

2009 -- H 5661 SUBSTITUTE B

LC01936/SUB B

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO CRIMINAL OFFENSES - TRAFFICKING OF PERSONS AND INVOLUNTARY SERVITUDE

Introduced By: Representatives Giannini, DaSilva, Corvese, Petrarca, and Gablinske

Date Introduced: February 25, 2009

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Section 11-67-2 of the General Laws in Chapter 11-67 entitled "Trafficking
- 2 of Persons and Involuntary Servitude" is hereby amended to read as follows:
- 3 **11-67-2. Involuntary servitude.** -- (a) Whoever knowingly subjects, attempts to subject,
- 4 or engages in a conspiracy to subject another person to forced labor ~~in order to commit a~~ or
- 5 commercial sexual activity either by:
- 6 (1) Causing or threatening to cause physical harm to any person;
- 7 (2) Physically restraining or threatening to physically restrain another person;
- 8 (3) Abusing or threatening to abuse the law or legal process;
- 9 (4) Knowingly destroying, concealing, removing, confiscating or possessing without that
- 10 person's consent any actual or purported passport or other immigration document, or any other
- 11 actual or purported government identification document, of another person; or
- 12 (5) By using intimidation; shall be guilty of a felony and subject to not more than twenty
- 13 (20) years imprisonment or a fine of not more than twenty thousand dollars (\$20,000) or both.
- 14 ~~(b) In cases involving a minor between the ages of seventeen (17) and eighteen (18)~~
- 15 ~~years, the defendant is guilty of a felony, and subject to not more than thirty (30) years~~
- 16 ~~imprisonment, or a fine of not more than thirty thousand dollars (\$30,000), or both;~~
- 17 ~~(c) In cases in which the minor had not attained the age of seventeen (17) years,~~
- 18 ~~defendant is guilty of a felony, and subject to not more than forty (40) years imprisonment, or a~~

~~fine of up to forty thousand dollars (\$40,000), or both.~~

SECTION 2. Chapter 11-67 of the General Laws entitled "Trafficking of Persons and Involuntary Servitude" is hereby amended by adding thereto the following section:

11-67-6. Sex trafficking of a minor. -- (a) Definitions. As used in this section:

(1) "Commercial sex act" means any sex act or sexually explicit performance on account of which anything of value is given, promised to, or received, directly or indirectly, by any person.

(2) "Minor" refers to any natural person under eighteen (18) years of age.

(3) "Person" includes an individual, corporation, partnership, association, a government body, a municipal corporation, or any other legal entity.

(4) "Sex act" means sexual intercourse, cunnilingus, fellatio, anal intercourse, and digital intrusion or intrusion by any object into the genital opening or anal opening of another person's body or the stimulation by hand of another's genitals for the purposes of arousing or gratifying the sexual desire of either person.

(5) "Sexually-explicit performance" means an act or show, intended to arouse, satisfy the sexual desires of, or appeal to the prurient interests of patrons or viewers, whether public or private, live, photographed, recorded, or videotaped.

(b) Any person who:

(1) Recruits, employs, entices, solicits, isolates, harbors, transports, provides, persuades, obtains, or maintains, or so attempts, any minor for the purposes of commercial sex acts; or

(2) Sells or purchases a minor for the purposes of commercial sex acts; or

(3) Benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in subdivision (1) or (2); or

(c) Every person who shall commit sex trafficking of a minor, shall be guilty of a felony and subject to not more than forty (40) years imprisonment or a fine of up to forty thousand dollars (\$40,000), or both.

(d) Obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section shall be guilty of a felony and subject to not more than twenty (20) years imprisonment, or a fine of up to twenty thousand dollars (\$20,000), or both.

(e) In a prosecution under this section, the government need not prove that the defendant knew the victims age.

11-67-7. Interagency task force on trafficking in persons created - Composition - Duties and responsibilities. --

(a) There is hereby created an interagency human trafficking of persons task force which

1 will examine and report upon the extent of the existence of human trafficking for commercial
2 sexual activity within the State of Rhode Island. The task force shall consist of the attorney
3 general or his or her designee; the superintendent of the Rhode Island State Police or his or her
4 designee; the director of the Municipal Police Training Academy or his or her designee; the Chief
5 of Police of the City of Providence or his or her designee; the President of the Rhode Island
6 Police Chief's Association or his or designee; the public defender or his or her designee; and the
7 director of the Rhode Island Commission on Women or his or her designee.

8 (b) Additionally, the governor, the president of the senate and the speaker of the house
9 shall each appoint three (3) members of the public who have a special expertise dealing with
10 victims of crimes; the behavioral needs of women and children; social welfare issues such as the
11 financial, healthcare, housing and literacy needs of women, children and low-income individuals;
12 social justice and human rights issues; issues facing immigrants and non-citizens, civil rights;
13 and/or specialized training in human trafficking and the needs of victims of human trafficking.

14 (c) A quorum of the committee shall consist of at least eight (8) of its members. The task
15 force shall elect a chairperson.

16 (d) On or before December 31, 2010, the task force shall submit to the Governor, the
17 Attorney General, the Speaker of the House of Representatives and the President of the Senate a
18 report setting forth its findings as to the extent to which human trafficking for commercial sexual
19 activity is occurring in this State and making such recommendations as it deems appropriate for
20 legislative and executive action relating to the enforcement of this chapter and the provision of
21 social services to victims of human trafficking.

22 **11-67-8. Reporting.** – On or before January 15, 2010, and semi-annually thereafter, each
23 law enforcement agency in this state shall file with the Governor, the Attorney General, the
24 Speaker of the House of Representatives and the President of the Senate a report concerning the
25 agency's enforcement of this chapter during the preceding six (6) month period. Each semi-annual
26 report shall contain, but need not be limited to, the following information:

27 (1) The number of persons arrested pursuant to section 11-67-2, section 11-67-3,
28 subsection 11-67-6 (b), and subsection 11-67-6 (d).

29 (2) Of those arrested, the number of persons convicted, placed on probation, whose case
30 is filed pursuant to section 12-10-12, whether those persons pled guilty or nolo contendere or
31 were found guilty after trial by judge or jury;

32 (3) The fines and/or sentences of those persons identified pursuant to subdivision (2) of
33 this section; and

34 (4) A summary of the amounts of fines levied and the lengths of sentences identified

1 [pursuant to subdivision \(3\) of this section.](#)

2 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES - TRAFFICKING OF PERSONS AND
INVOLUNTARY SERVITUDE

- 1 This act would make the sexual trafficking of minors a felony subject up to forty (40)
2 years imprisonment and/or a fine of forty thousand dollars (\$40,000).
3 This act would take effect upon passage.

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