

**2015 SENATE JUDICIARY**

**SB 2250**

# 2015 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee  
Fort Lincoln Room, State Capitol

SB 2250  
1/28/2015  
22711

- Subcommittee  
 Conference Committee

Committee Clerk Signature



Minutes:

Ch. Hogue: We will open the hearing on SB 2250.

Sen. Judy Lee: Sponsor, support. We all know and have seen much in the newspaper and on TV programs, as well as other information which has been provided to us as members of the public, not only the legislature about the challenges we have with human trafficking, as you've already heard today with prostitution. This bill is intended to really tighten this up. SB 2107 was filed by the Uniform Law Commission and recognizes that many perpetrators of the crime of prostitution are actually victims of human trafficking. Minors in particular should be recognized as victims and not as perpetrators of prostitution. There was a series of articles in the Fargo Forum or the TV program that Kevin Wallevand did on WDAY. I sent the link to some in the Senate. It really put me over the top on thinking that there wasn't any responsibility on the part of minors for crimes that were not having to do with the prostitution itself. They are so totally victims and this bill draft would make prostitution a crime only for adults; rather than being prosecuted as criminals, the teenagers that are coerced into prostitution, would be treated as deprived children. Consequently, the bill removes language that refers to prostitutes being less than 16 years of age. A pimp or trafficker, who engages in such conduct with a minor, would be subject to the more severe penalties provided in SB 2107. The change in penalty class for pimps engaging in trafficking of adult prostitutes brings the penalties under this chapter into line with the penalties in SB 2107, which is the uniform human trafficking bill which you already heard this morning.

Ch. Hogue: Thank you. Further testimony in support.

Wayne Stenehjem, Attorney General: Support. Jon Byers, Asst. A.G., who wrote this bill, is out sick. He will be able to assist the committee when he returns.

Ch. Hogue: Thank you. Further testimony in support.

Christina Sambor, Coordinator, FUSE-Statewide Anti-trafficking Coalition: Support. Another aspect to this legislation that FUSE is strongly in support of is increasing pimping penalties to a class C felony, right now it is an A misdemeanor. As you have heard from a lot of the supporting testimony previously today, trafficking is a very hard charge to prove sometimes. I think there are a lot of cases where it might get plead down to pimping or proving the force or coercion elements with trafficking can be very difficult. FUSE is strongly in support of this bill, increasing any pimping offense being at least a C felony, if not an A or AA felony if there are minors or coercion involved. We think that's an important step to really bring forward the commitment to the seriousness of pimping in general because I think the reality of it is, the vast majority of pimping is coercive and abusive.

Ch. Hogue: Thank you. Further testimony in support. Testimony in opposition. Neutral testimony. We will close the hearing.

# 2015 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Fort Lincoln Room, State Capitol

SB 2250  
2/9/2015  
23475

- Subcommittee  
 Conference Committee

Committee Clerk Signature



**Minutes:**

Ch. Hogue: Let's take a look at SB 2250.

Sen. Armstrong: I move a Do Pass.

Sen. Casper: Second the motion.

**6 YES 0 NO 0 ABSENT**

**DO PASS**

**CARRIER: Sen. Casper**

Date: 2/9/15

Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE  
ROLL CALL VOTE

BILL/RESOLUTION NO. 2250

Senate \_\_\_\_\_ **JUDICIARY** \_\_\_\_\_ Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations

Other Actions:  Place on Consent Calendar  
 Reconsider     \_\_\_\_\_

Motion Made By Ben Armstrong    Seconded By Sen. Casper

Senators	Yes	No	Senators	Yes	No
Chairman Hogue	✓		Sen. Grabinger	✓	
Sen. Armstrong	✓		Sen. C. Nelson	✓	
Sen. Casper	✓				
Sen. Luick	✓				

Total (Yes) 6    No 0

Absent 0

Floor Assignment Sen. Casper

**REPORT OF STANDING COMMITTEE**

**SB 2250: Judiciary Committee (Sen. Hogue, Chairman) recommends DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2250 was placed on the  
Eleventh order on the calendar.

**2015 HOUSE JUDICIARY**

**SB 2250**

# 2015 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Prairie Room, State Capitol

SB 2250  
3/18/2015  
25085

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Relating to facilitating prostitution.

## Minutes:

Testimony #1,2,3,4,5,6

**Chairman K. Koppelman:** Opened the hearing on SB 2250.

**Christina Sambor:** In support of SB 2250. Our current law does require force, fraud or cohesion so you could technically charge a pimping as a willing participant of human trafficker. With minors we don't require force, fraud or cohesion. On the federal level of adults you have to prove force, fraud or cohesion in commercial sex acts. This bill would make it a felony offense. Went through the bill and how it would work.

**Rep. Brabandt:** Where did the word pimp come from?

**Christina Sambor:** We talk about facilitating prostitution here and that means they are managing or facilitating prostitution. Someone is in the business of commercial sex.

**Rep. L. Klemin:** You use the words force, fraud or cohesion. It is not in the statute. Should fraud be in here?

**Christina Sambor:** It is kind of from the federal language. In the language of uniform law it reads cohesion. If you are saying look at the language in SB2107 to make sure it is consistent that might be another place to amend to make the language consistent.

**Rep. G. Paur:** In SB 2332, hiring an individual to engage in sexual activity is a B minor and for second and subsequent offenses it is a Class A misdemeanor so I don't think they correlate.

**Christina Sambor:** Those are actually two separate crimes. Pimping is the act of being the manager. SB 2332 refers to the active solution of the person engaging in the transaction. The pimp would be the one placing the add advertising the girl for sale; the solicitor would be the John or the person responding to the ad.

**Rep. Mary Johnson:** Are there any of these addressing the minor who is addressing the John use of a minor?

**Christina Sambor:** Yes there is under the Uniform Law and there is a penalty in there that is provided for if you are intentionally engaging with commercial sex with a minor.

**Chairman K. Koppelman:** So the intentionally piece that sex with a minor would have to be proven?

**Christina Sambor:** It is not a defense to say you did not know.

**Chairman K. Koppelman:** Do you know why the term child is stricken on line 21?

**Christina Sambor:** if an actor was intentionally causing their child to remain a prostitute it would be sex trafficking of a minor which is a double A felony under the uniform law. It would not apply under here because it only has an A felony.

**Rep. L. Klemin:** On the force of threat language goes back to SB 2107 Uniform Law; we have cohesion means the threat of force. Then we go to sexual servitude statute in Section 12.1-41.04 uses cohesion or deception to engage so we have three things that are actually using this. Maybe instead of the language of force or threat we should have something that says force cohesion or deception. Then that would all tie together.

**Christina Sambor:** Went over Section 2 on the back of the bill.

**Jonathan Byers:** (See Testimony #1) In support of the bill.

Recessed

Reopened the hearing.

Senator Lee called and said the Attorney General has covered her testimony and she was ok with that.

Opposition: None

Neutral: None

Closed hearing

(Testimony #2,3,4,5,6 handed out earlier)

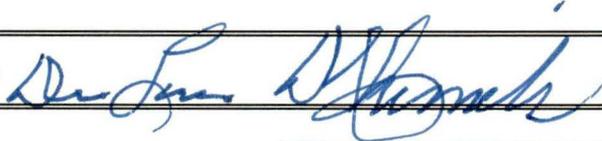
# 2015 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Prairie Room, State Capitol

SB 2250  
3/31/2015  
25639

- Subcommittee  
 Conference Committee

Committee Clerk Signature



**Minutes:**

**Chairman K. Koppelman:** Reopened the meeting on SB 2250. This bill deals with facilitating of prostitution. This has to do with the criminal penalties. It makes it an A felony if the individual intentionally causes another to remain in prostitution by force or threat. It is a C felony otherwise.

**Rep. K. Wallman:** Rep. Klemin has an issue on line 21, page 1 because the language wasn't exactly the same as in another bill where it says force or threat. We talked about adding coercion or deception so it matched.

**Chairman K. Koppelman:** We have not amended the bill.

**Rep. L. Klemin:** On line 21 instead of force or threat I had force coercion or deception.

**Motion made to move the amendment by Rep. L. Klemin: Seconded by Rep. Maragos**

**Chairman K. Koppelman:** So on line 21 it would say prostitute by force, coercion, threat for deception. Deception might be a lower proof level than fraud.

**Rep. L. Klemin:** Fraud needs clear and convincing evidence.

**Voice vote carried.**

**Do Pass As Amended Motion Made by Rep. K. Wallman: Seconded by Rep. Brabandt:**

Discussion: None

**Roll Call Vote: 13 Yes 0 No 0 Absent Carrier: Rep. Brabandt:**

15.8197.01001  
Title.02000

Adopted by the Judiciary Committee

AC  
3/31/15

March 31, 2015

PROPOSED AMENDMENTS TO SENATE BILL NO. 2250

Page 1, line 21, after "force" insert ". coercion."

Page 1, line 21, overstrike the first "or"

Page 1, line 21, after the first comma insert "or deception."

Renumber accordingly

Date: 3-31-15  
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2250

House JUDICIARY Committee

Subcommittee  Conference Committee

Amendment LC# or Description: 15.8197.01001

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
Other Actions:  Reconsider

Motion Made By Rep. Klemin Seconded By Rep. Maragos

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman			Rep. Pamela Anderson		
Vice Chairman Karls			Rep. Delmore		
Rep. Brabandt			Rep. K. Wallman		
Rep. Hawken					
Rep. Mary Johnson					
Rep. Klemin					
Rep. Kretschmar					
Rep. D. Larson					
Rep. Maragos					
Rep. Paur					

VOICE  
VOTE  
CARRIED

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:  
line 21, (or description.)

Date: 3-31-15  
Roll Call Vote #: 2

2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2050

House JUDICIARY Committee

Subcommittee  Conference Committee

Amendment LC# or Description: 15.8197.01001

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Rep. Wallman Seconded By Rep. Brabandt

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman	✓		Rep. Pamela Anderson	✓	
Vice Chairman Karls	✓		Rep. Delmore	✓	
Rep. Brabandt	✓		Rep. K. Wallman	✓	
Rep. Hawken	✓				
Rep. Mary Johnson	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. D. Larson	✓				
Rep. Maragos	✓				
Rep. Paur	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Brabandt

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2250: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2250 was placed on the Sixth order on the calendar.

Page 1, line 21, after "force" insert ", coercion."

Page 1, line 21, overstrike the first "or"

Page 1, line 21, after the first comma insert "or deception."

Renumber accordingly

**2015 TESTIMONY**

**SB 2250**

#1  
SB 2250  
3-18-15

SENATE BILL 2250 TESTIMONY  
HOUSE JUDICIARY COMMITTEE  
MARCH 18<sup>TH</sup>, 2015  
PRAIRIE ROOM

By Jonathan Byers, Assistant Attorney General

Mr. Chairman and Members of the Committee:

My name is Jonathan Byers and I appear on behalf of the Attorney General. I wish to testify in favor of Senate Bill 2250.

This bill accomplishes two things that contribute to the larger package of human trafficking bills you have before you today. The first is to increase the penalties for traffickers, those who cause another to remain a prostitute by force or threat, from a C to an A felony to be consistent with the penalties in the uniform law.

The other change is to remove minors from the class of individuals who can be convicted of the crime of prostitution. Instead of being convicted of this offense, a minor would be considered a deprived child under juvenile code, as provided in HB 1347 that already passed through the House.

The Attorney General asks for a do pass. I would be happy to answer any questions.

42  
5B2250  
3-18-15

House Judiciary Committee  
SB 2107, 2199, 2250, 2266, 2332  
March 17 & 18, 2015  
Testimony given by:  
Rob Fontenot, Special Agent ND BCI

Chairman Koppelman and Members of the Committee:

My name is Rob Fontenot, and I have been a Special Agent with the North Dakota BCI for approximately six and a half years. Prior to that I was a deputy with the Morton County Sheriff's Department. My entire career in law enforcement has been devoted to investigations. For approximately ten years I was assigned to the Metro Area Narcotics task force as a narcotics investigator. For the past two years I have been investigating organized crime activities, specifically Human Trafficking. When I started in this position I truly thought, like a lot of people, that prostitution was a victimless crime. I believed that women and men worked in prostitution as a way to get money easily.

Since taking the position as the organized crime investigator I've learned that prostitution is anything but victimless. The average age of a girl who is introduced into prostitution (a/k/a sex trafficking) is between the ages of 12 to 14. According to national statistics, 90% of the women involved in prostitution are under pimp control. In my experience working with women who are currently working in commercial sex, I feel safe in saying that approximately 80 to 90 percent of the women I have talked to in North Dakota are under pimp control.

As an investigator these cases are difficult to work because the most of the women that are encountered by law enforcement don't self-identify as victims. You may think that is strange – for someone not to accept help from law enforcement when the alternative is to remain in what is essentially sexual slavery. In my experience, this happens for a variety of reasons. Many times victims fear retribution by their traffickers in the form of beatings, withholding of basic needs (sleep, food, isolation), fear and shame. It is not uncommon for these victims to have children in common with their traffickers. This is one way the trafficker can use threats of force, fraud or coercion to influence their victims.

These types of cases require a much higher level of collaboration between law enforcement, advocates and other victim service providers than other types of investigations. A primary reason is that we, as law enforcement, can often only build a case against a trafficker through victim testimony. For cases involving an adult victim, we cannot make a human trafficking charge stick without establishing the use of force, fraud or coercion by the pimp. No one besides the victim can establish these elements – the victim must testify to the climate of fear in which they live. An advocate is an absolute necessity to supporting a victim in a human trafficking investigation. They establish trust and maintain a relationship with the victim and make sure the victim is getting the services they need to begin to recover from the traumatic abuse they have suffered. I

have seen first hand how crucial the presence of an advocate in our investigations has been. We cannot get a cooperative victim who is willing to testify in a case against their trafficker if the victim does not have support they can trust, and someone who will help ensure, to the best of their ability, that the victim is safe and has their basic necessities met.

Human trafficking is not a phenomenon that is specific to the Bakken region of the state. Human Trafficking takes place in all areas of North Dakota including Williston, Minot, Bismarck, Dickinson, Fargo and Grand Forks. The victims I encounter across the state stick with me. The abuse they suffer keeps me up at night. As I continue to do this work, I have formed the firm belief that anyone (with very, very few exceptions) working in the commercial sex industry is a victim of exploitation.

In a recent operation in Williston, I encountered a young woman who was approximately 23 years old. She was brought to the hotel by a man in his forties and his sixteen year old son and another female from Milwaukee. At first glance, the young woman appeared well dressed, wearing jeans and a white jacket. However, the more I looked at this young lady, I realized that it had been quite sometime since she had been able to bath or even wash. Her clothes were very soiled. Her once white jacket was brown and her fingers looked as though she had been working in a garden. While talking with us, she divulged that she was being prostituted, and was required to give all the money she received from the customers (a/k/a "Johns") to the

man that drove her to the hotel (her pimp/trafficker) and in turn he would give her drugs and some food.

Another young woman I met in Williston told me that she was "turned out" to a world of prostitution at the age of 13 by her mother who was still under pimp control in Atlanta. She told me that her last pimp had been sentenced to life in federal prison for human trafficking. She told me that when she was under his control he had raped her with his handgun. She lifted her shirt and showed me the tattoo of his name on her side that he had forced her to get.

Yet another woman I met in Williston was 18 years old. She initially told me that she was working independently – or without a pimp. She even went on to tell me that she loved her job. At one point in my interview of her I asked her if she had ever been beaten up or otherwise harmed while in Williston. She told me that two nights prior to our meeting her she went to an address to meet a man that had contacted her from her Backpage ad. She stated that as soon as she took her clothes off in his house he jumped on top of her and started hitting her. She told me that he took her money and her phone. She escaped the house without any clothes. This job that she supposedly "loves" has literally left her naked in the middle of the street.

Many of these stories illustrate to you the need to look below the surface in cases we traditionally have written off as victimless crimes. I continuously encounter women who are obviously scared, beaten, abused – and often tell me horror stories of the things they

experienced. However, most of these women, are conditioned to believe that they are not victims, that their traffickers love them, and that they are choosing this lifestyle. The reality is that these women, in my experience, are being forced into a lifestyle through emotional and psychological coercion, through fear and physical and sexual abuse, and through making them believe that in order to receive their basic needs (food, clothing, shelter), they must continue to be raped for someone else's profit. There are often more than 100 ads on Backpage.com in North Dakota on any given day. This tells me that there are dozens and dozens of women in our state being abused and exploited every day. We are trying to stop this, we are trying our best to help and empower these victims, but we are in need of additional resources in order to continue the fight.

There are service providers and advocates here today to talk to you specifically about the legislation before you. I am here today to let you know, from the front lines, that human trafficking is very real, and very present in our state. I encourage you to take a strong step towards eliminating human trafficking by supporting the proposed policy changes in the package of bills before you, and most importantly to fund the important anti-trafficking work of advocates and law enforcement in our state.

Thank you for your time. I will now entertain any questions that you may have.

#3,  
SB2250  
3-18-15

Mark Heinert  
Homeless Programs Manager  
Youthworks  
Testimony in support of SB 2199, 2107, 2232, 2250, 2266 and 2332  
House Judiciary Committee  
March 17, 2015

Chairman Koppelman, Members of the Judiciary Committee:

My name is Mark Heinert, and I am here today to deliver testimony in support of SB 2199, and also in support of the policy bills you will consider tomorrow. I have been a licensed social worker in North Dakota for 24 years, serving runaway and homeless youth for the last 18. I am the Homeless Programs Manager at Youthworks, a private, non-profit, youth serving agency serving Runaway and Homeless Youth in North Dakota. At Youthworks we provide diversion services for the Juvenile Court, as well as providing shelter for Runaways and other youth in need of emergency placement. We work closely with Law Enforcement, County Social Services, Juvenile Court and the schools.

Youthworks has two emergency shelters in Bismarck and Fargo, sheltering underage youth for law enforcement and human services. For young adults ages eighteen to twenty-one years of age, Youthworks provides housing and social services for homeless young adults.

In the past year staff at Youthworks have worked with fourteen youth/young adults who have been victims of trafficking. The victims who have come before us have fit the profile of human trafficking victims:

- They describe being fearful for their life and that of their loved ones
- They are ashamed of what has been happening but feel there is no way out

- They have been physically and sexually abused by the person who is trafficking them
- They do not trust the system (law enforcement, human services, social workers, etc.) to protect them and believe they will be punished
- They have very low self-esteem and do not see themselves as having the potential to move beyond their current situation.
- Some have had prior histories of being sexually abused by adults.
- Many were already in the system as foster, runaway or corrections youth, making them easy targets as the techniques traffickers use make them feel cared for and needed.
- Several have been brought into “the life” because of a mistake they made texting sexually explicit pictures of themselves; where the trafficker threatens to post the pictures on social media fearing the shame it will bring on their families.
- Many have been provided with drugs and alcohol by their traffickers in an effort to control them and assure compliance.
- Most state they are aware of many other girls who are victims that no one knows about.
- They often go to school, work in jobs during the day and are trafficked at night.
- Some have children who are also at risk

We have had traffickers show up in our waiting rooms looking for the victims or waiting in our parking lot until the young adult victims leave. In recent months,

our Director has estimated that she sees pimps waiting outside our emergency shelter nearly once a week. Accordingly, we have had to change protocols as it relates to staff safety when routine apartment checks are done at our homeless apartments. We have watched victims leave our program and return; and leave and return, until they are ready to trust that someone will indeed help them.

In addition to the direct services we provide, Youthworks is currently involved in the Red River Human Trafficking Response Team, which is a regional effort to develop a seamless service delivery system to trafficked youth and young adults with local domestic violence programs, law enforcement, prosecution, medical examiners, social services and state authorities responsible for the welfare of children. Service providers are deeply concerned about their ability to effectively serve victims for one very important reason – shelters in North Dakota are already full or inadequate to meet the needs of children and adult victims who have been trafficked. SB 2199 is an excellent beginning to address the need for adequate community protocols, appropriate crisis shelter and the provision of comprehensive services through a multidisciplinary approach.

By providing additional resources, law enforcement and prosecutors will ultimately stand a better chance at bringing the traffickers to justice and assuring the victims that they can indeed trust that they will be protected and treated humanely.

Another crucial piece to these efforts is the Safe Harbor provision found in Section 12.1-41-12 of SB 2107, the Uniform Act on Prevention of and Remedies for Human Trafficking, which you will be considering tomorrow.

As I've previously discussed, at Youthworks, we have become all too familiar with the child victims of human trafficking, who often come from poverty, have been mistreated or abused by adults, have low self-worth, have had exposure to drugs and alcohol, have runaway or been in foster care, have been sexually assaulted or raped, and have experienced homelessness; making them vulnerable for sexual exploitation.

Gaining the trust of victims is extremely difficult, as they have been threatened with abuse, public humiliation, harm to their family or friends or even death. Addiction to drugs has been a technique used by their traffickers to maintain control of them.

These children are truly victims of crime who have been "groomed" into a specific way to act, talk and behave that will please their adult perpetrators. They develop street smarts and have learned to be cautious of adults who make promises. When entering our system they are identified as delinquent or unruly teens and are often held in detention centers. The likelihood that they will trust helping professionals is compromised in our current system, with the victims giving very guarded, calculated answers to questions intended to help them. The Safe Harbor provisions of SB 2107 are another crucial component to addressing this problem. Treating minors as victims - not as delinquents - will help us in our ability to reach these youth and to establish a trusting relationship with them. This Safe Harbor

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provision will allow our workers to provide a consistent message to the victims they work with, that they are indeed victims and will be treated accordingly. Our current approach provides a very mixed message: "we believe you are a victim, but you will enter our court system with criminal charges." Enacting the Safe Harbor provision allow victims to move past their abuse and exploitation and pursue their dreams and goals, which, interestingly, often involve the desire to help others.

For these reasons, I urge you to pass the funding provided for in SB 2199, and to pass the Safe Harbor provision found in Section 12.1-41-12 of SB 2107, the Uniform Act on Prevention of and Remedies for Human Trafficking.

-#4  
SB 2250  
3-18-15

**SB 2199, 2107, 2250, 2232, 2266 and 2332**

**Testimony Before House Judiciary Committee  
by Christina Sambor - Coordinator, FUSE - Statewide Anti-trafficking Coalition  
March 17<sup>th</sup> and 18<sup>th</sup>, 2015**

Chairman Koppelman and members of the Committee:

My name is Christina Sambor, and I am the Coordinator of FUSE, the statewide anti-trafficking coalition in North Dakota. FUSE is a multidisciplinary coalition made up of direct service providers, advocacy organizations, state agencies, the faith community and law enforcement that seeks to build a coordinated, comprehensive response to sex trafficking in North Dakota.

FUSE has worked closely with the Attorney General's Office and the US Attorney's Office to conduct public awareness events, training for direct service providers and input on the legislation that is before you today. FUSE strongly supports SB 2199, and the additional bills that will be considered by the committee tomorrow. These bills, if passed, would increase services and remedies available to victims, increase penalties on traffickers, and ensure that victims of human trafficking are treated as victims, not as criminals.

During my work with FUSE, I have often encountered the question of whether or not sex trafficking is truly happening in North Dakota. Before I presented to a group of attorneys in December, I spent some time looking at ads on backpage.com, which is one of the most prominent internet websites where commercial sex is advertised. I counted approximately 170 ads placed in North Dakota on a Thursday. Of those ads, many of them advertised that the commercial sex worker was "back in town" or "only here for the weekend." At a recent training provided to prosecutors and law enforcement officers, the presence of that language in the ads was flagged as a strong indicator that the person in the ad was being "trafficked" or was under pimp control. This is because women who are being trafficked are typically moved from city to city, state to state, on a "track" in an effort to isolate the victims and evade law enforcement. Sadly, you need only take a digital "step" into this world to see the prevalence of trafficking in our state.

The statistics around the commercial sex industry are very troubling. We have long operated in this country under the impression that life for a commercial sex worker is like it was for Julia Roberts in the movie Pretty Woman. Plain and simple, it is not.

Researchers describe pimp control as follows:

“Pimps assume psychological, biological, social, and economic control over the lives of the women they sell to johns through the use of chronic terror, cunning use of various aspects of captivity, and isolation from others who might offer support and validation. In addition they employ starvation, sleep deprivation, protein deprivation, conditioned physiologic hyperarousal, unexpected sexual violence, and learned helplessness.”

In addition, consider the following statistics:

- 65% to 95% of those in prostitution were sexually assaulted as children.
- 70% to 95% were physically assaulted in prostitution
- 60% to 75% were raped in prostitution
- 75% of those in prostitution have been homeless at some point in their lives.
- 85% to 95% of those in prostitution want to escape it, but have no other options for survival.
- 68% of 854 people in strip club, massage, and street prostitution in 9 countries met criteria for posttraumatic stress disorder or PTSD

These statistics, and the prevalence of commercial sex in North Dakota, paint a picture of a crisis that must be addressed. We are here today in the hope that this legislation will begin the march toward eliminating this form of abuse from our state.

FUSE supports and joins in the testimony of the direct services providers and from Youthworks, and 4her North Dakota and urges a do pass recommendation on SB 2199 and the additional human trafficking bills package of bills to be considered tomorrow.

Respectfully submitted,

Christina Sambor

②

#5  
SB 2107, 2199, 2219, 2232, 2250  
3-18-15

Heather Ingman-Direct Services Coordinator/Child Advocate  
Domestic Violence and Rape Crisis Center  
Testimony on SB 2107, 2199, 2219, 2232, 2250  
House Judiciary Committee  
March 17<sup>th</sup> and 18<sup>th</sup>, 2015

Chairman Koppleman and Members of the Committee:

My name is Heather Ingman. I have been employed with the Domestic Violence and Rape Crisis Center in Dickinson, ND for over five years. I directly work with clients through case management both of those clients who reside in the shelter and those who do not. As a child advocate I am a liaison with the schools to provide the best victim centered services for the children who reside in and out of the shelter.

#### Presence of victims in DV/SA programs

- In the past two years the Domestic Violence and Rape Crisis Center in Dickinson has seen at least 13 victims of trafficking utilize services.
- These victims did not always come forward for help, nor disclose that they were being trafficked. DVRCC staff was able to make educated guesses through case management and one on one advocacy with the clients.
- In the past two years the Domestic Violence and Rape Crisis Center has suspected at least 3 clients who resided in the shelter were trafficking out other shelter residents. These suspicions were made aware to shelter staff through case management of the clients they were trafficking.
- Of the three suspected traffickers, one was a mother trafficking out her underage daughter while they resided in the shelter.
- In the last year DVRCC has worked with two international clients who disclosed they were trafficking by a United States Citizen from their home country.

#### Demands of serving Human Trafficking victims

- The demand of serving Human Trafficking victims has greatly increased over the last year.
- As the population increases so do the demands of human trafficking. The money involved in trafficking is extensive. It is no secret that North Dakota has money to be made.
- The women and children we are seeing being trafficked are being trafficked from all over the world.
- Trafficking victims are often times vulnerable and have already experienced some form traumatic abuse in their life. The victims we have seen have been trafficked via the internet with the promise of something better, only to arrive in North Dakota and realize that it is nothing like what was promised.
- Again, with the growing population as well as the massive amount of money that is being distrusted daily, the increase and demand of services for victims of human trafficking increases at a rapid rate.

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## Serving Human Trafficking victims vs. Domestic Violence/Sexual Assault

- In looking at the trafficking cases we have worked with at DVRCC, it is safe to say that the lethality is significantly higher than that of most domestic violence cases.
- Despite the many similarities in domestic violence and human trafficking victims; domestic violence victims typically (not always) have only one perpetrator. Whereas, victims of human trafficking typically have a trafficker with a wide network of people which poses a high risk for a victim to never feel or be safe.
- There is still a large stigma around human trafficking victims being considered prostitutes rather than victims of a malicious crime. Along with other factors, victims of human trafficking rarely come forward to disclose even within the context of a safe shelter. Victims often times are not aware of laws that may protect them.
- When looking at housing victims of human trafficking in a domestic violence shelter, the overall consensus is that it is not conducive.
  - Prosecution needs a victim of trafficking to move forward with a case, whereas prosecution of a domestic violence crime could potentially move forward without a victim. Staff managing a shelter cannot force a victim of any type to remain in the shelter.
- Due to the lack of services specific to victims of human trafficking, victims often times fail to remain in the shelter as a result of no help. Leaving them back in the hands of a trafficker.
- Serving victims of human trafficking must be a multidisciplinary approach as one agency cannot do it alone. Victims of human trafficking need a vast variety of services that includes collaboration of many agencies. This collaboration is VITAL as a victim will have to walk through a long process of healing and prosecution and the less the victim has to repeat the less the victim has to be traumatized.

## Need for increased human resources for service

- Resources for victims of human trafficking are few and far between. These resources lack state wide.
- There is a great need for shelters that specifically house victims of human trafficking.
- Counselors specifically trained in working with victims of human trafficking is greatly needed, as the trauma these victims have endured is extensive and complex.

## Need for increased funding

- Given the fact that human trafficking across the state has really only surfaced in the last couple of years, there is still a great need for funding.
- Funding that is needed includes but is not limited too; trained medical and mental health professionals, shelters specific to human trafficking, training for legal representatives to better understand prosecution of traffickers and johns.

#6  
SB 2250  
3-18-15

HOUSE JUDICIARY COMMITTEE  
HUMAN TRAFFICKING BILLS  
SB 2107, SB 2199, SB 2219, SB 2232, SB 2250

TESTIMONY OF ATTORNEY GENERAL WAYNE STENEHJEM  
March 17, 2015

Mr. Chairman, members of the Committee.

I am Attorney General Wayne Stenehjem, and I am providing testimony for consideration on all of the Human Trafficking bills before you today and tomorrow.

Twelve years ago I asked BCI about Human Trafficking. I was told, "We suspect there are some instances of human trafficking, but most of the cases involve transportation of individuals in the sex trade through North Dakota from Winnipeg and on to Minneapolis or Chicago."

Was that the pre-oil boom reality, or our lack of awareness? I suspect it was a combination of both.

**Now: we know more, and we know better.**

We know that human sex trafficking is the most common form of modern day slavery. Estimates place the number of domestic and international victims in the millions, mostly women and children enslaved in the sex trade for little or no money. Here in the US, as many as 300,000 children are at risk of becoming victims, according to the FBI.

It is big business. According to the FBI, it is the fastest growing business for organized crime, and the third largest criminal industry in the world, generating \$150 Billion a year.

The average age at which children in the United States first become victims of sex trafficking is 12-14.

This is a problem around the globe, across the United States, and yes, even here in North Dakota.

We know that because we have done a number of things in an effort to combat human trafficking in North Dakota:

1. We have conducted several operations utilizing federal, state, and local law enforcement officers targeting individuals (Johns) who attempt to obtain children via the internet for sexual exploitation. And it is common.
2. We have been actively participating in multiple trainings to law enforcement and the public designed to raise awareness on the issue of Human Trafficking.
3. We have been actively participating in under-cover operations in an effort to identify underage victims and adult women who are being trafficked and to identify and prosecute traffickers (pimps). And they are here.
4. We have been working with the media to raise awareness on human trafficking in North Dakota.
5. We have been assisting agencies from other states with operations targeting individuals involved in human trafficking.

This package of legislation represents a fight on all fronts against this pernicious problem:

- Funding for victim protection and services;
- Enhanced prosecution tools:
  - Stricter sentencing;
  - Longer statutes of limitations;
  - Prosecution assistance;
  - Training for law enforcement and state's attorneys;
  - A victim-based approach.
- Demand reduction, with enhanced penalties for customers.
- Additional law enforcement (our budget):
  - 2 ICAC and human trafficking investigation agents;
  - 7 additional agents around the state;
  - 1 victim advocate;
  - Prosecution assistance;
  - \$20 million for local law enforcement grants.

There is one additional bill addressing demand reduction, which increases the penalty for repeat "Johns," requires them to attend a "John School" to educate customers about the harm they cause by creating the demand, and requires repeat offenders to register as sex offenders.

There is also a Senate Concurrent Resolution urging the United States Congress to enact the Stop Advertising of Victims of Exploitation (SAVE) Act to enable state and local law enforcement to join in the fight to hold websites (that amount to internet brothels) accountable for promoting human trafficking.

**Our goal in working with victims is to work our way up the ladder, to arrest and prosecute the traffickers. We can only do that with the assistance of victims.**

This comprehensive package of bills addresses investigation and apprehension-prosecution-and victim centered laws and services.

You will hear from a number of people who are devoting their lives to eradicating this terrible crime. People at the forefront. When you have heard them out this week, I am confident you will agree that all of these proposals represent real solutions that will produce tangible results.

In closing, I have two messages:

**If you are a trafficker in the sex trade or a customer, we're coming after you.**

**If you are a victim, caught in the grips of this horrible life, we will work with you to help you find a better life.**

Thank you.

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