



### TESTIMONY IN SUPPORT OF HB 1361

Chairwoman Larson and Members of the Senate Judiciary Committee, thank you for hearing testimony for HB 1361. I write this testimony in strong support of the bill.

It is no insignificant task that you are faced with when determining the policy and subsequent laws associated with the enforcement of offenses for human trafficking.

As with the creation of any law where there are substantial consequences to individuals, we must consider the rights and dignity of all involved, to react with proper and righteous action.

When it comes to the conversation on how to approach human trafficking crimes in ND, there are four parties to consider: The first being Victims and the lifelong consequences they will suffer. Second, the Public and their right to safety. Third, the offender and just punishment. Fourth, the government and what legal and moral responsibility are employed in addressing the circumstances.

There is no question that a victim of human trafficking is subjected to diabolical harm and injustice that amounts to modern-day slavery. Because of this they are owed justice and healing, which the reality is that they can never fully receive.

The public's safety is also harmed, and their sense of security is stolen from them. They are owed the restoration of trust and confidence in their security.

An offender, who is found guilty, must pay this debt but also should not be subject to cruel or unusual punishment when sentenced.

It is the lawmakers' duty to balance the interests of all parties to set up a system that will deliver justice across the board.

HB 1361 would establish mandatory minimum sentencing, which would impose a larger burden on people found guilty of human trafficking, and the question would be whether or not this change to current sentencing guidelines would bring us closer to, or push us further from, true and righteous judgment.

Regarding mandatory minimum sentences, in general, I do not support them. The data does show that for good and lasting reform and rehabilitation of offenders to take place, there must be an incentive for good behavior. Void of the natural emotional response, long-term incarceration and mandatory minimums, in general, have been shown to achieve the opposite of this goal. However, this is when considering the dignity and well-being of the offender. As I have mentioned the just interest of the victim and of the public need to be considered as well.

I was unable to find a single study that was able to quantify the success rate of reform and rehabilitation regarding human trafficking offenders. Without this data, in my opinion, it is hard to navigate and have total confidence in what is the best path forward.

Considering this fact, is it fair to place further burden on human trafficking offenders by imposing longer mandatory prison sentences, which potentially makes it harder to reform and rehabilitate them, without the hard data showing that this change will have the intended effect?

At a time when human trafficking has exploded, due to the violent and heinous nature of these crimes, many important conversations are happening, with different ideas on how to approach and better address the increasing presence of human trafficking in our society; not only for prevention but also for deterring people from choosing to commit these evil types of offenses. It would appear that the current approach is failing and to this, we must ask: what are the consequences of continuing this approach? Do the increasing instances of human trafficking offenses warrant changing nothing?

These questions are all important, but I believe the most important question to be asking is: is it most prudent to prioritize the interest of a guilty party; or should we prioritize the interest of two innocent parties, i.e. - victims and public safety?

Since we do not have the data to show that there is or can be success in reforming and rehabilitating these types of offenders, can we take the risk, at the expense of potential victims and public security, of the grave consequences of sentencing human trafficking offenders less harshly?

There are many questions, but one thing is 100% certain and effective: when these types of criminals are removed from the public, they cannot create more victims or attack the security of society and the longer they are removed, the longer innocent individuals and the general public aren't at risk from potential re-offense by the offender.

Respected members of the committee, it is due to these circumstances and the discerning ideas that I have conveyed, that I urge a DO PASS on HB 1361 to prioritize victims and the security of the public until we can be confident that lighter sentencing for these atrocious types of crimes is in the best interest of ALL parties; especially that of the innocent.

Thank you again for your consideration on this matter.

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