



SB 189 Sex Trafficking and Human Trafficking Highlights

- **New Offense Series and Sentencing:** classifies Sex Trafficking as a crime against a person and amends the conduct criminalized to address how trafficking occurs.
 - Sex Trafficking in the First Degree (Unclassified Sex Felony):
 - If the person uses force on another person to induce or cause them to engage in commercial sexual conduct;
 - If the person traffics a person who is under the age of 20 or is in the trafficker's legal custody; or
 - If the person manages supervises or controls a prostitution enterprise or place of prostitution.
 - Sex Trafficking in the Second Degree (Class A Sex Felony):
 - If the person recruits, entices, or otherwise induces or causes another person to engage in commercial sexual conduct.
 - Sex Trafficking in the Third Degree (Class B Felony/Value Greater than \$200; Class C Felony/Value Less Than \$200):
 - If the person provides services or resources in furtherance of sex trafficking.
 - Enhanced sentencing penalties and registration requirements for sex trafficking:
 - Sex trafficking in the first and second degrees will be sentenced under enhanced penalties for sexual felonies, and the offender will be required to register as a sex offender.
 - Sex trafficking in the third degree will be sentenced under enhanced sexual felony sentences, but the offender will *not* be required to register as a sex offender.
- **Enacts new crime of "Patron of a Victim of Sex Trafficking":** If they solicit sexual conduct with reckless disregard that the person they are soliciting is a victim of sex trafficking.

- Patron of a victim of sex trafficking is a class B sex felony if the victim is under 18 years of age, and a class C sex felony if the person is over 18 years of age. This offense is also a registerable sex offense.
- **Clarifies Human Trafficking is about labor and is different from Sex Trafficking**
 - Human Trafficking in the First Degree (Unclassified Felony):
 - If the person induces or causes a person to engage in adult entertainment or labor by force or if they traffic a person who is under the age of 20.
 - Human Trafficking in the Second Degree (Class A Felony):
 - If the person recruits, entices or otherwise induces or causes another person to engage in adult entertainment or labor by methods such as:
 - Exposing or threatening to expose confidential information;
 - Threatening to report a person to a governmental agency;
 - Instilling in the other person a fear that the person will withhold lodging, food, clothing, or medication.
 - Human Trafficking in the Third Degree (Class B Felony/Value Greater than \$200; Class C Felony/Value Less Than \$200):
 - If the person provides services, resources, or other assistance in furtherance of human trafficking.
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- **Increased penalties for “Johns”**
 - Increases the classification for patronizing sex workers from a class B misdemeanor to a class A misdemeanor with mandatory minimum jail terms of 72 hours on the first conviction and 20 days on a second conviction.
 - A third conviction within 5 years will be increased to a class C felony.
- **Vacature of a conviction of prostitution:** establishes a process for a person who has been convicted of prostitution to have that conviction vacated if the person is able to show they were a victim of sex trafficking at the time they committed the prostitution offense.