Table 11
Number of Arrests of Adults and Juveniles Combined in Virginia
for Assisting or Promoting Prostitution, and for Prostitution
By Virginia Region
CY 2002 - 2010

Year	Central		Eastern		Hampton Roads		Northern		Southside		Southwest		Valley		West Central		Total
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
2002	253	48%		0%	177	34%	42	8%	6	1%	1	0%	5	1%	38	7%	522
2003	231	41%	4	1%	235	42%	43	8%	6	1%	1	0%	4	1%	41	7%	565
2004	166	22%		0%	316	42%	68	9%	25	3%	2	0%		0%	182	24%	759
2005	155	20%		0%	411	52%	67	8%	6	1%	2	0%	6	1%	146	18%	793
2006	114	15%	4	1%	420	54%	62	8%	7	1%	7	1%	1	0%	157	20%	772
2007	144	22%		0%	301	46%	106	16%	12	2%	6	1%		0%	83	13%	652
2008	109	20%	2	0%	229	41%	125	22%	19	3%	3	1%	4	1%	66	12%	557
2009	254	28%	1	0%	344	38%	172	19%	16	2%	4	0%	2	0%	117	13%	910
2010*	245	38%	2	0%	186	29%	129	20%	11	2%	5	1%	4	1%	59	9%	641

* 2010 data are complete through October 2010

Table 12
Pretrial Jail Admissions with a Prostitution-Related Committing Offense
FY 2004 – 2011

Highlighted charges are those that could involve one person forcing another person to be a prostitute
(as opposed to person who was arrested for being a prostitute or “john”)

Committing Offense	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011*
Aiding/assisting in prostitution procurement	1	10	13	13	22	19	11	11
Compel to marry by force or threats				2	2		1	
Maintain or frequent bawdy place	1	27	18	27	19	38	25	25
Pander, pimp or receive money from prostitute	2	13	19	25	29	32	27	22
Parent consents for child to be taken for prostitution, etc.			3	4	1	1		
Place or leave wife for prostitution (pandering)	1	1						
Prostitution, adultery or fornication for money, etc.	14	175	167	144	81	134	152	96
Receive money for procuring prostitute		9	7	9	4	11	5	6
Prostitution – enticement, procurement	1	1	4	1		10	6	4
Solicitation of prostitution	5	51	64	68	50	31	48	28

*FY 2011 data are through March 15, 2011

Note: may contain some duplicates, where individuals had multiple prostitution-related charges.

Data Source: Local Inmate Data System, State Compensation Board

Table 13
Pretrial Jail Admissions with a Prostitution-Related Committing Offense
By Country of Birth of Person Admitted
FY 2004 – FY 2011*

Committing Offense	USA	Other	Missing
Aiding/assisting in prostitution procurement	19	37	44
Compel to marry by force or threats	1	2	2
Maintain or frequent bawdy place	53	65	62
Pander, pimp or receive money from prostitute	46	50	73
Parent consents for child to be taken for prostitution, etc.	6	1	2
Place or leave wife for prostitution (pandering)	1		1
Prostitution, adultery or fornication for money, etc.	12	1	14
Receive money for procuring prostitute	10	21	20
Prostitution – enticement, procurement	386	90	487
Solicitation of prostitution	199	54	92

*FY 2011 data are through March 15, 2011

Note: May contain some duplicates, where individuals had multiple prostitution-related charges

Data Source: Local Inmate Data System, State Compensation Board

In addition to sex-related offenses, various sources have noted that offenses involving failure to pay wages for labor are a major aspect of human trafficking. This is particularly the case when immigrant laborers or minors, who may not be able to avail themselves of labor protection laws, are involved.

Table 14 below illustrates numbers of wage and hour compliance violation actions involving minors in different regions of Virginia. Hampton Roads and the Central regions again make up the largest percentages of these potential indicators of human trafficking. National totals are included at the bottom of the table, along with the percentages of the national totals that Virginia represents.

Table 14
Wage and Hour Compliance Violations Actions
Violations of Fair Labor Standards Act 10/1/2008 – 3/21/2010

Region	Child Labor FLSA Violations		Minors Employed in FLSA Violations	
	Number	Percent	Number	Percent
Hampton Roads	43	38.7%	37	41.1%
Central	39	35.1%	28	31.1%
Valley	17	15.3%	16	17.8%
Southside	5	4.5%	2	2.2%
Southwest	4	3.6%	4	4.4%
Northern	2	1.8%	2	2.2%
Eastern	1	0.9%	1	1.1%
VIRGINIA total	111		90	
U.S. Totals	13,275		10,691	
% Virginia	0.8%		0.8%	

Data Source: U.S. Department of Labor's Enforcement Database. Retrieved March 16, 2011.

Overall, there are few Virginia statutes that directly address human trafficking. Therefore, part of the effort to improve Virginia's response to human trafficking, using existing statutes, appears to be to improve awareness of which existing statutes are applicable and how they can best be applied to human trafficking.

IV. What Virginia Law Enforcement is Doing to Address Human Trafficking

To determine what Virginia law enforcement is currently doing to address human trafficking, DCJS contacted the Virginia State Police, the Virginia Association of Chiefs of Police, and the Virginia Sheriffs' Association.

Information from these contacts indicates that state and local police agencies are encountering human trafficking incidents across Virginia, but that the numbers of incidents appear relatively small. It also appears that there are various initiatives underway by some agencies to do more to address human trafficking through cooperative efforts and training, but that to date these efforts are limited.

Virginia State Police (VSP)

The Virginia State Police (Lieutenant Colonel H. C. Davis, Director, Bureau of Criminal Investigation) advised the following:

The Bureau of Criminal Investigation's involvement with investigating human trafficking cases is limited, and assessing how widespread the human trafficking problem may be in Virginia is difficult. To examine the issue further, VSP, in consultation with the Office of the Secretary of Public Safety, is working to establish a leadership roundtable on human trafficking in Virginia.

VSP also works with others concerned about human trafficking. For example, in April 2010, Davis attended a meeting on human trafficking at the office of Congressman Wolf, along with representatives from the Virginia Office of the Attorney General, northern Virginia law enforcement agencies, Immigration and Customs Enforcement, and the Polaris Project, a U.S. anti-trafficking non-governmental organization.

Congressman Wolf expressed interest in addressing northern Virginia massage parlors that reportedly use human slavery and may be fronts for prostitution. Davis advised him that an existing Gang Task Force functioning in northern Virginia might also be an effective vehicle for addressing human trafficking. The task force includes federal, state, and local law enforcement and federal prosecutors; along with private human rights organizations such as the Polaris Project.

At the task force's last meeting, there was varying opinion about how serious the human trafficking problem is in Virginia. Massage parlors are a significant source of complaints, but clear connection to human trafficking may be difficult to establish or may not be present. Part of the problem is the lack of reporting by the immigrant population, and the lack of problem recognition by law enforcement. The task force could focus on educating both of these groups. The

Training Coordinator from Polaris was to contact VSP Academy staff to schedule a future training for VSP. An Assistant U.S. Attorney has been assigned to coordinate the task force and direct federal prosecutions as they become necessary. However, the last meeting of the Task Force, scheduled for February, 2011 was cancelled.

Virginia Association of Chiefs of Police (VACP)

Dana Shrad, VACP Executive Director, advised that in the past VACP has done some trainings on human trafficking, but that she is not aware of any formal, currently scheduled training being conducted. She noted that some local departments may be doing trainings of which she is unaware. Shrad stated that some VACP members have mentioned that they have encountered human trafficking incidents. She also noted that the incidents reported are scattered across Virginia, and not concentrated in a particular area, although Tidewater and rural western Virginia are the areas she specifically remembers being mentioned.

To help assess what Virginia police departments are doing concerning human trafficking, on March 24, 2011 the VACP Executive Director sent an email to the VACP member departments which contained several questions from DCJS asking if the departments have encountered, or are doing any training on, human trafficking. This was an information gathering exercise, and was not conducted as a formal survey.

A sample of responses received to date from Virginia police departments indicate that there are sporadic encounters with human trafficking. For example:

Virginia Port Authority Police Department:

Human cargo has been an issue for many international marine terminals. The Virginia Port Authority has experienced human cargo on the marine terminal. Our personnel receive training on human trafficking as a part of their maritime law enforcement training. We currently are not experiencing human cargo cases since we are not a port of first call. Those ports that are a port of first call are most likely to see human cargo since the subjects want to exit the container as soon as they land on US soil. With the maritime industry changes that will come about as a result of the Panama Canal expansion, we are very likely to become a port of first call and see human cargo cases.

Norfolk Police Department:

Criminal Intelligence Unit covers Human Trafficking in the Police Academy for all incoming recruits. This class does include a training video about discussing signs to look for regarding Human Trafficking. We have the ability to cover this topic again during In-Service training sessions.

Winchester Police Department:

We have consistently received complaints that a message parlor in our jurisdiction is providing full body messages using young female Asian "message therapists." There is suspicion that these young ladies are being moved around the country as part of a human trafficking ring. The State Police investigated this for us. The investigation was closed due to an opinion from the Commonwealth's Attorney that sufficient evidence of illegal activity was lacking. There were discussions with ICE about the suspicions into human trafficking, but further investigation on the federal level did not result.

Falls Church Police Department:

On Thursday evening 14 October 2010 at 2230 hours, the Falls Church Police Dept. Emergency Services Unit (ESU) together with police officers and detectives assisted the Homeland Security Investigators-HSI (ICE) in the execution of arrest and search warrants at High Society.

After a year long investigation, ICE secured arrest warrants for five individuals known to own, operate or work in High Society. These individuals were known to harbor illegal aliens for the purposes of prostitution and there were signs indicative of human trafficking.

There were approximately 40 ICE agents and 14 Falls Church police officers involved. The ESU entry was streamlined and professional and the premises were secured without incident. ICE arrested the five targeted individuals and found 9 possible victims inside the club. One patron was transported to the hospital with an existing medical condition. Falls Church Police were responsible for perimeter security as well as entry. Two targets were arrested at the business and three others were arrested at other locations.

Virginia Department of Alcoholic Beverage Control (ABC)

The VA ABC Alexandria Regional Office has received such [human trafficking] complaints in the past. We recently offered some support to ICE in an investigation they conducted against an ABC licensed place in the Fairfax County section of Falls Church. ICE eventually charged several persons and the business subsequently closed and some of those involved were deported.

We have met with an official from ICE on this subject, to learn more about what to look out for when ABC agents are conducting inspections/investigations in ABC licensed places.

Virginia Sheriff's Association (VSA)

John Jones, VSA Executive Director, indicated that human trafficking did not appear to be a major concern among Virginia sheriffs. However, formal study or survey of the issue has not been conducted by the Association.

V. The DCJS Plan for Implementation of SB 1453

As indicated previously SB 1453 directs DCJS to:

In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia.

Initial implementation of SB 1453 can be accomplished through the following four steps.

1. Meet with staff from the Office of the Attorney General and the Commonwealth's Attorneys' Services Council, Virginia State Police, Virginia Association of Chiefs of Police, and Virginia Sheriffs Association to gather input, discuss the SB 1453 mandate, and review preliminary plans. Also include representatives from the Department of Social Services. HB 2190 (2011) requires the DSS to develop a plan for providing services to victims of human trafficking, and effectively working with these victims is essential for law enforcement and prosecution efforts to combat human trafficking.
2. Create a DCJS website page devoted to providing information for law enforcement and prosecutors on human trafficking. DCJS has already identified and obtained various resources including guides for law enforcement officers on identifying and communicating with trafficking victims, as well as links to sites of other organizations that provide information on human trafficking. DCJS will add resources to this website as they are obtained. (See Appendix D for a list of currently available resources).
3. Publicize the website to relevant state agencies (VSP, DJJ, VDSS, etc.), to local law enforcement through VACP and VSA, to Commonwealth's Attorneys through the Commonwealth's Attorneys' Services Council, and to other appropriate agency constituent groups.
4. Work with the Office of the Attorney General and the Commonwealth's Attorneys Services Council to identify and compile relevant common law and existing criminal statutes in the Code of Virginia. Post the annotated compilation of relevant statutes and related guidance documents to the DCJS human trafficking webpage and publicize their availability.

APPENDICIES

Appendix A
Human Trafficking Laws in the States - June 2010

Appendix B
Code of Virginia Statutes Related to Human Trafficking

Appendix C
Federal Statutes Related to Human Trafficking

Appendix D
Combating Human Trafficking
Resources for Law Enforcement and Prosecution

APPENDIX A

Human Trafficking Laws in the States - June 2010

Source: National Conference of State Legislatures

Laws criminalizing human trafficking and increasing penalties

Alabama H 432 (2010)

Relates to human trafficking; provides that it would be unlawful for a person, by coercion or deception, to cause another person to work or perform services having financial value or require that person to perform certain sexual activities; provides penalties; provides exemptions to a corporation if the corporation was not aware of the actions of its agents or employees.

Arizona HB. 1372 (A.R.S. §13-306) (2005) (also *see* Services to Victims section)

Establishes human trafficking and human smuggling as felonies. Provides that sex trafficking, if committed against a person who is under 15 years of age, is a dangerous crime against children.

Arizona SB 1338 nm (2005)

Adds “sex trafficking of a minor who is under 15 years of age” to those offenses which result in a presumptive sentence of 30 years of prison upon a subsequent offense of such qualifying crimes and to offenses requiring sex offender registration. Excluding certain offenders, prohibits approval of a registered sex offender’s residence for probation unless the number of probationers who are required to register and who reside in the multi-family dwelling is less than 10 percent of the number of dwelling units that are contained in the multifamily dwelling in counties with a population of more 2,500,000 people. Includes the person’s residence (where they live) and address (where they receive mail) among requirements for sex offender registration.

Arizona SB 1281 (2009) (also *see* Destruction of Government Document section)

Expands the classification of sex trafficking by including a sexually-explicit performance and knowingly trafficking a minor with the knowledge that they will engage in any prostitution or sexually-explicit performance. Expands the definition of forced labor or services to include the classification of trafficking of persons.

Arizona SB 1059 (2010)

Adds transport by deception, coercion or force to current sex trafficking laws.

Arizona HB 2238 (2010)

Adds human trafficking to existing law.

Arkansas S 222 (2010)

Affects probation and parole terms for human trafficking.

California AB 22 (Cal Pen. Code §236.1) (2005) (also *see* Services to Victims section)
Establishes the crime of trafficking of a person for forced labor or services or for effecting or maintaining other specified felonies, and the crime of trafficking of a minor for those purposes, punishable by terms of imprisonment in the state prison for 3, 4, or 5 years, or 4, 6, or 8 years, respectively.

Colorado SB 206 (2006)

Makes smuggling humans a Class 3 felony, unless the adult is an illegal immigrant, which makes the offense a Class 2 felony. Smuggling includes offering transportation to someone of illegal residency status to enter, pass through, or remain in either the United States or Colorado in exchange for money. A separate offense is brought against the smuggler for each person assisted.

Colorado SB 207 (2006)

Makes human trafficking a crime and increases penalties. Trafficking a human includes selling, exchanging, bartering or leasing an adult (16 years old or older) in exchange for money. Trafficking also includes receiving the services of an adult in exchange for money (section 1). Trafficking of any child under the age of 16 results in a Class 3 felony.

Colorado HB 1123 (2009)

Revises provisions concerning trafficking of children and coercion of involuntary servitude by providing that “child” means any person under eighteen years of age, rather than sixteen. Specifies that the crime of trafficking in children is a Class 2 felony. Provides that a person commits “involuntary servitude” if he or she coerces another person to perform labor using threats of harm or a scheme to cause a person to believe that they will suffer harm.

Colorado SB 140 (2010)

Repeals and relocates, with amendments, provisions relating to trafficking in adults, trafficking in children, and coercion of involuntary servitude; requires proof of the use of force, fraud, or coercion to prove the crime of trafficking in adults or trafficking in children and proof of the use of force or fraud to prove the crime of coercion of involuntary servitude; adds trafficking in adults, trafficking in children, and coercion of involuntary servitude.

Connecticut SB 153 (53-394 et seq.) (2006)

Enhances criminal and civil penalties for people who coerce others to perform labor or engage in human trafficking. Authorizes the state to prosecute traffickers under the racketeering statute when there is a pattern of such activity and to seize property related to the crime.

Connecticut SB 153 (2010)

Establishes penalties for prostitution and provides for the care of exploited children.

Delaware HB 116 (§787) (2007) (*See* also Services section)

Creates felony crime of trafficking of persons and involuntary servitude patterned after the federal Department of Justice's model legislation.

Florida SB 250 (2006) (*See* also Services section)

Makes human trafficking a crime. Trafficking includes threatening to destroy or destroying immigration documents for the purposes of forced employment.

Florida SB 1962 (Chapter 391) (2004)

Establishes the first degree felony of sex trafficking which provides up to 30 years in prison for anyone convicted for buying or selling minors for the purpose of prostitution or sex trafficking. Establishes two second degree felonies: obtaining forced labor; and, sex trafficking and human trafficking for anyone who knowingly participates in trafficking for purposes of forced labor or prostitution -- this offense provides a criminal penalty of up to 15 years in prison. Provides that any sex trafficking activity that results in death or is committed against a person who is under the age of 14 be considered a first degree felony.

Idaho HB 536 (18-8501 et seq.) (2006) (*See* also Services section)

Increases the punishment for crimes if the human trafficking is involved. Requires reporting on human trafficking victim resources in Idaho and the relationship of these resources to federally-funded programs.

Illinois HB 1469 (Act No. 94-9) (2005) (*See* also Services section)

Creates the offenses of involuntary servitude, sexual servitude of a minor, and trafficking of persons for forced labor and services. Mandates restitution and provides that the Illinois Attorney General, in cooperation with the Administrative Office of the Illinois Courts, State's Attorneys, Circuit Court officials, the Dept. of Human Services, and the Dept. of Public Aid, must ensure that victims of trafficking or involuntary servitude are referred to appropriate social services, Federal and State public benefits programs, victim protection services and immigration assistance services.

Iowa SB 2219 (§710A.1 et seq.) (2006) (*See* also Services and Task Force sections)

Establishes human trafficking a felony under state laws. Orders training regarding the sensitive treatment of trafficking victims and encourages communication by law enforcement officials in the language of the victims. Institutes a Victim Compensation Fund for victims of trafficking. Calls for a study to examine the effects of trafficking on victims.

Iowa SB 606 (2010)

This bill repeals the criminal offense of detention in a brothel. A similar criminal offense exists in Code chapter 710A (human trafficking)

Kansas SB 72 (K.S.A. §21-3707) (2005)

Creates the crime of trafficking as a severity level 2, person felony and aggravated trafficking as a severity level 1, person felony.

Kansas SB 434 (2010)

Changes criminal procedures for a number of crimes; human trafficking is one of them.

Kansas SB 586 (2010)

Makes aggravated human trafficking a severity level 1, person felony.

Kentucky SB 43 (§506.120 et seq.) (2007)

Creates felony crimes of human trafficking and promoting human trafficking. Adds human trafficking as an element to the crime of advancing prostitution.

Louisiana HB 970 (15:541) (2007)

Adds human trafficking as a possible element to crime of sexual offense against a victim who is a minor.

Louisiana HB 56 (Act 187) (2005)

Creates the crime of human trafficking as a separate state crime, defined as intentionally recruiting, harboring, transporting, another person through fraud, force or coercion to provide services or labor. Provides the following penalties: (1) Human trafficking - a fine up to \$10,000 and imprisonment for up to 10 years. (2) Human trafficking when the purpose includes certain forms of sexual activity - a fine of up to \$15,000 and imprisonment for up to 20 years. (3) Human trafficking involving a person under the age of 18 - a fine up to \$25,000 and imprisonment for not less than 5 nor more than 25.

Louisiana HB 564 (2009)

Creates the crime of trafficking of children for sexual purposes and establishes criminal penalties for such crime.

Louisiana HB 825 (2010)

Adds the crimes of human trafficking and trafficking of children for sexual purposes to enumerated crimes of violence and sex offenses for purposes of sex offender registration and notification requirements.

Louisiana HB 531 (2010)

Amends the elements of the crime of human trafficking; provides for the crime of human trafficking and provides that it shall be unlawful for a person to knowingly recruit, harbor, transport, provide, solicit, or obtain another person through fraud, force or coercion to provide services or labor.

Maryland HB 876 & SB 606 (11-303) (2007)

Provides felony penalties for human trafficking and human trafficking involving a minor.

Maryland SB 517 (2010)

Adds and defines human trafficking in relation to gang laws.

Michigan HB 5748 (§750.451 et seq.) (2006) (*See also Document section*)

Add human trafficking to the Michigan Penal Code as a felony. Stiffens penalties for

human trafficking. The bill defines trafficking as compelling a person into forced labor by causing or threatening bodily harm. The penalty for this crime is a prison sentence varying from up to 10 years to life, depending on the severity of the offense. The bill also forbids forced labor or services by threatening the destruction of immigration documents, and increases penalties for human trafficking. Makes the intention to traffic a human criminal. Finally, kidnapping, attempting to kill, murdering, or engaging in criminal sexual conduct with a trafficking victim is punishable by life imprisonment.

Minnesota HB 1505 (2009)

Increases the criminal penalties for certain promoting/sex trafficking offenses. Expands the sex trafficking and labor trafficking crimes; adds the promotion of prostitution/sex trafficking crime to the firearm law's definition of a crime of violence.

Mississippi HB 381 (§97-3-107) (2006)

Creates the anti-human trafficking act, prohibits trafficking of persons for forced labor or services, involuntary servitude, sexual servitude of a minor, and to provide for liability of an accomplice in those acts. Increases the penalties for a person found guilty of human trafficking of any kind to prison sentence of up to 20 years.

Missouri HB 1487 (§168.071 R.S.Mo.) (2004) (See also Services section)

Establishes sexual trafficking of a child as a class A felony. Also provides that abusing an individual through forced labor and of trafficking for either forced labor or sexual exploitation is a class B felony. Establishes a class D felony for contributing to human trafficking through the misuse of documentation. Provides that as part of the sentencing for a human trafficking offense, the court must order the perpetrator to pay restitution to the victim. Provides that victims of any trafficking crimes will also be afforded the rights and protections provided in the federal Trafficking Victims Protection Act of 2000.

Montana SB 385 (2007)

Creates crimes of involuntary servitude and trafficking of persons for involuntary servitude. Provides penalties ranging from 10-100 years imprisonment and up to \$100,000 in fines.

Nebraska LB 771 (2010)

This bill changes provisions relating to criminal offenses against a pregnant woman; human trafficking is included. This bill also classifies persons convicted of human trafficking as dangerous sex offenders, thereby subjecting them to sex offender registration and probation laws.

Nevada AB 383 (§200) (2007)

Creates the felony crimes of trafficking in persons and trafficking for illegal purposes which involves engaging in certain acts concerning the transportation of an illegal alien into this State with the intent to subject the person to certain acts relating to involuntary servitude. Requires the Director of the Department of Business and Industry to include on its website a link to the Social Security Administration where an employer may verify the social security numbers of his employees to prevent unlawful hiring or employment.

New Hampshire HB 474 (2009)

Prohibits trafficking in persons. Provides penalties for forcing a trafficked person to engage in a commercial sex act or performance and provides for forfeiture of items used in connection with trafficking. Makes such offenses involving a person under 18 years of age subject to an extended term of imprisonment.

New Jersey AB 2730 (Chapter 77) (2005)

Establishes human trafficking as a crime of the first degree, which is defined as "using a person for the purposes of engaging in unlawful sexual activity or providing unlawful labor or services." Provides a mandatory term of imprisonment where the defendant participates in the human trafficking scheme as an organizer, supervisor, financier or manager. The mandatory term of imprisonment would be for a term of imprisonment of 20 years.

New Mexico SB 71 (2008)

Establishes human trafficking as a criminal offense and creates penalties.

New York SB 5902 (Penal Code §230.34, §135.35 et seq.) (2007)

Creates felony crimes and provides penalties related to human trafficking including sex trafficking and labor trafficking.

North Carolina HB 1896 (2006) (See also Document section)

Makes human trafficking a felony.

North Dakota SB 2209 (2009)

Makes human trafficking a felony and includes in the definition debt bondage, racketeering and forced labor or services.

Ohio SB 162 (2010)

Revises State regulation of telephone companies; includes human trafficking as a type of unlawful behavior in relation to telephone companies.

Oklahoma SB 956 (2010)

Relates to crimes and punishments; prohibits human trafficking; modifies what constitutes unlawful human trafficking; increases the age of a related victim for punishment purposes; provides that a victim may bring a civil action for actual and punitive damages; allows reasonable attorneys fees in the civil action; sets a statute of limitations for recovery in the civil action; authorizes the forfeiture and seizure or property.

Oklahoma HB 2983 (2010)

Relates to crimes and punishments; prohibits a person from conducting any financial transaction using the proceeds of an act of terrorism with the intent to further the commission of such an act, conceal or disguise the source of the proceeds, or conceal or disguise the intent to avoid a financial transaction reporting requirement; makes changes relating to electronic funds transfers and violations of the Antiterrorism Act and

racketeer-influenced and corrupt organizations. Organizations related to human trafficking are included.

Oregon SB 578 (§131.602 et seq.) (2007)

Creates the felony crimes of trafficking in persons and subjecting another person to involuntary servitude.

Pennsylvania HB 1112 (§9720.2, §911) (2006)

Includes human trafficking as an element of racketeering and provides for a maximum sentence of life sentence when one commits trafficking while committing rape or kidnapping.

Rhode Island SB 5881 & SB 692 (§11-67-1 et seq.) (2007)

Creates the felony crimes of involuntary servitude and trafficking of persons for forced labor or commercial sexual activity. Provides for penalties.

Rhode Island HB 5661 (2009)

Mandates a fine of no less than forty thousand dollars and imprisonment for up to life for anyone found guilty of sex trafficking of a minor.

Rhode Island SB 605 (2009)

This act would mandate a fine of no less than forty thousand dollars (\$40,000) and imprisonment for up to life for anyone found guilty of sex trafficking of a minor.

Rhode Island HB 5044 (2010)

This act would define the crime of prostitution to include any location, would create punishments for individuals who would attempt to procure the services of a prostitute, and would define the crime of permitting prostitution within a premise.

South Carolina HB 4202 (2010)

Adds human trafficking to a list of offenses and makes it a class A felony.

Tennessee HB 1302 (2010)

This bill creates the new offenses of unlawful restraint, compelling prostitution, and compelling production of pornography and establishes a new civil cause of action against persons engaged in trafficking.

Tennessee SB 2724 (2010)

Under present law, the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act (the Act) requires a person who is convicted of a sexual offense or violent sexual offense to register and meet the other requirements of the Act. A sexual offense includes, among other offenses, kidnapping, except when committed by a parent of the minor. This bill clarifies that kidnapping is a sexual offense under the Act only where the victim is a minor. This bill adds the offense of trafficking for sexual servitude to the list of offenses that are violent sexual offenses.

Texas HB 2096 (Tex. Penal Code §20A.02) (2003)

Establishes trafficking as a second-degree felony with a sentence of two to 20 years imprisonment. If the persons trafficked or transported are under the age of 14, or if the commission of the offense results in death, the offense is a first-degree felony with a sentence of five to 99 years imprisonment.

Utah HB 339 (2008) (§76-5-308 et. seq.)

Provides for crimes of kidnapping, human trafficking, and smuggling.

Utah HB 230 (2010)

Modifies the Criminal Code regarding charging the offenses of human trafficking or human smuggling; provides that it is a separate offense regarding each person who is trafficked or smuggled in violation of current law.

Vermont SB 125 (2009)

Create a new crime that addresses commercial sex trafficking by force, fraud or coercion.

Virginia HB 2016 (2009) (See also Document section)

Expands “abduction” to include abducting a person with the intent to subject the person to forced labor or services.

Washington HB 1175 (A.R.C.W. §7.68.350) (2003)

Establishes first and second degree sex trafficking and labor trafficking as a class A felony under Washington law. A first-degree offense carries a maximum sentence of 14 years in prison and, trafficking in the second-degree holds a maximum of nine years. Provides that victims of trafficking may sue for damages and for the cost of bringing the suit.

Laws creating task forces on trafficking, state commissions or committees**California AB 22 (Cal Pen. Code §236.1) (2005)**

Establishes a task force to study various issues in connection with human trafficking and to advise the Legislature, as specified. The provisions relating to the task force would be repealed January 1, 2008.

California SB 180 (Cal Pen. Code § 13990) (2005)

Establishes the California Alliance to Combat Trafficking and Slavery (California ACTS) Task Force and require it to evaluate various programs available to victims of trafficking and various criminal statutes addressing human trafficking, and report to the Legislature, Governor, and Attorney General on or before July 1, 2007.

Colorado HB 1143 (C.R.S. §18-1.8-101) (2005)

Creates an interagency task force on human trafficking. Task force duties include: collecting and organizing data on the nature of trafficking in the state; investigating collaborative models for protecting the victims; measuring and evaluating progress of the

state in preventing trafficking and prosecuting offenders; identifying available federal, state and local programs that provide services to trafficking victims; evaluating approaches to increase public awareness of trafficking; and analyzing existing state criminal statutes for their adequacy in addressing trafficking.

Connecticut SB 398 (2007)

Establishes the Trafficking in Persons Council to develop recommendations to strengthen state and local efforts to prevent trafficking, protect and assist victims of trafficking and prosecute traffickers.

Connecticut HB 5358 (Act No. 04-8) (2004)

Establishes an interagency task force on human trafficking to do the following: collect data on the nature of trafficking in the state and evaluate the state's progress on trafficking; identify available federal, state, and local programs that provide services to trafficking victims; evaluate approaches to increase public awareness of trafficking; analyze and make recommendations regarding existing state criminal statutes' ability to address trafficking; and, make recommendations on preventing trafficking, assisting victims, and prosecuting traffickers.

Florida SB 168 (2009)

Creates within the Executive Office of the Governor the Statewide Task Force on Human Trafficking to study the issues of human trafficking.

Hawaii HB 2051 (2006)

Establishes a task force to compile and review law and information from other states regarding support for victims of human trafficking and recommend changes to Hawaii law and programs on this topic.

Idaho HCR 18 (2005)

Authorizes the Legislative Council to appoint a committee to undertake and complete a study of human trafficking. The committee is charged with the following: data collection and findings on the nature and extent of human trafficking in Idaho; identification of available federal, state and local programs that provide services to trafficking victims; analysis and recommendations regarding the ability of existing state criminal statutes to address trafficking; and recommendations regarding the prevention of trafficking, the prosecution of offenses, and victim assistance.

Iowa SB 2219 (§710A.1 et seq.) (2006) (*See also Services and Penalty sections*)

Calls for a study to examine the effects of trafficking on victims.

Maine HB 893 (2006)

Creates the Human Trafficking Task Force to propose criminal statutes and develop methods for a coordinated approach to assisting victims of human trafficking.

Minnesota HB 1505 (2009)

Authorizes the Commissioner of Public Safety to gather and compile data on human trafficking every two years.

New Hampshire SB 194 (2007)

Establishes a commission to study the trafficking of persons across borders for sexual and labor exploitation.

New York SB 5902 (Penal Code §230.34, §135.35 et seq.) (2007) (*see also* Penalty and Services sections)

Establishes an interagency task force on human trafficking.

Pennsylvania SR 253 (2010)

Directs the Joint State Government Commission to establish an advisory committee to study the problem of human trafficking and to make a report to the Senate on the issue of human trafficking. Includes a proposed State plan for the prevention of human trafficking and any recommendations for changes in State law, policies and procedures.

Rhode Island HB 5661 (2009)

Creates an interagency human trafficking of persons task force.

Rhode Island HB 8291 (2010)

(Resolution) Creates a House Commission whose purpose it would be to conduct a comprehensive study of human trafficking and the services that would be provided to the victims of human trafficking. This commission would be required to report its findings and results to the General Assembly on or before March 2, 2011, and said commission would expire on June 2, 2012.

Texas SB 379 (2009)

Requires the Texas Fusion Center provide an annual report by the Texas Fusion Center regarding criminal street gangs that includes law enforcement strategies that have been proven effective in deterring gang involvement in human trafficking of persons.

Utah HB 64 (2009)

Authorizes the Office of the Attorney General to administer and coordinate the operation of a multi-agency strike force to combat violent and other major felony crimes within the state associated with illegal immigration and human trafficking. Provides for voluntary participation in the strike force by officers of U.S. Immigration and Customs Enforcement and state and local law enforcement personnel.

Vermont SB 272 (2010)

Establishes the human trafficking task force; provides for a comprehensive system of criminal penalties, of prevention programs, and of services for human trafficking victims.

Vermont SB 125 (2010)

Expands sex registry laws to include human trafficking.

Virginia HB 2923 (§30-278) (2007)

Creates the Commission on the Prevention of Human Trafficking for the purpose of developing and implementing a state plan for the prevention of human trafficking.

Washington HB 2381 (RCW 7.68.350) (2003)

Establishes the Washington State Task Force Against the Trafficking of Persons to do the following: measure and evaluate the progress of the state in trafficking prevention activities; identify available federal, state, and local programs that provide services to victims of trafficking; and, make recommendations on methods to provide a coordinated system of support and assistance to victims of trafficking.

Laws providing services and protections to victims of human trafficking**Arizona HB 1372 (A.R.S. §13-306) (2005) (also *see* Penalty section)**

Provides for restitution to victims of sex trafficking and persons who were trafficked for the purposes of forced labor or services.

California AB 22 (Cal Pen. Code §236.1) (2005) (also *see* Penalty section)

Permits a victim of trafficking to bring a civil action for actual damages, provide for restitution and punitive damages, and would establish a victim-caseworker privilege.

California SB 1569 (Welfare & Inst. Code §13283 et seq.) (2006)

Extends eligibility for state and local public benefits, Medi-Cal health care and refugee cash assistance and employment services, to noncitizen victims of trafficking, domestic violence and other serious crimes, to the same extent as available to individuals admitted to the United States as refugees.

Colorado SB 225 (§24-33.5-211) (2006)

Requires the Chief of the Colorado State Patrol to create a division to address human smuggling and human trafficking on state highways. Requires the division to include at least 12 employees for the 12-month period beginning July 1, 2006, and at least 24 employees for the 12-month period beginning July 1, 2007.

Connecticut SB 1500A (§51-63) (2007)

Provides that the Office of Victim Services within the Judicial Department contract with nongovernmental organizations to develop a coordinated response system to assist victims of the offense of trafficking in persons.

Delaware HB 116 (§787) (2007) (*See* also Penalty section)

Provides for restitution and victim protection.

Florida SB 250 (2006) (*See* also Penalty section)

Provides that victims of trafficking can receive up to three times the monetary amount for their services as restitution.

Florida HB 7181 (2007)

Requires the Department of Children and Family Services to provide services to immigrant survivors of human trafficking, domestic violence, and other serious crimes.

Idaho HB 536 (18-8501 et seq.) (2006) (*See* also Penalty section)

Provides for restitution and rehabilitation costs for victims of human trafficking. Requires reporting on human trafficking victim resources in Idaho and the relationship of these resources to federally-funded programs.

Illinois HB 1469 (Act No. 94-9) (2005) (*See* also Penalty section)

Mandates restitution and provides that the Illinois Attorney General, in cooperation with the Administrative Office of the Illinois Courts, State's Attorneys, Circuit Court officials, the Dept. of Human Services, and the Dept. of Public Aid ensure that victims of trafficking or involuntary servitude are referred to appropriate social services, Federal and State public benefits programs, victim protection services and immigration assistance services.

Iowa SB 2219 (§710A.1 et seq.) (2006) (*See* also Penalty and Task Force sections)

Orders training regarding the sensitive treatment of trafficking victims and encourages communication by law enforcement officials in the language of the victims. Institutes a Victim Compensation Fund for victims of trafficking.

Missouri HB 353 (Section 566.200 – 566.223) (2005)

Addresses human trafficking by establishing requirements for international matchmaking organizations. Provides that intentionally providing false or incomplete information required by these provisions is a class D felony.

Missouri HB 1487 (§168.071 R.S.Mo.) (2004) (*See* also Penalty section)

Provides that as part of the sentencing for a human trafficking offense, the court must order the perpetrator to pay restitution to the victim. Provides that victims of any trafficking crimes will also be afforded the rights and protections provided in the federal Trafficking Victims Protection Act of 2000.

New York SB 5902 (Penal Code §230.34, §135.35 et seq.) (2007) (*see* also *see* also Penalty and Task Force sections)

Provides services for victims of human trafficking.

Oklahoma SB 2258 (2010)

Creates the Greater Protecting Victims of Human Trafficking Act of 2010; relates to the transport of aliens; prohibits the destruction of documentation papers to extend an individual's legal status; relates to human trafficking victim guidelines; authorizes establishment of an emergency hotline for human trafficking victims; authorizes posting of rights of victims; adds the threat of reporting a person as illegally present in the country for something of value or to perform an action to blackmail crimes.

Oregon SB 839 (2009)

Includes a victim of human trafficking as a person eligible for Address Confidentiality Program.

Rhode Island HB 5350 (2009)

This act would provide services and protections to victims of human trafficking.

South Carolina SB 1079 (§14-43.11) (2007)

Provides that illegal residents of the state are eligible for public benefits if they are victims of human trafficking as defined.

Texas HB 1121 (Code of Crim. Pro. §42.0191 et seq) (2007)

Provides for services and protection for victims of human trafficking.

Texas HB 1751 (Govt. Code §420.008) (2007)

Provides that monies collected from a fee imposed on sexually oriented business be used for prosecution and victim services related to human trafficking.

Texas HB 4009 (2009)

Establishes a victim assistance program to provide services to domestic victims of sex trafficking.

Washington SB 5127 (Chapter 358) (2005)

Improves services to victims of human trafficking by requiring the Director of the Office of Community Development to convene a work group to develop written protocols for service delivery to victims of trafficking. The work group will include other state agencies and will develop protocols for policies and procedures for interagency coordinated operations. A database will be established which is available to all affected agencies, listing services to victims of human trafficking. This workgroup will submit the final written protocols with a report to the legislature and the Governor by January 1, 2006.

Washington SB 6339 (2008)

Provides for address confidentiality of victims of trafficking.

Washington SB 5850 (2009)

Protects workers from human trafficking violations; requires domestic employers of foreign workers and international labor recruitment agencies to disclose certain information to foreign workers who have been referred to or hired by an employer in the state; requires persons licensed to practice medicine in this state to take a one-time course on human trafficking that teaches methods of recognizing victims of human trafficking.

Laws that prohibit destruction, concealment, removal or possession of any false passport, immigration or other government document

Arizona SB 1281 (2009) (*See* also Penalty section)

Prohibits destruction of a person's identification, passport, government document or immigration document.

Hawaii HB 1912 (2008)

Prohibit destruction, concealment, removal or possession of any false passport, immigration or other government document.

Kansas SB 353 (2010)

Concerns trafficking; relates to coercing employment through force or fraud; concerns peonage, aggravated human trafficking of minors and involuntary servitude; provides for forfeiture; includes knowingly destroying, concealing, removing, confiscating or possessing any actual or purported government identification document of another person; provides for privacy of addresses.

Maryland HB 283 (2010)

This bill adds certain sexual coercive activity to existing human trafficking laws. Prohibits a person from knowingly engaging in a device, scheme, or continuing course of conduct intended to cause another to believe that if the other does not take part in a sexually explicit performance the other or a third person would suffer physical restraint or serious physical harm or from destroying, concealing, removing, confiscating, or possessing an actual or purported passport, immigration document, or government identification document of the other while doing so.

Maryland HB 65 (2010)

Requiring an international marriage broker to provide specified information to a recruit; requiring a client of an international marriage broker to provide specified information to the international marriage broker and to affirm that specified information is accurate and complete; requiring an international marriage broker to conduct a specified criminal history records check; prohibiting an international marriage broker from providing specified information to a specified client.

Maryland SB 542 (2010)

Requires the Department of Labor, Licensing, and Regulation to design a sign that contains specified information regarding the National Human Trafficking Resource Center Hotline; requiring the sign to meet specified requirements and be placed on the Department's website; requiring a lodging establishment to post a specified sign if the lodging establishment is located on property where arrests leading to conviction for prostitution, solicitation of a minor, or human trafficking have occurred.

Michigan HB 5748 (§750.451 et seq.) (2006) (*See* also Penalty section)

Forbids forced labor or services by threatening the destruction of immigration documents, and increases penalties for human trafficking.

North Carolina HB 1896 (2006) (*See* also Penalty section)

Includes in the definition of trafficking, threatening to destroy, conceal, remove, confiscate, or possess any actual or purported passport or other immigration document or any other actual or purported government identification document of another person.

Virginia HB 2016 (2009) (*See* also Penalty section)

Redefines intimidation to include withholding a person's passport or like documents.

Virginia SB 815 and SB 2212 (2007)

Provides that any person knowingly destroys, conceals, removes, confiscates, withholds or threatens to withhold, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person is guilty of a Class 5 felony.

Laws that establish extortion if threats to report immigration status**Colorado SB 004 and 005** (2006)

Makes threatening the destruction of immigration or work documents or threatening the notification of law enforcement officials of undocumented status in order to force a person into labor or services, with or without compensation, a Class 6 felony.

Virginia SB 291 (2006)

Makes the act of threatening an individual with reporting illegal status to officials for the purposes of extorting money a class 5 felony.

Miscellaneous**Colorado HB 1326 (§16-22-108)** (2007)

Requires those convicted of trafficking in children as defined to register their email address and any online identifier with the state.

Connecticut H 5030 (2010)

Concerns the forfeiture of money and property related to child sexual exploitation and human trafficking, the possession of child pornography and the siting of residential sexual offender treatment facilities.

Illinois HB 1299 (735 ILCS 5/13-225) (2006)

Creates the Predator Accountability Act which establishes a cause of action against a person who: (i) coerced an individual into prostitution; (ii) coerced an individual to remain in prostitution; (iii) used coercion to collect or receive any of an individual's earnings derived from prostitution; or (iv) advertised or published advertisements for purposes of recruitment into prostitution.

Indiana HB 1386 (§11-8-8-5 et seq.) (2007)

Allows those convicted of crimes related to human trafficking to be classified as a sex offender who may be required to register.

Louisiana SB 56 (2010)

Provides for the seizure and impoundment of the personal property used in the commission of cyberstalking, human trafficking, trafficking of children for sexual purposes, felony carnal knowledge of a juvenile, indecent behavior with juveniles, pornography involving juveniles, molestation of a juvenile, computer-aided solicitation of a minor, and enticing persons into prostitution; provides for public sale of the property and for exemptions; provides penalty for falsifying information to exempt property.

Maryland HB 1322 (2010)

Requires the Department of Labor, Licensing, and Regulation to design a sign that contains information regarding the National Human Trafficking Resource Center Hotline that meets certain requirements and to be placed on the department's website; requires a lodging establishment to post a certain sign in certain places if certain conditions are met; provides a penalty for the violation of provisions of this act.

Missouri HB 353 (Section 566.200 – 566.223) (2005)

Addresses human trafficking by establishing requirements for international matchmaking organizations.

North Carolina HB 1403 (2010)

Requires that a DNA sample be taken from any person arrested for committing murder, manslaughter, kidnapping, abduction, human trafficking, burglary, and various sex and stalking offenses including cyberstalking; amends the statutes that provide for a DNA sample upon conviction; provides funding for the DNA database and databank.

Oregon HB 3623 a (2010)

Requires Oregon Liquor Control Commission to include informational materials regarding human trafficking with certain on-premises sales, off-premises sales or brewery-public house licensee renewal notices, if materials are supplied by nonprofit organization; applies to license renewal notices that commission sends before January 1, 2012; declares emergency, effective on passage.

Rhode Island HB 7027 (2010)

(Resolution) Proclaims the month of January 2010 to be National Slavery and Human Trafficking Prevention Month" in the state of Rhode Island.

Tennessee SB 3267 (2010)

Requires reports of child abuse to include, to the extent known by the reporter, the name, address, telephone number and age of the child and the person responsible for their care; relates to reports of alleged human trafficking or child pornography and investigation of severe child abuse; requires any school official, personnel, or member of a board of education who is aware of employee misconduct involving child abuse to immediately notify the Department of Children's Services or other specified entities. If the department receives information containing references to alleged human trafficking or child pornography which does or does not result in an investigation by the department, the

department shall notify the appropriate law enforcement agency immediately upon receipt of such information.

Texas HB 533 (2009)

Provides that it is not a defense to civil liability for trafficking of persons that a defendant has been acquitted or has not been prosecuted or convicted or has been convicted of a different offense.

Texas SB 11 & SCR 90 (Penal Code § 20A.01) (2007)

Provides additional language to the definition of human trafficking.

Virginia HB 1113 (2010)

Requires that a vehicle knowingly used by the owner or another with the owner's knowledge during the commission of any felony abduction offense or pandering when the prostitute is a minor shall be seized by the arresting law-enforcement officer and forfeited to the Commonwealth.

Washington SB 6330 (2010)

Permits the placement of human trafficking informational posters in rest areas; provides the posters may be in a variety of languages and include toll-free telephone numbers a person may call for assistance, including the number for national human trafficking resource center and the number for the state Office of Crime Victims Advocacy.

Washington SB 6332 (2010)

Modifies human trafficking provisions relating to the definition of foreign worker, furnishing disclosure statements and informational pamphlets, and liability of an international labor recruitment agency; requires the Department of Labor and Industries to integrate into existing posters and brochures, information on assisting victims of human trafficking.

APPENDIX B

Code of Virginia Statutes Related to Human Trafficking

A list of *Code of Virginia* sections that could apply to human trafficking offenses is provided below. Some statutes closely define human trafficking as it is currently defined in federal law. Other statutes contain offenses that may exist in association with human trafficking.

One activity for DCJS and the Office of the Attorney General may be to help identify which current Virginia statutes and common law are “actionable” for prosecuting human trafficking. One resource DCJS may help develop is a guide for law enforcement and Commonwealth’s Attorneys that specifies statutes and law applicable to human trafficking.

§ 18.2-47. Abduction and kidnapping defined; punishment.

B. Any person who, by force, intimidation or deception, and without legal justification or excuse, **seizes, takes, transports, detains or secretes another person with the intent to subject him to forced labor or services** shall be deemed guilty of "abduction." For purposes of this subsection, the term "intimidation" shall include **destroying, concealing, confiscating, withholding, or threatening to withhold a passport, immigration document, or other governmental identification or threatening to report another as being illegally present in the United States.**

§ 18.2-48. Abduction with intent to extort money or for immoral purpose.

Abduction (i) with the intent to extort money or pecuniary benefit, (ii) of any person with intent to defile such person, or (iii) of any child under sixteen years of age for the purpose of concubinage or prostitution, shall be a Class 2 felony. If the sentence imposed for a violation of (ii) or (iii) includes a term of confinement less than life imprisonment, the judge shall impose, in addition to any active sentence, a suspended sentence of no less than 40 years. This suspended sentence shall be suspended for the remainder of the defendant's life subject to revocation by the court.

Note: HB 1898 (2011) amended 18.2-48 as follows:

Abduction (i) **of any person** with the intent to extort money or pecuniary benefit, (ii) of any person with intent to defile such person, ~~or~~ (iii) of any child under sixteen years of age for the purpose of concubinage ~~or~~, **(iv) of any person for the purpose of prostitution, or (v) of any minor for the purpose of manufacturing child pornography** shall be **punishable as** a Class 2 felony. If the sentence imposed for a violation of (ii) ~~or~~, **(iii), (iv), or (v)** includes a term of confinement less than life imprisonment, the judge shall impose, in addition to any active sentence, a suspended sentence of no less than 40 years. This suspended sentence shall be

suspended for the remainder of the defendant's life subject to revocation by the court.

§ 18.2-49. Threatening, attempting or assisting in such abduction.

Any person who (1) threatens, or attempts, to abduct any other person with intent to extort money, or pecuniary benefit, or (2) assists or aids in the abduction of, or threatens to abduct, any person with the intent to defile such person, or (3) assists or aids in the abduction of, or threatens to abduct, any female under sixteen years of age for the purpose of concubinage or prostitution, shall be guilty of a Class 5 felony.

§ 18.2-59. Extortion of money, property or pecuniary benefit.

Any person who (i) threatens injury to the character, person, or property of another person, (ii) accuses him of any offense, (iii) threatens to report him as being illegally present in the United States, or (iv) knowingly destroys, conceals, removes, confiscates, withholds or threatens to withhold, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person, and thereby extorts money, property, or pecuniary benefit or any note, bond, or other evidence of debt from him or any other person, is guilty of a Class 5 felony.

§ 18.2-168. Forging public records, etc.

If any person forge a public record, or certificate, return, or attestation, of any public officer or public employee, in relation to any matter wherein such certificate, return, or attestation may be received as legal proof, or utter, or attempt to employ as true, such forged record, certificate, return, or attestation, knowing the same to be forged, he shall be guilty of a Class 4 felony.

§ 18.2-348. Aiding prostitution or illicit sexual intercourse.

It shall be unlawful for any person or any officer, employee or agent of any firm, association or corporation, with knowledge of, or good reason to believe, the immoral purpose of such visit, to take or transport or assist in taking or transporting, or offer to take or transport on foot or in any way, any person to a place, whether within or without any building or structure, used or to be used for the purpose of lewdness, assignation or prostitution within this Commonwealth; or procure or assist in procuring for the purpose of illicit sexual intercourse, or any act violative of § 18.2-361, or to give any information or direction to any person with intent to enable such person to commit an act of prostitution.

§ 18.2-349. Using vehicles to promote prostitution or unlawful sexual intercourse.

It shall be unlawful for any owner or chauffeur of any vehicle, with knowledge or reason to believe the same is to be used for such purpose, to use the same or to allow the same to be used for the purpose of prostitution or unlawful sexual

intercourse, or to aid or promote such prostitution or unlawful sexual intercourse by the use of any such vehicle.

§ 18.2-355. Taking, detaining, etc., person for prostitution, etc., or consenting thereto.

Any person who:

- (1) For purposes of prostitution or unlawful sexual intercourse, takes any person into, or persuades, encourages or causes any person to enter, a bawdy place, or takes or causes such person to be taken to any place against his or her will for such purposes; or,
- (2) Takes or detains a person against his or her will with the intent to compel such person, by force, threats, persuasions, menace or duress, to marry him or her or to marry any other person, or to be defiled; or,
- (3) Being parent, guardian, legal custodian or one standing in loco parentis of a person, consents to such person being taken or detained by any person for the purpose of prostitution or unlawful sexual intercourse; is guilty of pandering, and shall be guilty of a Class 4 felony.

§ 18.2-356. Receiving money for procuring person.

Any person who shall receive any money or other valuable thing for or on account of procuring for or placing in a house of prostitution or elsewhere any person for the purpose of causing such person to engage in unlawful sexual intercourse or any act in violation of § [18.2-361](#) shall be guilty of a Class 4 felony.

Note: HB 1898 (2011) amended 18.2-356 as follows:

Any person who ~~shall receive~~ *receives* any money or other valuable thing for or on account of *(i)* procuring for or placing in a house of prostitution or elsewhere any person for the purpose of causing such person to engage in unlawful sexual intercourse or any act in violation of § [18.2-361](#) *or (ii) causing any person to engage in forced labor or services, concubinage, prostitution, or the manufacture of any obscene material or child pornography* shall be guilty of a Class 4 felony.

§ 18.2-357. Receiving money from earnings of male or female prostitute.

Any person who shall knowingly receive any money or other valuable thing from the earnings of any male or female engaged in prostitution, except for a consideration deemed good and valuable in law, shall be guilty of pandering, punishable as a Class 4 felony.

§ 18.2-359. Venue for criminal sexual assault or where any person transported for criminal sexual assault, attempted criminal sexual assault, or purposes of unlawful sexual intercourse, crimes against nature, and indecent liberties with children.

A. Any person transporting or attempting to transport through or across this Commonwealth, any person for the purposes of unlawful sexual intercourse or prostitution, or for the purpose of committing any crime specified in § [18.2-361](#) or § [18.2-370](#), or for the purposes of committing or attempting to commit criminal sexual assault under Article 7 (§ [18.2-61](#) et seq.) of Chapter 4 of this title, may be presented, indicted, tried, and convicted in any county or city in which any part of such transportation occurred.

§ 18.2-370. Taking indecent liberties with children; penalties.

A. Any person 18 years of age or over, who, with lascivious intent, knowingly and intentionally commits any of the following acts with any child under the age of 15 years is guilty of a Class 5 felony:

B. Any person 18 years of age or over who, with lascivious intent, knowingly and intentionally receives money, property, or any other remuneration for allowing, encouraging, or enticing any person under the age of 18 years to perform in or be a subject of sexually explicit visual material as defined in § [18.2-374.1](#) or who knowingly encourages such person to perform in or be a subject of sexually explicit material; shall be guilty of a Class 5 felony.

C. Any person who is convicted of a second or subsequent violation of this section shall be guilty of a Class 4 felony; provided that (i) the offenses were not part of a common act, transaction or scheme; (ii) the accused was at liberty as defined in § [53.1-151](#) between each conviction; and (iii) it is admitted, or found by the jury or judge before whom the person is tried, that the accused was previously convicted of a violation of this section.

§ 18.2-370.1. Taking indecent liberties with child by person in custodial or supervisory relationship; penalties.

A. Any person 18 years of age or older who, except as provided in § [18.2-370](#), maintains a custodial or supervisory relationship over a child under the age of 18 and is not legally married to such child and such child is not emancipated who, with lascivious intent, knowingly and intentionally (i) proposes that any such child feel or fondle the sexual or genital parts of such person or that such person feel or handle the sexual or genital parts of the child; or (ii) proposes to such child the performance of an act of sexual intercourse or any act constituting an offense under § [18.2-361](#); or (iii) exposes his or her sexual or genital parts to such child; or (iv) proposes that any such child expose his or her sexual or genital parts to such person; or (v) proposes to the child that the child engage in sexual intercourse, sodomy or fondling of sexual or genital parts with another person; or (vi) sexually abuses the child as defined in § [18.2-67.10](#) (6), shall be guilty of a Class 6 felony.

§ 18.2-374.1. Production, publication, sale, financing, etc., of child pornography; presumption as to age; severability.

B. A person shall be guilty of production of child pornography who:

1. Accosts, entices or solicits a person less than 18 years of age with intent to induce or force such person to perform in or be a subject of child pornography;

§ 18.2-374.1:1. Possession, reproduction, distribution, and facilitation of child pornography; penalty.

A. Any person who knowingly possesses child pornography is guilty of a Class 6 felony.

B. Any person who commits a second or subsequent violation of subsection A is guilty of a Class 5 felony.

C. Any person who reproduces by any means, including by computer, sells, gives away, distributes, electronically transmits, displays with lascivious intent, purchases, or possesses with intent to sell, give away, distribute, transmit, or display child pornography with lascivious intent shall be punished by not less than five years nor more than 20 years in a state correctional facility. Any person who commits a second or subsequent violation under this subsection shall be punished by a term of imprisonment of not less than five years nor more than 20 years in a state correctional facility, five years of which shall be a mandatory minimum term of imprisonment.

§ 18.2-374.3. Use of communications systems to facilitate certain offenses involving children.

B. It shall be unlawful for any person to use a communications system, including but not limited to computers or computer networks or bulletin boards, or any other electronic means for the purposes of procuring or promoting the use of a minor for any activity in violation of § [18.2-370](#) or § [18.2-374.1](#). A violation of this subsection is a Class 6 felony.

C. It shall be unlawful for any person 18 years of age or older to use a communications system, including but not limited to computers or computer networks or bulletin boards, or any other electronic means, for the purposes of soliciting, with lascivious intent, any person he knows or has reason to believe is a child less than 15 years of age to knowingly and intentionally:

Virginia Racketeer Influenced and Corrupt Organization (RICO) Act

For violations of statutes listed above that also are included as “Racketeering activity” under Virginia’s RICO Act, prosecutors may have access to additional sanctions, such as property forfeiture. Relevant RICO statutes are listed below. Statutes included as “Racketeering activity” that are related to human trafficking are highlighted in the definition.

§ 18.2-513. Definitions.

"Racketeering activity" means to commit, attempt to commit, conspire to commit, or to solicit, coerce, or intimidate another person to commit two or more of the following offenses: Article 2.1 (§ [18.2-46.1](#) et seq.) of Chapter 4 of this title, § [18.2-460](#); a felony offense of §§ [3.2-4212](#), [3.2-4219](#), [10.1-1455](#), [18.2-31](#), [18.2-32](#), [18.2-32.1](#), [18.2-33](#), [18.2-35](#), Article 2.2 (§ [18.2-46.4](#) et seq.) of Chapter 4 of this title, §§ [18.2-47](#), [18.2-48](#), [18.2-48.1](#), [18.2-49](#), [18.2-51](#), [18.2-51.2](#), [18.2-52](#), [18.2-53](#), [18.2-55](#), [18.2-58](#), [18.2-59](#), [18.2-77](#), [18.2-79](#), [18.2-80](#), [18.2-89](#), [18.2-90](#), [18.2-91](#), [18.2-92](#), [18.2-93](#), [18.2-95](#), Article 4 (§ [18.2-111](#) et seq.) of Chapter 5 of this title, Article 1 (§ [18.2-168](#) et seq.) of Chapter 6 of this title, §§ [18.2-178](#), [18.2-186](#), Article 6 (§ [18.2-191](#) et seq.) of Chapter 6 of this title, Article 9 (§ [18.2-246.1](#) et seq.) of Chapter 6 of this title, § [18.2-246.13](#), Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of this title, §§ [18.2-279](#), [18.2-286.1](#), [18.2-289](#), [18.2-300](#), [18.2-308.2](#), [18.2-308.2:1](#), [18.2-328](#), [18.2-348](#), [18.2-355](#), [18.2-356](#), [18.2-357](#), [18.2-368](#), [18.2-369](#), [18.2-374.1](#), Article 8 (§ [18.2-433.1](#) et seq.) of Chapter 9 of this title, Article 1 (§ [18.2-434](#) et seq.) of Chapter 10 of this title, Article 2 (§ [18.2-438](#) et seq.) of Chapter 10 of this title, Article 3 (§ [18.2-446](#) et seq.) of Chapter 10 of this title, Article 1.1 (§ [18.2-498.1](#) et seq.) of Chapter 12 of this title, § [3.2-6571](#), [18.2-516](#), [32.1-314](#), [58.1-1008.2](#), or [58.1-1017](#); or any substantially similar offenses under the laws of any other state, the District of Columbia, the United States or its territories.

§ 18.2-514. Racketeering offenses.

A. It shall be unlawful for an enterprise, or for any person who occupies a position of organizer, supervisor, or manager of an enterprise, to receive any proceeds known to have been derived directly from racketeering activity and to use or invest an aggregate of \$10,000 or more of such proceeds in the acquisition of any title to, or any right, interest, or equity in, real property, or in the establishment or operation of any enterprise.

B. It shall be unlawful for any enterprise, or for any person who occupies a position of organizer, supervisor, or manager of an enterprise, to directly acquire or maintain any interest in or control of any enterprise or real property through racketeering activity.

C. It shall be unlawful for any person employed by, or associated with, any enterprise to conduct or participate, directly or indirectly, in such enterprise through racketeering activity.

§ 18.2-515. Criminal penalties; forfeiture.

A. Any person or enterprise convicted of engaging in activity in violation of the provisions of § [18.2-514](#) is guilty of a felony punishable by imprisonment for not less than five years nor more than 40 years and a fine of not more than \$1 million.

A second or subsequent offense shall be punishable as a Class 2 felony and a fine of not more than \$2 million.

The court may order any such person or enterprise to be divested of any interest in any enterprise or real property identified in § [18.2-514](#); order the dissolution or reorganization of such enterprise; and order the suspension or revocation of any license, permit, or prior approval granted to such enterprise or person by any agency of the Commonwealth or political subdivision thereof.

B. All property, real or personal, including money, used in substantial connection with, intended for use in the course of, or traceable to, conduct in violation of any provision of § [18.2-514](#) is subject to civil forfeiture to the Commonwealth. The forfeiture proceeding shall be conducted pursuant to the provisions of Chapter 22.1 (§ [19.2-386.1](#) et seq.) of Title 19.2.

§ 18.2-517. Venue for prosecution.

For the purposes of venue, any violation of this chapter shall be considered to have been committed in any county or city:

1. In which any act was performed in furtherance of any course of conduct that violates this chapter;
2. That is the principal place of the enterprise in the Commonwealth;
3. In which any offender had control or possession of any proceeds of a violation of this chapter, or of any records, or any other material or objects, which were used in furtherance of a violation;
4. In which any offender resides; or
5. Any place of venue under Article 2 (§ [19.2-244](#) et seq.) of Chapter 15 of Title 19.2.

Additional Property Forfeiture Statutes

The statutes below, separate from RICO, provide for the forfeiture of assets in cases involving the solicitation and exploitation of children, which often occurs in human trafficking cases.

§ 19.2-386.31. Seizure and forfeiture of property used in connection with the exploitation and solicitation of children.

All audio and visual equipment, electronic equipment, devices and other personal property used in connection with the possession, production, distribution, publication, sale, possession with intent to distribute or making of child pornography that constitutes a violation of § [18.2-374.1](#) or [18.2-374.1:1](#), or in connection with the solicitation of a person less than 18 years of age that

constitutes a violation of § [18.2-374.3](#) shall be subject to lawful seizure by a law-enforcement officer and shall be subject to forfeiture to the Commonwealth pursuant to Chapter 22 (§ [19.2-369](#) et seq.) of this title by order of the court in which a conviction under § [18.2-374.1](#), [18.2-374.1:1](#), or [18.2-374.3](#) is obtained.

§ 19.2-386.16. Forfeiture of motor vehicles used in commission of certain crimes.

A. Any vehicle knowingly used by the owner thereof or used by another with his knowledge of and during the commission of, or in an attempt to commit, a second or subsequent offense of §§ [18.2-346](#), [18.2-347](#), [18.2-348](#), [18.2-349](#), [18.2-355](#), [18.2-356](#) or § [18.2-357](#)

APPENDIX C

Federal Statutes Related to Human Trafficking

Reports from other states indicate that one effective strategy for attacking human trafficking is for states to refer these cases for federal prosecution. The Trafficking Victims Protection Act (TVPA) of 2000 (and subsequent reauthorizations) defines and criminalizes human trafficking more specifically than the laws of many states, including Virginia law. One strategy for Virginia may be to refer some human trafficking cases to federal officials for prosecution. A summary of relevant federal laws would be a good resource for Virginia officials when making this determination.

18 U.S.C. § 1581 (Peonage)

(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

(b) Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be liable to the penalties prescribed in subsection (a).

18 U.S.C. § 1584 (Involuntary Servitude)

(a) Whoever knowingly and willfully holds to involuntary servitude or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

(b) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties described in subsection (a).

18 U.S.C. § 1589 (Forced Labor)

(a) Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means—

(1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;

(2) by means of serious harm or threats of serious harm to that person or another person;

(3) by means of the abuse or threatened abuse of law or legal process; or

(4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint,

shall be punished as provided under subsection (d).

(b) Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in the providing or obtaining of labor or services by any of the means described in subsection (a), knowing or in reckless disregard of the fact that the venture has engaged in the providing or obtaining of labor or services by any of such means, shall be punished as provided in subsection (d).

(c) In this section:

(1) The term “abuse or threatened abuse of law or legal process” means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(2) The term “serious harm” means 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.

(d) Whoever violates this section shall be fined under this title, imprisoned not more than 20 years, or both. If death results from a violation of this section, or if the violation includes kidnapping, an attempt to kidnap, aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title, imprisoned for any term of years or life, or both.

18 U.S.C. § 1590 (Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor)

(a) Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter shall be fined under this title or imprisoned not more than 20 years, or both. If death results

from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

(b) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties under subsection (a).

18 U.S.C. § 1591 (Sex Trafficking of Children or by Force, Fraud, or Coercion)

(a) Whoever knowingly—

(1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, obtains, or maintains by any means a person; or

(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1),

knowing, or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or any combination of such means will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

(b) The punishment for an offense under subsection (a) is—

(1) if the offense was effected by means of force, threats of force, fraud, or coercion described in subsection (e)(2), or by any combination of such means, or if the person recruited, enticed, harbored, transported, provided, or obtained had not attained the age of 14 years at the time of such offense, by a fine under this title and imprisonment for any term of years not less than 15 or for life; or

(2) if the offense was not so effected, and the person recruited, enticed, harbored, transported, provided, or obtained had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title and imprisonment for not less than 10 years or for life.

(c) In a prosecution under subsection (a)(1) in which the defendant had a reasonable opportunity to observe the person so recruited, enticed, harbored, transported, provided, obtained or maintained, the Government need not prove that the defendant knew that the person had not attained the age of 18 years.

(d) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be fined under this title, imprisoned for a term not to exceed 20 years, or both.

(e) In this section:

(1) The term “abuse or threatened abuse of law or legal process” means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(2) The term “coercion” means—

(A) threats of serious harm to or physical restraint against any person;

(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

(C) the abuse or threatened abuse of law or the legal process.

(3) The term “commercial sex act” means any sex act, on account of which anything of value is given to or received by any person.

(4) The term “serious harm” means 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 commercial sexual activity in order to avoid incurring that harm.

(5) The term “venture” means any group of two or more individuals associated in fact, whether or not a legal entity.

18 U.S.C. § 1592 (Unlawful Conduct with Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor)

(a) Whoever knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person—

(1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, 1591, or 1594 (a);

(2) with intent to violate section 1581, 1583, 1584, 1589, 1590, or 1591; or

(3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000,

shall be fined under this title or imprisoned for not more than 5 years, or both.

(b) Subsection (a) does not apply to the conduct of a person who is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, if that conduct is caused by, or incident to, that trafficking.

(c) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties described in subsection (a).

18 U.S.C. § 1593 (Mandatory Restitution)

(a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.

(b)

(1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses, as determined by the court under paragraph (3) of this subsection.

(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

(3) As used in this subsection, the term "full amount of the victim's losses" has the same meaning as provided in section 2259 (b)(3) and shall in addition include the greater of the gross income or value to the defendant of the victim's services or labor or the value of the victim's labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act (29 U.S.C. 201 et seq.).

(4) The forfeiture of property under this subsection shall be governed by the provisions of section 413 (other than subsection (d) of such section) of the Controlled Substances Act (21 U.S.C. 853).

(c) As used in this section, the term "victim" means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the

victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.

§ 1593A. Benefitting financially from peonage, slavery, and trafficking in persons

Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in any act in violation of section 1581 (a), 1592, or 1595 (a), knowing or in reckless disregard of the fact that the venture has engaged in such violation, shall be fined under this title or imprisoned in the same manner as a completed violation of such section.

18 U.S.C. § 1594 (Attempt and Forfeiture)

(a) Whoever attempts to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.

(b) Whoever conspires with another to violate section 1581, 1583, 1589, 1590, or 1592 shall be punished in the same manner as a completed violation of such section.

(c) Whoever conspires with another to violate section 1591 shall be fined under this title, imprisoned for any term of years or for life, or both.

(d) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

(1) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

(2) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

(e)

(1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(A) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

(B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.

(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.

(f) Witness Protection.— Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection).

18 U.S.C. § 1595 (Private Right of Action)

(a) An individual who is a victim of a violation of this chapter may bring a civil action against the perpetrator (or whoever knowingly benefits, financially or by receiving anything of value from participation in a venture which that person knew or should have known has engaged in an act in violation of this chapter) in an appropriate district court of the United States and may recover damages and reasonable attorneys fees.

(b)

(1) Any civil action filed under this section shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

(2) In this subsection, a “criminal action” includes investigation and prosecution and is pending until final adjudication in the trial court.

(c) No action may be maintained under this section unless it is commenced not later than 10 years after the cause of action arose.

18 U.S.C. § 2423 (Transportation of Minors into Prostitution)

(a) Transportation With Intent To Engage in Criminal Sexual Activity.— A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, shall be fined under this title and imprisoned not less than 10 years or for life.

(b) Travel With Intent To Engage in Illicit Sexual Conduct.— A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

(c) Engaging in Illicit Sexual Conduct in Foreign Places.— Any United States citizen or alien admitted for permanent residence who travels in foreign

commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

(d) Ancillary Offenses.— Whoever, for the purpose of commercial advantage or private financial gain, arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

(e) Attempt and Conspiracy.— Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of that subsection.

(f) Definition.— As used in this section, the term “illicit sexual conduct” means

(1) a sexual act (as defined in section 2246) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or

(2) any commercial sex act (as defined in section 1591) with a person under 18 years of age.

(g) Defense.— In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.

22 U.S.C. § 7102 (Definitions)

In this chapter:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives.

(2) Coercion

The term “coercion” means—

(A) threats of serious harm to or physical restraint against any person;

(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

(C) the abuse or threatened abuse of the legal process.

(3) Commercial sex act

The term “commercial sex act” means any sex act on account of which anything of value is given to or received by any person.

(4) Debt bondage

The term “debt bondage” means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her 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.

(5) Involuntary servitude

The term “involuntary servitude” includes a condition of servitude induced by means of—

(A) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or

(B) the abuse or threatened abuse of the legal process.

(6) Minimum standards for the elimination of trafficking

The term “minimum standards for the elimination of trafficking” means the standards set forth in section 7106 of this title.

(7) Nonhumanitarian, nontrade-related foreign assistance

The term “nonhumanitarian, nontrade-related foreign assistance” means—

(A) any assistance under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], other than—

(i) assistance under chapter 4 of part II of that Act [22 U.S.C. 2346 et seq.] in support of programs of nongovernmental organizations that is made available for any program, project, or activity eligible for assistance under chapter 1 of part I of that Act [22 U.S.C. 2151 et seq.];

(ii) assistance under chapter 8 of part I of that Act [22 U.S.C. 2291 et seq.];

(iii) any other narcotics-related assistance under part I of that Act [22 U.S.C. 2151 et seq.] or under chapter 4 or 5 [1 part II of that Act [22 U.S.C. 2346 et seq., 2347 et seq.], but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to

reprogrammings pursuant to section 634A of that Act [22 U.S.C. 2394–1];

(iv) disaster relief assistance, including any assistance under chapter 9 of part I of that Act [22 U.S.C. 2292 et seq.];

(v) antiterrorism assistance under chapter 8 of part II of that Act [22 U.S.C. 2349aa et seq.];

(vi) assistance for refugees;

(vii) humanitarian and other development assistance in support of programs of nongovernmental organizations under chapters 1 and 10 [2] of that Act;

(viii) programs under title IV of chapter 2 of part I of that Act [22 U.S.C. 2191 et seq.], relating to the Overseas Private Investment Corporation; and

(ix) other programs involving trade-related or humanitarian assistance; and

(B) sales, or financing on any terms, under the Arms Export Control Act [22 U.S.C. 2751 et seq.], other than sales or financing provided for narcotics-related purposes following notification in accordance with the prior notification procedures applicable to reprogrammings pursuant to section 634A of the Foreign Assistance Act of 1961 [22 U.S.C. 2394–1].

(8) Severe forms of trafficking in persons

The term “severe forms of trafficking in persons” means—

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(9) Sex trafficking

The term “sex trafficking” means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

(10) State

The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the

Northern Mariana Islands, and territories and possessions of the United States.

(11) Task Force

The term “Task Force” means the Interagency Task Force to Monitor and Combat Trafficking established under section 7103 of this title.

(12) United States

The term “United States” means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

(13) Victim of a severe form of trafficking

The term “victim of a severe form of trafficking” means a person subject to an act or practice described in paragraph (8).

(14) Victim of trafficking

The term “victim of trafficking” means a person subjected to an act or practice described in paragraph (8) or (9).

APPENDIX D

Combating Human Trafficking Resources for Law Enforcement and Prosecution

This resources listed below could be content for a of list of resources that DCJS puts on a Human Trafficking section of its website to advise law enforcement and Commonwealth's Attorneys.

Resources for Law Enforcement

Source: Department of Health and Human Services

IDENTIFYING THE CRIME OF HUMAN TRAFFICKING

Contains things law enforcement officers should consider when dealing with victims of trafficking

THE MINDSET OF A HUMAN TRAFFICKING VICTIM

Highlights challenges a law enforcement officer may encounter when interacting with potential human trafficking victims

SCREENING TOOL FOR VICTIMS OF HUMAN TRAFFICKING

Contains key questions law enforcement officers should consider asking to determine whether someone is a victim of human trafficking

MESSAGES FOR COMMUNICATING WITH VICTIMS OF HUMAN TRAFFICKING

Contains strategic word choice and usage geared to establish trust between law enforcement officers trafficking victims

LAW ENFORCEMENT POCKET CARD

Contains signs for identifying victims of human trafficking

Source: International Association of Police Chiefs

THREE-PART ROLL CALL TRAINING VIDEO - THE CRIME OF HUMAN TRAFFICKING: A LAW ENFORCEMENT GUIDE

Segment One: Defining the Crime (9 min, 46 sec)

Segment Two: Identifying and Responding (10 min, 13 sec)

Segment Three: Investigating and Interviewing (9 min, 23 sec)

Source: US Department of Justice, OVC and BJA

ANTI-HUMAN TRAFFICKING TASK FORCE STRATEGY AND OPERATIONS E-GUIDE

On-line, continuously updated guide on developing and operating s Human Trafficking Task Force. Contains following segments:

1. Promising Practices
2. Understanding Human Trafficking
3. Laws and Legislation
4. Forming a Task Force
5. Task Force Operations
6. Collaboration
7. Victim-Centered Response
8. Resources for Prosecutors
9. Resource Index

Source: The National Immigrant Victims Access to Justice Partnership

TOOL KIT FOR LAW ENFORCEMENT USE OF THE U-VISA

The U-visa encourages immigrant victims to report criminal activity by protecting them against deportation

Source: US Department of Justice

UNDERSTANDING AND IMPROVING LAW ENFORCEMENT RESPONSES TO HUMAN TRAFFICKING: FINAL REPORT

Detailed report on national survey of law enforcement agencies about their responses to human trafficking

Source: Unknown

LOOKING BENEATH THE SURFACE: ROLE OF LAW ENFORCEMENT OFFICERS IN IDENTIFYING AND HELPING VICTIMS OF HUMAN TRAFFICKING

PowerPoint presentation with information for law enforcement on how to identify and respond to trafficking victims

Resources for Commonwealth's Attorneys

Source: US Department of Justice, National Institute of Justice

PROSECUTING HUMAN TRAFFICKING: LESSONS LEARNED AND PROMISING PRACTICES

CIVIL LITIGATION ON BEHALF OF VICTIMS OF HUMAN TRAFFICKING

Introduces attorneys representing trafficked clients to basic litigation tools for trafficking civil cases

Source: US Conference of Catholic Bishops' Migration and the Legal Aid
Foundation of Los Angeles

A GUIDE FOR LEGAL ADVOCATES PROVIDING SERVICES
TO VICTIMS OF HUMAN TRAFFICKING

Very extensive guide on legal issues and services concerning human trafficking