

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1185

Introduced by

Representatives Delmore, DeKrey, Griffin, Hawken

Senators Lyson, Schneider

1 A BILL for an Act to create and enact a new chapter to title 12.1 of the North Dakota Century
2 Code, relating to human trafficking; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new chapter to title 12.1 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Definitions.** As used in this chapter:

- 7 1. "Blackmail" means a threat to expose any fact or alleged fact tending to cause
8 shame or to subject any individual to hatred, contempt, or ridicule.
- 9 2. "Debt bondage" means the status or condition of a debtor arising from a pledge by
10 the debtor of the debtor's personal services or those of an individual under the
11 debtor's control as a security for debt, if the value of those services as reasonably
12 assessed is not applied toward the liquidation of the debt or the length and nature
13 of those services are not respectively limited and defined.
- 14 3. "Forced labor or services" means labor or services, including services involving
15 sexual acts, as defined in chapter 12.1-20-02, that are performed or provided by
16 another individual and are obtained or maintained through an actor's:
- 17 a. Threat, either implicit or explicit, scheme, plan, or pattern, or other action
18 intended to cause an individual to believe that, if the individual did not perform
19 or provide the labor or services, that individual or another individual would
20 suffer bodily harm or physical restraint;
- 21 b. Physically restraining or threatening to physically restrain an individual;
- 22 c. Abuse or threatened abuse of the legal process;
- 23 d. Knowingly destroying, concealing, removing, confiscating, or possessing any
24 actual or purported passport or other immigration document, or any other

1 actual or purported government identification document, of another individual;

2 or

3 e. Use of blackmail.

4 4. "Human trafficking" means the recruiting, transporting, transferring, harboring,
5 enticing, providing, obtaining, or receiving of an individual by any means, whether
6 a United States citizen or foreign national, for the purpose of:

7 a. Debt bondage or forced labor or services;

8 b. Slavery or practices similar to slavery; or

9 c. The removal of organs through the use of coercion or intimidation.

10 **Human trafficking.**

11 1. Any person who knowingly engages in the human trafficking of an individual who is
12 under the age of eighteen is guilty of class AA felony.

13 2. Any person who knowingly engages in the human trafficking of another is guilty of
14 a class A felony.

15 3. It is not a defense to a prosecution of a violation of this section that the accused
16 did not know the age of the victim.