

**2021 SENATE TRANSPORTATION**

**SB 2109**

# 2021 SENATE STANDING COMMITTEE MINUTES

## Transportation Committee Sakakawea Room, State Capitol

SB 2109  
1/14/2021

A BILL for an Act to create and enact a new subsection to section 39-06.2-10 of the North Dakota Century Code, relating to commercial driver's license disqualifications.
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**Chair Clemens** calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [9:00]

### Discussion Topics:

- Human trafficking penalties
- Potential commercial driver's license permanent revocation

**Brad Schaffer [9:01]**, Director of Driver License for the ND Department of Transportation, presents SB 2109 and submits testimony #740 in favor of the bill.

**Wade Kadrmas [9:09]**, Safety and Education officer for the ND Highway Patrol, testifies in favor and submits testimony #700.

**Arik Spencer [9:11]**, ND Motor Carriers Association, orally testifies in favor of the bill.

### Additional written testimony:

**Wade Kadrmas** submits testimony #699.

**Brad Schafer** submits testimony #856.

**Senator Dwyer [9:12]** motions DO PASS SB 2109.

**Senator Bakke [9:12]** seconds the motion.

Senators	Vote
Senator David Clemens	Y
Senator Robert Fors	Y
Senator Cole Conley	Y
Senator Michael Dwyer	Y
Senator Doug Larsen	Y
Senator JoNell Bakke	Y

The motion passes 6-0-0. [9:13]

**Senator Dwyer** will carry. [9:13]

**Chair Clemens** adjourns the meeting. [9:13]

Senate Transportation Committee  
SB 2109  
01/14/2021  
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*Sheldon Wolf, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2109: Transportation Committee (Sen. Clemens, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2109 was placed on the Eleventh order on the calendar.

**SENATE TRANSPORTATION COMMITTEE**  
**January 14, 2021 - 9:00 a.m. - Fort Totten Room**

**North Dakota Department of Transportation**  
**Brad Schaffer, Director for Driver License**

**SB 2109**

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Good morning Mr. Chairman members of the committee. I'm Brad Schaffer, Director of Driver License for the North Dakota Department of Transportation (DOT). I'm here to provide information related to SB 2109.

Senate Bill 2109 provides for the implementation of 49 CFR Parts 383 and 384 Lifetime Disqualification for Human Trafficking. The reason for this change is due to the federal register rule change that was effective September 23, 2019. This final rule revises the list of offenses permanently disqualifying individuals from operating a commercial motor vehicle for which a commercial drivers' license or a commercial learner's permit is required. This final rule reflects a change made by Congress in the "No Human Trafficking on Our Roads Act." This makes a felony conviction involving a severe form of human trafficking an offense that leads to a lifetime disqualification of commercial driving privileges without the possibility of reinstatement. Prior to this rule change, a felony conviction involving a severe form of human trafficking did not result in a lifetime disqualification of commercial driving privileges.

During the NDDOT's 2020 Annual Program Review by FMCSA, they recommended this requirement be implemented to ensure the State remains in substantial compliance with 49 CRF 383 and 384. A State must come into substantial compliance with this requirement as soon as possible, but no later than September 23, 2023. If we do not come into compliance with this rule, the penalty is a withholding of Federal-aid highway funds of up to 4% for the first year and up to 8% for subsequent years. Also, FMCSA could disqualify the state from performing CDL transactions.

This concludes my testimony. Thank You.

# #700

**Senate Bill 2109  
Senate Transportation Committee  
Senator Clemens, Chairman  
January 14, 2021**

Chairman Clemens and members of the Senate Transportation Committee, my name is Sergeant Wade Kadrmas and I am the Safety and Education Officer for the North Dakota Highway Patrol. I am here today on behalf of the patrol to support Senate Bill 2109.

Human trafficking is a growing concern that involves the use of force, fraud, or coercion to obtain labor or a commercial sex act. I provided the committee a copy of the 2019 report about Human Trafficking in The State Of North Dakota, published by the North Dakota Attorney General's Human Trafficking Commission, which details the occurrence and effects of this crime in the state.

On July 23, 2019, the Federal Motor Carrier Administration announced its final rule that permanently bans drivers convicted of human trafficking from operating a commercial motor vehicle (CMV) for which a commercial driver's license or a commercial learner's permit is required. This lifetime ban was put in place to serve as a strong deterrent from drivers using the highway system to commit these atrocious crimes.

The North Dakota Highway Patrol respectfully requests your support of Senate Bill 2109.

#699

# HUMAN TRAFFICKING

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IN THE STATE OF

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## NORTH DAKOTA



2019

**Attorney General's Human Trafficking Commission**

North Dakota Office of Attorney General

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# HUMAN TRAFFICKING



## OVERVIEW

Human trafficking is a crime involving the exploitation of someone for the purposes of compelled labor or a commercial sex act through the use of force, fraud, or coercion. Human trafficking affects individuals across the world, including here in the United States, and is commonly regarded as one of the most pressing human rights issues of our time. Human trafficking affects every community in the United States across age, gender, ethnicity, and socio-economic backgrounds.

As defined under North Dakota and U.S. law, victims of human trafficking can be divided into three populations:

- Children under age 18 induced into commercial sex.
- Adults aged 18 or over induced into commercial sex through force, fraud, or coercion.
- Children and adults induced to perform labor or services through force, fraud, or coercion.

## FORMS OF TRAFFICKING

**Sex trafficking** is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purposes of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age (22 USC § 7102).

**Labor trafficking** is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery (22 USC § 7102).

# HUMAN TRAFFICKING

## overview

### EXPLOITATION VS. TRAFFICKING

Exploitation is the exchange of a sex or labor act for money, shelter, drugs, or anything of value, between two parties. This includes survival sex, stripping, sextortion, pornography, and numerous fields of work.

- A youth runs away from home or is kicked out of their home, and someone offers them a “safe” place to stay in exchange for a sexual act. That is survival sex.
- An individual works for a business in exchange for shelter, which may be shared with other individuals.
- A youth is coerced into sending a nude photo to someone via social media and that person blackmails the youth, forcing them to provide additional photos.

Trafficking is exploitation involving force, fraud or coercion, or is facilitating the exploitation of a minor victim. A party acts as a trafficker, using force, fraud or coercion to procure sex or labor acts for themselves, or a purchaser. The party profiting from the act is the trafficker.

- Parents cannot afford rent and the landlord agrees to waive rent in exchange for a sexual act from the child. Those parents are now the traffickers.
- A teen’s boy/girlfriend coerces them to have sex with their friends in exchange for money, drugs, a new cell phone, clothing, etc. That boy/girlfriend is their trafficker.
- An employer forces an employee to work long hours for little/no pay, withholds payment, falsely claims that the employee owes money to the employer, and physically abuses and threatens the life of the employee, telling them that if they leave or report the exploitation, their family will be harmed. **This is a form of labor trafficking.**

# TRAFFICKING IN NORTH DAKOTA



## HISTORY

In response to the presence of human trafficking in North Dakota, a Human Trafficking Commission was created by the 64th Legislative Assembly and established within the Office of Attorney General. N.D.C.C. § 54-12-33. The Commission was originally charged with developing a coordinated and comprehensive plan to provide victims with services; collecting and evaluating data on human trafficking in this state and promoting public awareness about human trafficking, victim remedies and services, and trafficking prevention. During the 65th ND Legislative Assembly, the authority and duties of the Commission were narrowed in order to focus on the collection and evaluation of data, and to promote public awareness on human trafficking and victim services. The Attorney General's office partners with the federal North Dakota Human Trafficking Task Force on these efforts.

## HUMAN TRAFFICKING: VICTIM TREATMENT AND SUPPORT SERVICES FUNDING

The 66th Legislative Assembly approved an appropriation of \$1.4 million to organizations involved in providing prevention and treatment services to human trafficking victims. The appropriated funds were awarded through an open, competitive process to organizations that demonstrated involvement in providing prevention and treatment services related to human trafficking victims, in coordination with state and local governments.

The grant award period commenced on September 1, 2019 and continues through June 30, 2021. Additional information on the grantees can be found on the [Criminal Justice Resources](#) page of the Attorney General's website.

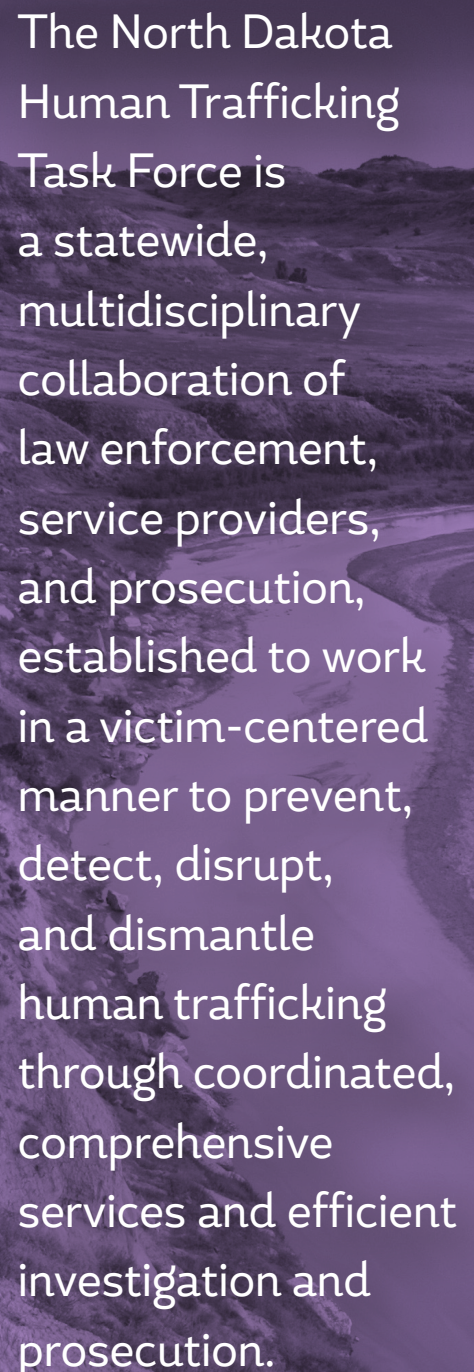
# NORTH DAKOTA HUMAN TRAFFICKING TASK FORCE

Since 2015, the Attorney General and the Human Trafficking Commission have been working closely with the North Dakota Human Trafficking Task Force (NDHTTF) to build a coordinated response to human trafficking in the state. The NDHTTF was founded in late 2015 through the North Dakota Office of Attorney General, CAWS North Dakota (CAWS ND), and the U.S. Attorney's Office in North Dakota (USAO), with First Nations Women's Alliance (FNWA) added to executive leadership in 2017.

## OVERVIEW OF NDHTTF

The North Dakota Human Trafficking Task Force is a collaborative team made up of law enforcement, prosecution, and service providers at federal, state, and local levels. We respond to victims of sex and labor trafficking, providing comprehensive services, investigating traffickers and solicitors, and prosecuting offenders. The NDHTTF is the nexus for a network of law enforcement and service providers to work in tandem to build capacity and combat trafficking statewide.

We do this through the following methods: train communities to identify exploitation and trafficking and provide points of contact upon identification, train local multidisciplinary teams to respond to victims and investigate trafficking-related crime, assist response agencies and communities with development of response protocol, provide technical assistance to local response teams upon request, run operations and investigate trafficking related crime, prosecute offenders and provide victims with restitution, engage in national anti-trafficking best practices and sharing of resources, and build networks for victims to access services and resources.



The North Dakota Human Trafficking Task Force is a statewide, multidisciplinary collaboration of law enforcement, service providers, and prosecution, established to work in a victim-centered manner to prevent, detect, disrupt, and dismantle human trafficking through coordinated, comprehensive services and efficient investigation and prosecution.

# NORTH DAKOTA HUMAN TRAFFICKING TASK FORCE

*continued*

The core of the NDHTTF model involves three components: **1)** Multi-disciplinary teams across the state (*operating in 9 communities*) that provide immediate response to trafficked individuals; **2)** A task force Director, Grant Tech, and Operational Team coordinating the activities of the task force and providing training and technical assistance to the local MDTs; and **3)** Five subcommittees including Law Enforcement, Legal, Tribal Engagement, Labor Trafficking, and Victim Services, help drive progress in developing best practices, solving common problems, and facilitating cooperation across the state.

The NDHTTF also developed a Human Trafficking Fund that is accessible to agencies across the state to support victims of sex and labor trafficking. Funding is accessed by completing a request form outlining the type of trafficking, basic demographic information, and a brief description of the client's need related to trafficking. This funding provides services to victims throughout their recovery process, from the moment someone is recovered through their steps toward self-sufficiency. **These services fall into one of the following categories:**

## Immediate Response/Relief



basic needs items,  
emergency food  
assistance, medical  
care, emergency  
shelter

## Recovery



therapeutic/mental  
health services,  
transitional housing,  
legal services

## Resilience



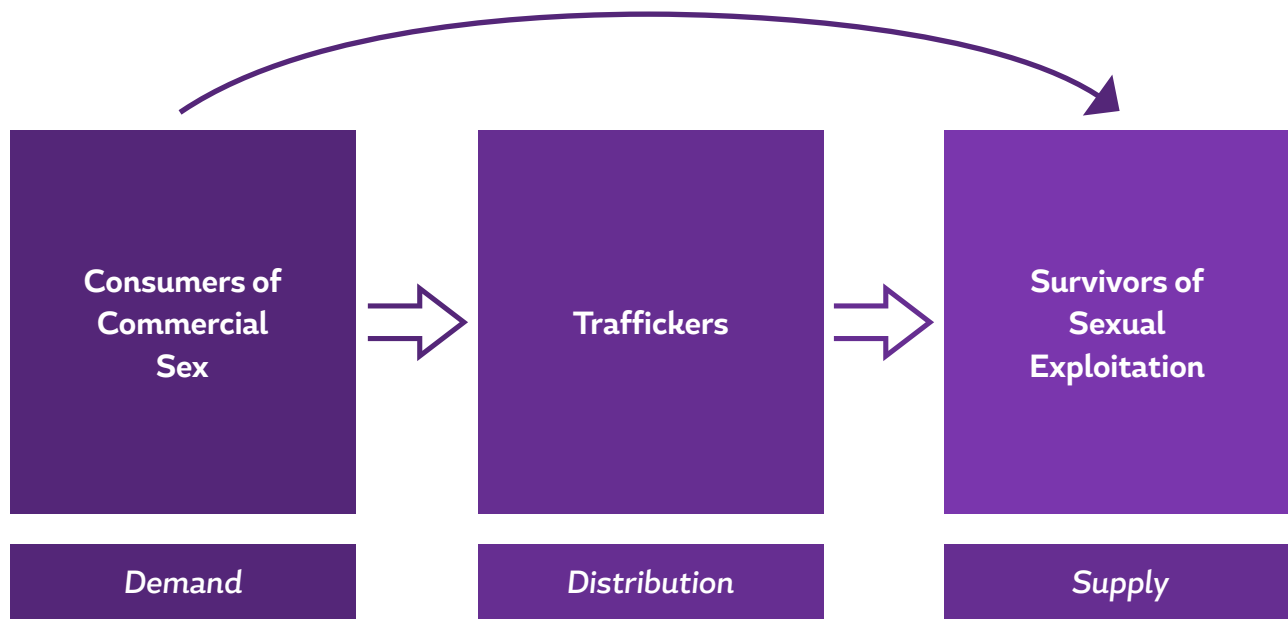
education, job  
training, life-skill  
building (*finances,  
self-care, etc.*)



# DEMAND REDUCTION PROGRAM

Demand Reduction Programs (DRPs), sometimes referred to as “John Schools”, are targeted at reducing recidivism rates for participants. These programs target the buyers of sex instead of targeting the seller. DRPs educate participants on the impact of prostitution and sex trafficking on communities, survivors, spouses, and children.

## *A Flow Model of Commercial Sex Markets*



Source: Michael Shively, P. K. (2012). A National Overview of Prostitution and Sex Trafficking Demand Reduction Efforts, Final Report. Cambridge, MA: Abt Associates. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/238796.pdf>

**“I have learned a great deal about human trafficking from this class, it has been an eye opener for me.”**  
- Demand Reduction Program Participant

The Human Trafficking Commission’s Demand Reduction Committee worked with the University of Mary to create a comprehensive intermediate sentencing, diversion, and education option for ND offenders charged with purchasing prostitution. The program was rolled out in July of 2017. The educational courses are offered quarterly, and are held in the following communities, as need dictates: Fargo, Bismarck, Grand Forks, Watford City, or Minot. Since the inception of the program, fifteen offenders have completed the program. Attendees ranged in age from 20-52 years old.

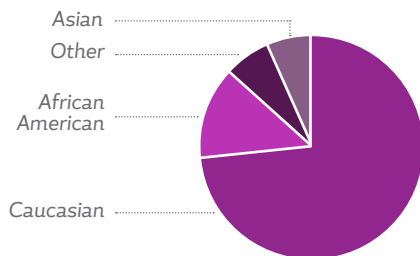
# DEMAND REDUCTION PROGRAM

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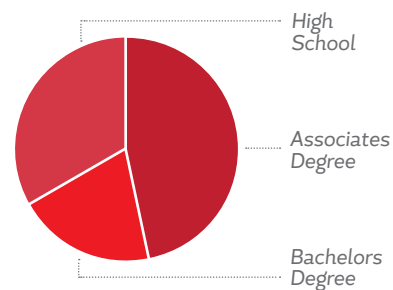
To increase awareness about the program among judges, attorneys, and law enforcement officers, the Demand Reduction Program Coordinator conducts outreach and education to individuals around the state, reaching over 1,500 people in 2019. As a result, there has been an increase in referrals to the program through law enforcement, probation officers, and prosecutors recommending the DRP as a sentencing option for judges.

## 2019 DRP DEMOGRAPHICS

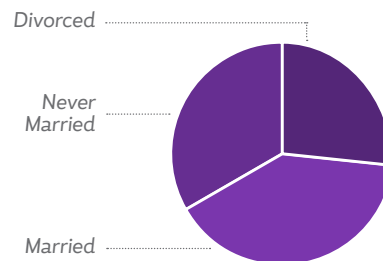
BY RACE



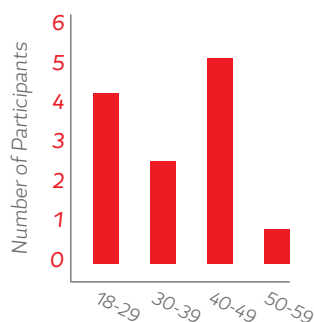
BY EDUCATION



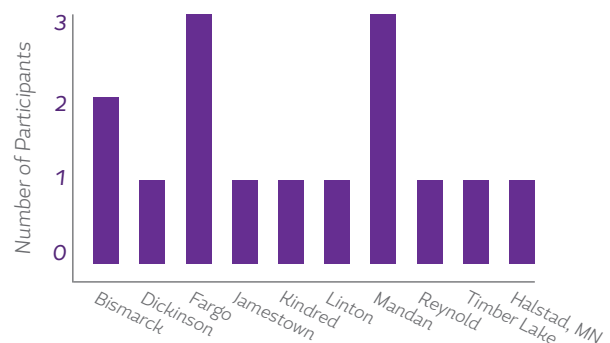
BY MARITAL STATUS



BY AGE



BY LOCATION



DRP demographics show reflect sample size of 15 offenders within the state of North Dakota, who have been charged with purchasing prostitution and sex trafficking related misdemeanors.

# NORTH DAKOTA BY THE NUMBERS

Since its inception in 2015, the NDHTTF has trained communities to identify signs of trafficking, provided response and advocacy for victims, and investigated and prosecuted crimes related to trafficking.

## IN 2019, THE NDHTTF

- Served 114 victims of human trafficking—76 adults, and 38 children; 74 were North Dakotans
- Continued services to 83 victims from 2016
- Investigated 33 cases of human sex trafficking, 1 case of labor trafficking resulting in 21 victims being identified.
- Three (3) arrests were made and 3 cases were prosecuted with 3 resulting in pleas or convictions.
- Trained 3,506 professionals on human trafficking identification
- Held 310 community-based response meetings to combat human trafficking

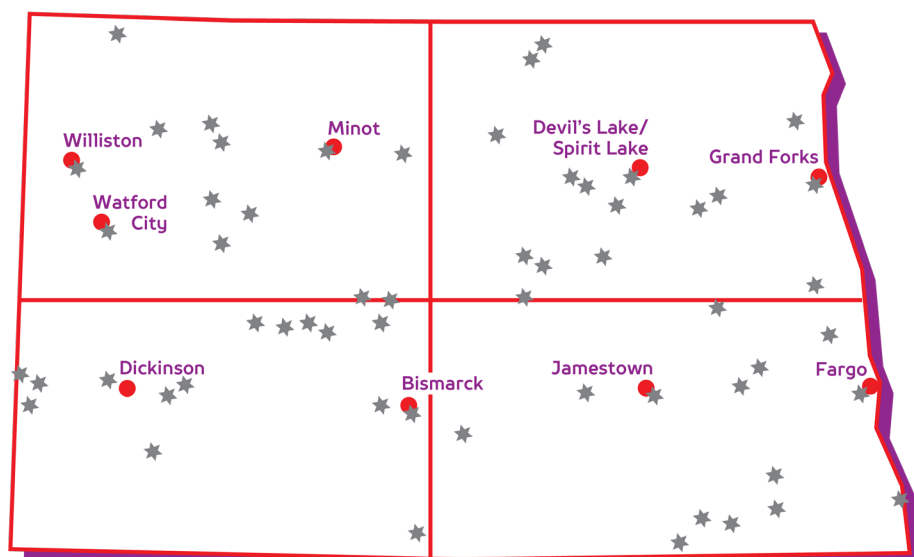


# 80%

## VICTIMS SERVED

were North Dakota  
residents

## Trafficking Cases in North Dakota



● MDT Community    ★ Communities Where Trafficking has been Identified

Of Victims Served

# 72%

adults

# 28%

minors

# NORTH DAKOTA BY THE NUMBERS

SINCE 2015, THE TASK FORCE HAS

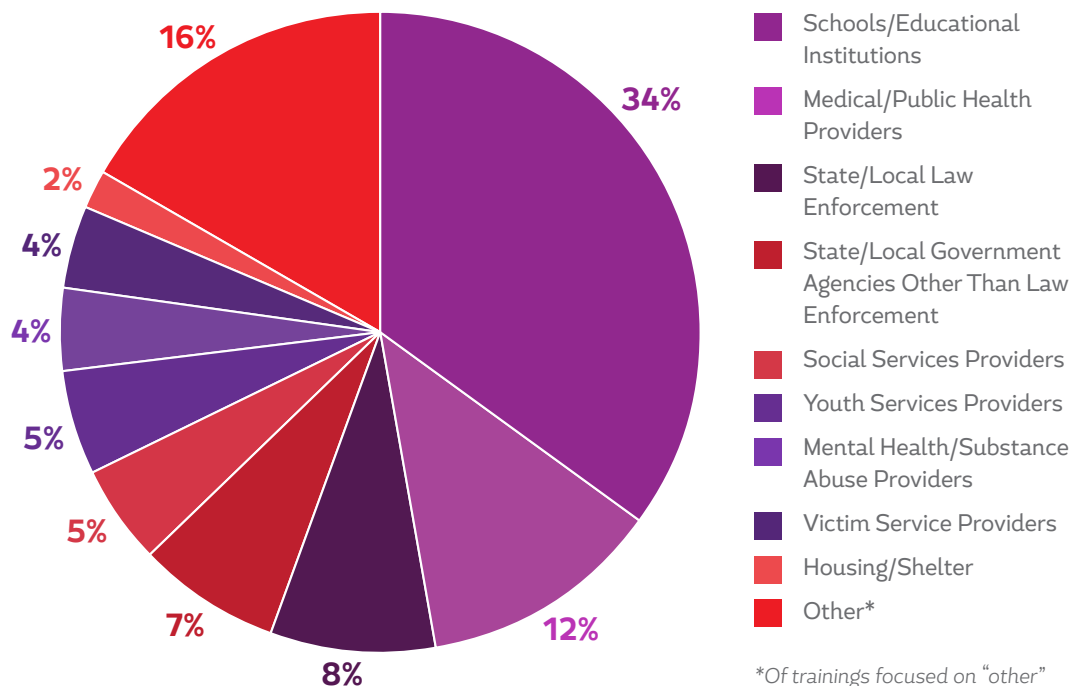
## SERVED

**482** victims of  
human trafficking

➤ 349 adults 133 children

## TRAINED MORE THAN 13,700 PEOPLE

Trainers reported the single target audience of each training and the number of people in attendance from that group. This chart displays the top 10 audiences reached by percentage.



\*Of trainings focused on "other" target audiences, most reached unknown/unreported audiences, potential homes for survivors, or students

There are more people affected by trafficking and exploitation in North Dakota than current data reflects. The NDHTTF is the only statewide organization currently compiling comprehensive data around human trafficking in the state. Victims served by agencies outside of the NDHTTF may not be reflected in current data.

# LOOKING FORWARD

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The NDHTTF utilizes these goals to guide their focus in the fight against human trafficking.

## **Goal 1: Support diverse and accessible programming to sustain long-term independence for survivors of labor and sex trafficking.**

### **Objectives:**

- Increase number of clients transitioning to long-term independence
- Develop innovative, culturally appropriate approaches to serving victims
- Identify and provide more accessible and affordable treatment options/facilities
- Identify labor trafficking and enhance services provided for labor trafficking victims

## **Goal 2: Implement effective evaluation systems to secure multiple streams of funding and ensure data-driven equitable policies.**

### **Objectives:**

- Adapt data collection system to ensure accuracy for reporting and interpretation
- Secure sustainable funding utilizing reliable data

## **Goal 3: Create a collaborative and efficient team throughout ND communities.**

### **Objectives:**

- Identify resources and plan to provide service and investigation in rural and tribal areas
- Establish, or maintain MDT meetings
- Conduct outreach operations with key community partners

## **Goal 4: Justice for victims through offender prosecution and accountability.**

### **Objectives:**

- Increase, and track, number of successful prosecutions
- Consistent charging and sentencing within judicial system
- Train judicial system

## **Goal 5: Increased awareness, understanding, and prevention through education.**

### **Objectives:**

- Provide prioritized education and outreach to communities and sectors, based on data
- Conduct outreach operations with key community partners

# SUCCESS STORY

The NDHTTF is grateful to have the consent of a client to share her story of trafficking for the Commission report. This testimonial demonstrates the need for ongoing prevention, service provision, and investigation for trafficking clients throughout the state. The NDHTTF is grateful to the survivor for her bravery in recounting her experience to better inform the public on human trafficking.

## *As reported by a North Dakota human trafficking case manager with her client's consent:*

The client grew up on the Turtle Mountain Reservation in a home that was riddled with dysfunction, mental health issues, chemical dependency and domestic violence. She was abused physically by both parents, and at age six was sexually abused and sold to other men by her father and grandfather. Often, she would be given to other men in exchange for alcohol. The client faced other trauma while growing up, sharing stories of her home burning down and believes that her mother set the fire, but it was determined to be accidental. The client also remembers her relatives often talking about the disappearance of other women on the reservation.

When she was in early elementary school, she remembers her aunts and her mother talking and hearing them discussing that an acquaintance had been raped. The women did not say the word, rather they spelled it R-A-P-E, so that she would not hear the word. The client shared that she memorized those letters and then asked her grandmother what R-A-P-E means. The client noted she had her first boyfriend when she was 16, and every subsequent relationship with an intimate partner involved mistreatment and abuse. In her first relationship with a boyfriend, he became upset with her and punched her in the mouth, knocking her tooth out. She doesn't ever recall a romantic relationship that did not involve violence.

As an adult, the client decided to leave North Dakota and move to another state to get away from her past and trauma. She resided for several years in another state and had a professional level career. It was while she was working, that she began to have a romantic relationship with her boss, who would eventually become her husband and her trafficker. She was "in the life" for several years, and was able to escape from her situation when her trafficker was sentenced to prison on other charges. The client quit her job and lived off of her retirement account money; she ran out of money and ended up homeless.

The client chose to move back to the Turtle Mountain Reservation in North Dakota, to begin her healing process, and reconnect with her family and roots. She stayed with her brother

# SUCCESS STORY

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*continued*

in his home, and shared that the house was in disrepair and was in a condition that was not healthy for human occupancy. Although the client values her heritage and has a strong desire to advocate for Native women, she realized that living on the reservation was not the right fit for her and she came to Fargo. She used nature and cultural teachings to begin her emotional healing.

Shortly after seeking shelter at the YWCA, the client disclosed that she was a victim of human trafficking. She began to participate in the human trafficking program at the YWCA, and was eventually moved into a private apartment connected to the shelter, designated for human trafficking victims. The client continued to address her trauma through nature and cultural practices, but also incorporated talk therapy and advocacy through the Rape and Abuse Crisis Center.

Working with the YWCA Education and Employment coordinator, the client secured all of her documents (*state ID/Driver's License, Social Security Card and Birth Certificate*) and a part-time job. She worked with the YWCA Human Trafficking Advocate and was approved for the YWCA Housing and Stabilization Program, moving into her own apartment 80 days after entering the shelter. The client continues to receive supportive services through all service providers at the YWCA, as well as RACC. The client is thriving and living independently. In addition to her employment, the client is active in community advocacy for Native American Women and human rights issues.

## RESOURCES

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Additional information related to work of the NDHTTF can be found at:

[www.ndhttf.org](http://www.ndhttf.org)

<https://attorneygeneral.nd.gov/public-safety/human-trafficking>

# CONCLUSION



The Attorney General's Office and the North Dakota Human Trafficking Task Force continue to *work together to shed light on the state of human trafficking in North Dakota*. Turning the tide on exploitation and trafficking will take the continued attention and commitment of our elected leaders, law enforcement and non-profit partners. The Attorney General's Office urges elected officials, non-profit leaders, federal partners and all law enforcement jurisdictions to remain steadfast in their commitment to working collaboratively to end human trafficking in North Dakota.

## NDLA, S TRN - Wolf, Sheldon

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**From:** Schaffer, Brad K.  
**Sent:** Thursday, January 14, 2021 1:13 PM  
**To:** Clemens, David  
**Cc:** NDLA, S TRN - Wolf, Sheldon; Fors, Robert; Conley, Cole; Dwyer, Mike A.; Larsen, Doug; Bakke, JoNell  
**Subject:** SB 2109

Mr. Chairman and members of the committee, to answer Senator Dwyer's question:

What is the penalty if you do not have a CDL?

The current legal process would continue with the possibility of jail time and you would not be able to obtain a CDL in North Dakota.

Please let me know if you have any other questions.

Thank you

**Brad Schaffer**  
*Director – Drivers License*

701.328.1674 • [bkschaffer@nd.gov](mailto:bkschaffer@nd.gov) • [dot.nd.gov](http://dot.nd.gov)

NORTH  
**Dakota** | Transportation  
Be Legendary.™

**2021 HOUSE TRANSPORTATION**

**SB 2109**

# 2021 HOUSE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Room JW327E, State Capitol

SB 2109  
3/4/2021

A bill relating to commercial driver's license disqualifications.
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9:45 **Chairman Ruby** opened the hearing.

## Attendance

Representatives	
Representative Dan Ruby	P
Representative Tom Kading	P
Representative Rick Becker	A
Representative Cole Christensen	P
Representative LaurieBeth Hager	P
Representative Jared C. Hagert	P
Representative Karla Rose Hanson	P
Representative Terry B. Jones	P
Representative Emily O'Brien	P
Representative Mark S. Owens	P
Representative Bob Paulson	P
Representative Gary Paur	P
Representative Robin Weisz	A
Representative Greg Westlind	P

## Discussion Topics:

- Change in Federal Law
- ND Compliance
- Lifetime Disqualification for Human Trafficking

**Robin Rehborg, Deputy Director for Safety for Department of Transportation,** introduction. Testimony # 7400

**Brie Moore, North Dakota Department of Transportation,** response to questions.

**Wade Kadrmas, Safety and Education Officer for the North Dakota Highway Patrol,** testimony # 7396

**Amanda Reminich, ND Motor Carriers Association,** oral supportive testimony.

10:08 AM **Chairman Ruby** closed the hearing.

**Representative Christensen** moved a Do Pass.

**Representative Owens** seconded.

<b>Representatives</b>	<b>VOTE</b>
Representative Dan Ruby	Y
Representative Tom Kading	Y
Representative Rick Becker	A
Representative Cole Christensen	Y
Representative LaurieBeth Hager	Y
Representative Jared C. Hagert	Y
Representative Karla Rose Hanson	Y
Representative Terry B. Jones	Y
Representative Emily O'Brien	Y
Representative Mark S. Owens	Y
Representative Bob Paulson	Y
Representative Gary Paur	Y
Representative Robin Weisz	A
Representative Greg Westlind	Y

Motion Carried 12-0-2 **Representative Christensen** carrier.

10:45 Adjourned

*Jeanette Cook, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2109: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **DO PASS**  
(12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2109 was placed on the  
Fourteenth order on the calendar.

**HOUSE TRANSPORTATION COMMITTEE****March 4, 2021 - 9:45 a.m. – Room 327E**

**North Dakota Department of Transportation  
Robin Rehborg, Deputy Director for Driver Safety**

**SB 2109**

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Good morning Chairman Ruby and members of the committee. I'm Robin Rehborg, Deputy Director for Driver Safety for the North Dakota Department of Transportation (NDDOT). Thank you for your time today.

Senate Bill 2109 is a NDDOT agency bill which provides for the implementation of 49 CFR Parts 383 and 384 Lifetime Disqualification for Human Trafficking. The reason for this change is due to the federal register rule change that was effective September 23, 2019. This final rule revises the list of offenses permanently disqualifying individuals from operating a commercial motor vehicle for which a commercial drivers' license or a commercial learner's permit is required. This final rule reflects a change made by Congress in the "No Human Trafficking on Our Roads Act." This makes a felony conviction involving a severe form of human trafficking an offense that leads to a lifetime disqualification of commercial driving privileges without the possibility of reinstatement. Prior to this rule change, a felony conviction involving a severe form of human trafficking did not result in a lifetime disqualification of commercial driving privileges.

During the NDDOT's 2020 Annual Program Review by Federal Motor Carrier Safety Administration (FMCSA), they recommended this requirement be implemented to ensure the State remains in substantial compliance with 49 CFR 383 and 384. A State must come into substantial compliance with this requirement as soon as possible, but no later than September 23, 2022. The penalty for non-compliance is a withholding of Federal-aid highway funds of up to 4% for the first year and up to 8% for subsequent years. Also, FMCSA could disqualify the state from performing CDL transactions.

This concludes my testimony. Thank You.

**Senate Bill 2109**  
**House Transportation Committee**  
**Representative Ruby, Chairman**  
**March 4, 2021**

Chairman Ruby and members of the House Transportation Committee, my name is Sergeant Wade Kadrmas and I am the Safety and Education Officer for the North Dakota Highway Patrol. I am here today on behalf of the patrol to support Senate Bill 2109.

Human trafficking is a growing concern that involves the use of force, fraud, or coercion to obtain labor or a commercial sex act. I provided the committee a copy of the 2019 report about Human Trafficking in The State Of North Dakota, published by the North Dakota Attorney General's Human Trafficking Commission, which details the occurrence and effects of this crime in our state.

On July 23, 2019, the Federal Motor Carrier Administration announced its final rule that permanently bans drivers convicted of human trafficking from operating a commercial motor vehicle (CMV) for which a commercial driver's license or a commercial learner's permit is required. This lifetime ban was put in place to serve as a strong deterrent from drivers using the highway system to commit these atrocious crimes.

The North Dakota Highway Patrol respectfully requests your support of Senate Bill 2109.

# HUMAN TRAFFICKING

IN THE STATE OF

## NORTH DAKOTA



2019

**Attorney General's Human Trafficking Commission**

North Dakota Office of Attorney General

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# HUMAN TRAFFICKING



## OVERVIEW

Human trafficking is a crime involving the exploitation of someone for the purposes of compelled labor or a commercial sex act through the use of force, fraud, or coercion. Human trafficking affects individuals across the world, including here in the United States, and is commonly regarded as one of the most pressing human rights issues of our time. Human trafficking affects every community in the United States across age, gender, ethnicity, and socio-economic backgrounds.

As defined under North Dakota and U.S. law, victims of human trafficking can be divided into three populations:

- Children under age 18 induced into commercial sex.
- Adults aged 18 or over induced into commercial sex through force, fraud, or coercion.
- Children and adults induced to perform labor or services through force, fraud, or coercion.

## FORMS OF TRAFFICKING

**Sex trafficking** is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purposes of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age (22 USC § 7102).

**Labor trafficking** is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery (22 USC § 7102).

# HUMAN TRAFFICKING

## overview

### EXPLOITATION VS. TRAFFICKING

Exploitation is the exchange of a sex or labor act for money, shelter, drugs, or anything of value, between two parties. This includes survival sex, stripping, sextortion, pornography, and numerous fields of work.

- A youth runs away from home or is kicked out of their home, and someone offers them a “safe” place to stay in exchange for a sexual act. That is survival sex.
- An individual works for a business in exchange for shelter, which may be shared with other individuals.
- A youth is coerced into sending a nude photo to someone via social media and that person blackmails the youth, forcing them to provide additional photos.

Trafficking is exploitation involving force, fraud or coercion, or is facilitating the exploitation of a minor victim. A party acts as a trafficker, using force, fraud or coercion to procure sex or labor acts for themselves, or a purchaser. The party profiting from the act is the trafficker.

- Parents cannot afford rent and the landlord agrees to waive rent in exchange for a sexual act from the child. Those parents are now the traffickers.
- A teen’s boy/girlfriend coerces them to have sex with their friends in exchange for money, drugs, a new cell phone, clothing, etc. That boy/girlfriend is their trafficker.
- An employer forces an employee to work long hours for little/no pay, withholds payment, falsely claims that the employee owes money to the employer, and physically abuses and threatens the life of the employee, telling them that if they leave or report the exploitation, their family will be harmed. **This is a form of labor trafficking.**

# TRAFFICKING IN NORTH DAKOTA



## HISTORY

In response to the presence of human trafficking in North Dakota, a Human Trafficking Commission was created by the 64th Legislative Assembly and established within the Office of Attorney General. N.D.C.C. § 54-12-33. The Commission was originally charged with developing a coordinated and comprehensive plan to provide victims with services; collecting and evaluating data on human trafficking in this state and promoting public awareness about human trafficking, victim remedies and services, and trafficking prevention. During the 65th ND Legislative Assembly, the authority and duties of the Commission were narrowed in order to focus on the collection and evaluation of data, and to promote public awareness on human trafficking and victim services. The Attorney General's office partners with the federal North Dakota Human Trafficking Task Force on these efforts.

## HUMAN TRAFFICKING: VICTIM TREATMENT AND SUPPORT SERVICES FUNDING

The 66th Legislative Assembly approved an appropriation of \$1.4 million to organizations involved in providing prevention and treatment services to human trafficking victims. The appropriated funds were awarded through an open, competitive process to organizations that demonstrated involvement in providing prevention and treatment services related to human trafficking victims, in coordination with state and local governments.

The grant award period commenced on September 1, 2019 and continues through June 30, 2021. Additional information on the grantees can be found on the [Criminal Justice Resources](#) page of the Attorney General's website.

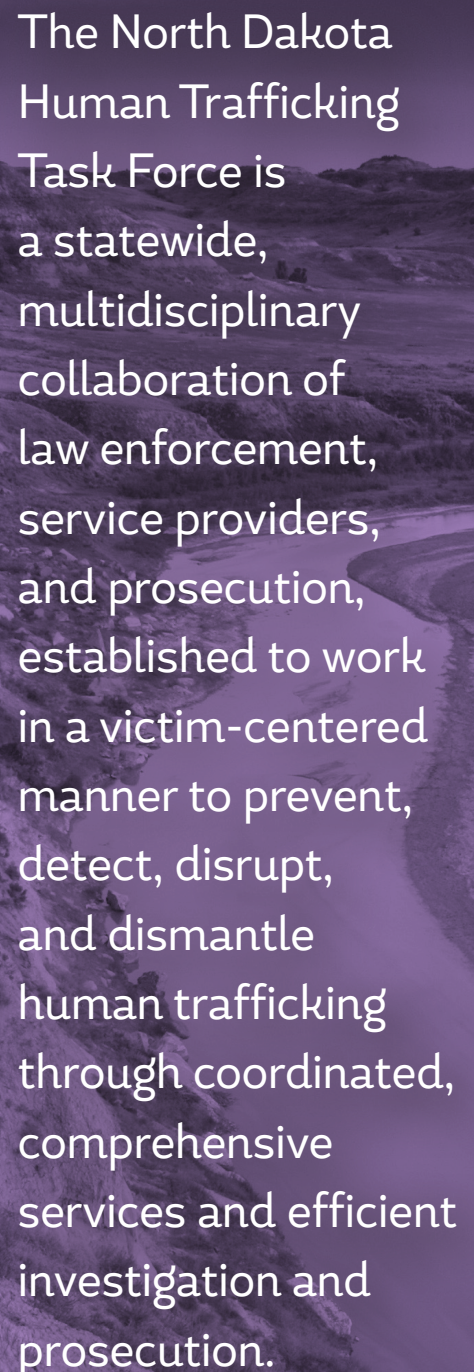
# NORTH DAKOTA HUMAN TRAFFICKING TASK FORCE

Since 2015, the Attorney General and the Human Trafficking Commission have been working closely with the North Dakota Human Trafficking Task Force (NDHTTF) to build a coordinated response to human trafficking in the state. The NDHTTF was founded in late 2015 through the North Dakota Office of Attorney General, CAWS North Dakota (CAWS ND), and the U.S. Attorney's Office in North Dakota (USAO), with First Nations Women's Alliance (FNWA) added to executive leadership in 2017.

## OVERVIEW OF NDHTTF

The North Dakota Human Trafficking Task Force is a collaborative team made up of law enforcement, prosecution, and service providers at federal, state, and local levels. We respond to victims of sex and labor trafficking, providing comprehensive services, investigating traffickers and solicitors, and prosecuting offenders. The NDHTTF is the nexus for a network of law enforcement and service providers to work in tandem to build capacity and combat trafficking statewide.

We do this through the following methods: train communities to identify exploitation and trafficking and provide points of contact upon identification, train local multidisciplinary teams to respond to victims and investigate trafficking-related crime, assist response agencies and communities with development of response protocol, provide technical assistance to local response teams upon request, run operations and investigate trafficking related crime, prosecute offenders and provide victims with restitution, engage in national anti-trafficking best practices and sharing of resources, and build networks for victims to access services and resources.



The North Dakota Human Trafficking Task Force is a statewide, multidisciplinary collaboration of law enforcement, service providers, and prosecution, established to work in a victim-centered manner to prevent, detect, disrupt, and dismantle human trafficking through coordinated, comprehensive services and efficient investigation and prosecution.

# NORTH DAKOTA HUMAN TRAFFICKING TASK FORCE

*continued*

The core of the NDHTTF model involves three components: **1)** Multi-disciplinary teams across the state (*operating in 9 communities*) that provide immediate response to trafficked individuals; **2)** A task force Director, Grant Tech, and Operational Team coordinating the activities of the task force and providing training and technical assistance to the local MDTs; and **3)** Five subcommittees including Law Enforcement, Legal, Tribal Engagement, Labor Trafficking, and Victim Services, help drive progress in developing best practices, solving common problems, and facilitating cooperation across the state.

The NDHTTF also developed a Human Trafficking Fund that is accessible to agencies across the state to support victims of sex and labor trafficking. Funding is accessed by completing a request form outlining the type of trafficking, basic demographic information, and a brief description of the client's need related to trafficking. This funding provides services to victims throughout their recovery process, from the moment someone is recovered through their steps toward self-sufficiency. **These services fall into one of the following categories:**

## Immediate Response/Relief



basic needs items,  
emergency food  
assistance, medical  
care, emergency  
shelter

## Recovery



therapeutic/mental  
health services,  
transitional housing,  
legal services

## Resilience



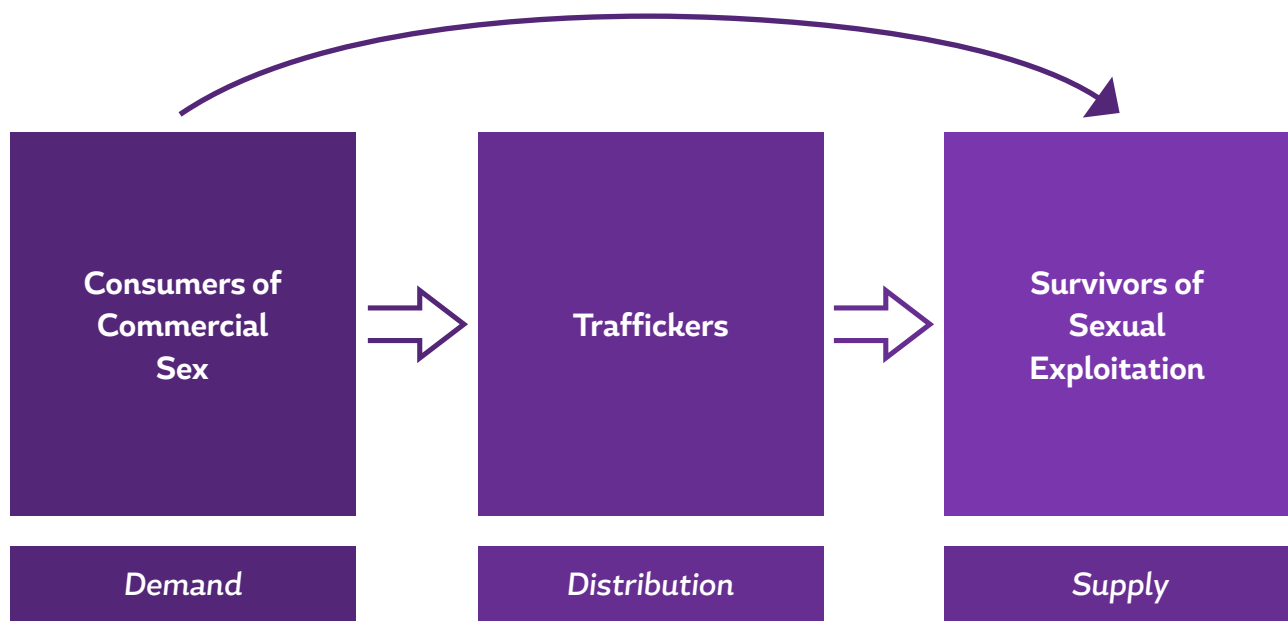
education, job  
training, life-skill  
building (*finances,  
self-care, etc.*)



# DEMAND REDUCTION PROGRAM

Demand Reduction Programs (DRPs), sometimes referred to as “John Schools”, are targeted at reducing recidivism rates for participants. These programs target the buyers of sex instead of targeting the seller. DRPs educate participants on the impact of prostitution and sex trafficking on communities, survivors, spouses, and children.

## *A Flow Model of Commercial Sex Markets*



Source: Michael Shively, P. K. (2012). A National Overview of Prostitution and Sex Trafficking Demand Reduction Efforts, Final Report. Cambridge, MA: Abt Associates. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/238796.pdf>

**“I have learned a great deal about human trafficking from this class, it has been an eye opener for me.”**  
- Demand Reduction Program Participant

The Human Trafficking Commission’s Demand Reduction Committee worked with the University of Mary to create a comprehensive intermediate sentencing, diversion, and education option for ND offenders charged with purchasing prostitution. The program was rolled out in July of 2017. The educational courses are offered quarterly, and are held in the following communities, as need dictates: Fargo, Bismarck, Grand Forks, Watford City, or Minot. Since the inception of the program, fifteen offenders have completed the program. Attendees ranged in age from 20-52 years old.

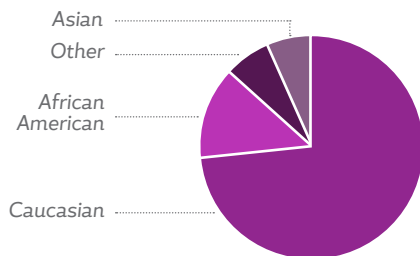
# DEMAND REDUCTION PROGRAM

*continued*

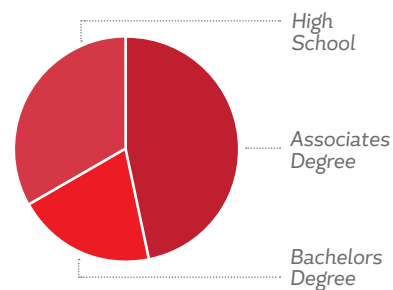
To increase awareness about the program among judges, attorneys, and law enforcement officers, the Demand Reduction Program Coordinator conducts outreach and education to individuals around the state, reaching over 1,500 people in 2019. As a result, there has been an increase in referrals to the program through law enforcement, probation officers, and prosecutors recommending the DRP as a sentencing option for judges.

## 2019 DRP DEMOGRAPHICS

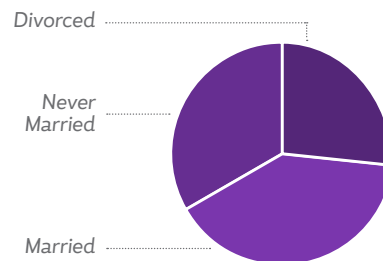
BY RACE



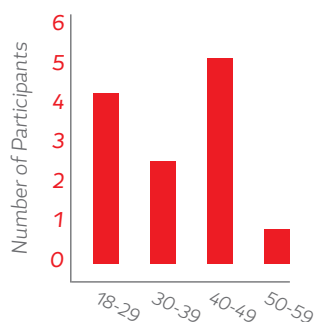
BY EDUCATION



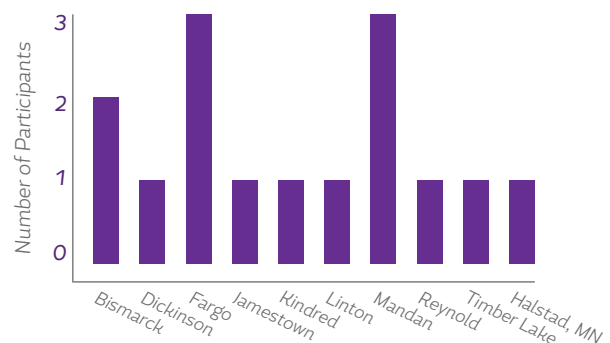
BY MARITAL STATUS



BY AGE



BY LOCATION



DRP demographics show reflect sample size of 15 offenders within the state of North Dakota, who have been charged with purchasing prostitution and sex trafficking related misdemeanors.

# NORTH DAKOTA BY THE NUMBERS

Since its inception in 2015, the NDHTTF has trained communities to identify signs of trafficking, provided response and advocacy for victims, and investigated and prosecuted crimes related to trafficking.

## IN 2019, THE NDHTTF

- Served 114 victims of human trafficking—76 adults, and 38 children; 74 were North Dakotans
- Continued services to 83 victims from 2016
- Investigated 33 cases of human sex trafficking, 1 case of labor trafficking resulting in 21 victims being identified.
- Three (3) arrests were made and 3 cases were prosecuted with 3 resulting in pleas or convictions.
- Trained 3,506 professionals on human trafficking identification
- Held 310 community-based response meetings to combat human trafficking

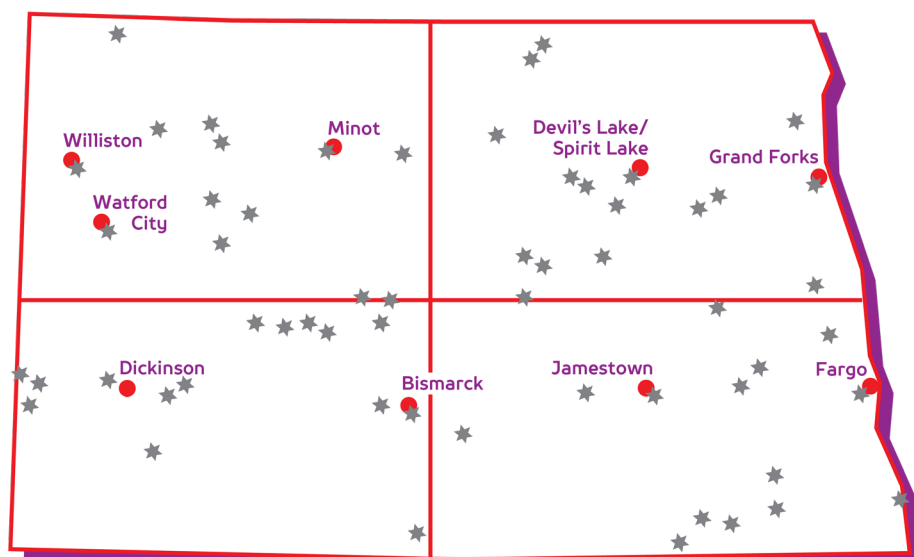


# 80%

## VICTIMS SERVED

were North Dakota  
residents

## Trafficking Cases in North Dakota



● MDT Community    ★ Communities Where Trafficking has been Identified

Of Victims Served

# 72%

adults

# 28%

minors

# NORTH DAKOTA BY THE NUMBERS

SINCE 2015, THE TASK FORCE HAS

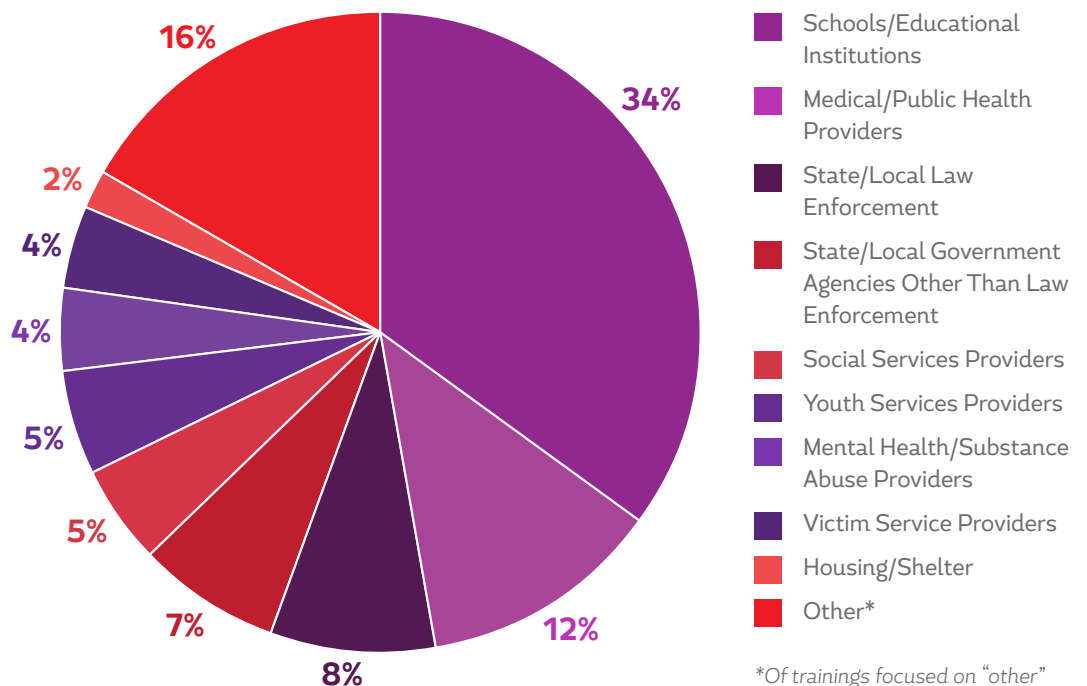
## SERVED

**482** victims of  
human trafficking

➤ 349 adults 133 children

## TRAINED MORE THAN 13,700 PEOPLE

Trainers reported the single target audience of each training and the number of people in attendance from that group. This chart displays the top 10 audiences reached by percentage.



\*Of trainings focused on "other" target audiences, most reached unknown/unreported audiences, potential homes for survivors, or students



There are more people affected by trafficking and exploitation in North Dakota than current data reflects. The NDHTTF is the only statewide organization currently compiling comprehensive data around human trafficking in the state. Victims served by agencies outside of the NDHTTF may not be reflected in current data.

# LOOKING FORWARD

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The NDHTTF utilizes these goals to guide their focus in the fight against human trafficking.

## **Goal 1: Support diverse and accessible programming to sustain long-term independence for survivors of labor and sex trafficking.**

### **Objectives:**

- Increase number of clients transitioning to long-term independence
- Develop innovative, culturally appropriate approaches to serving victims
- Identify and provide more accessible and affordable treatment options/facilities
- Identify labor trafficking and enhance services provided for labor trafficking victims

## **Goal 2: Implement effective evaluation systems to secure multiple streams of funding and ensure data-driven equitable policies.**

### **Objectives:**

- Adapt data collection system to ensure accuracy for reporting and interpretation
- Secure sustainable funding utilizing reliable data

## **Goal 3: Create a collaborative and efficient team throughout ND communities.**

### **Objectives:**

- Identify resources and plan to provide service and investigation in rural and tribal areas
- Establish, or maintain MDT meetings
- Conduct outreach operations with key community partners

## **Goal 4: Justice for victims through offender prosecution and accountability.**

### **Objectives:**

- Increase, and track, number of successful prosecutions
- Consistent charging and sentencing within judicial system
- Train judicial system

## **Goal 5: Increased awareness, understanding, and prevention through education.**

### **Objectives:**

- Provide prioritized education and outreach to communities and sectors, based on data
- Conduct outreach operations with key community partners

# SUCCESS STORY

The NDHTTF is grateful to have the consent of a client to share her story of trafficking for the Commission report. This testimonial demonstrates the need for ongoing prevention, service provision, and investigation for trafficking clients throughout the state. The NDHTTF is grateful to the survivor for her bravery in recounting her experience to better inform the public on human trafficking.

## *As reported by a North Dakota human trafficking case manager with her client's consent:*

The client grew up on the Turtle Mountain Reservation in a home that was riddled with dysfunction, mental health issues, chemical dependency and domestic violence. She was abused physically by both parents, and at age six was sexually abused and sold to other men by her father and grandfather. Often, she would be given to other men in exchange for alcohol. The client faced other trauma while growing up, sharing stories of her home burning down and believes that her mother set the fire, but it was determined to be accidental. The client also remembers her relatives often talking about the disappearance of other women on the reservation.

When she was in early elementary school, she remembers her aunts and her mother talking and hearing them discussing that an acquaintance had been raped. The women did not say the word, rather they spelled it R-A-P-E, so that she would not hear the word. The client shared that she memorized those letters and then asked her grandmother what R-A-P-E means. The client noted she had her first boyfriend when she was 16, and every subsequent relationship with an intimate partner involved mistreatment and abuse. In her first relationship with a boyfriend, he became upset with her and punched her in the mouth, knocking her tooth out. She doesn't ever recall a romantic relationship that did not involve violence.

As an adult, the client decided to leave North Dakota and move to another state to get away from her past and trauma. She resided for several years in another state and had a professional level career. It was while she was working, that she began to have a romantic relationship with her boss, who would eventually become her husband and her trafficker. She was "in the life" for several years, and was able to escape from her situation when her trafficker was sentenced to prison on other charges. The client quit her job and lived off of her retirement account money; she ran out of money and ended up homeless.

The client chose to move back to the Turtle Mountain Reservation in North Dakota, to begin her healing process, and reconnect with her family and roots. She stayed with her brother

# SUCCESS STORY

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*continued*

in his home, and shared that the house was in disrepair and was in a condition that was not healthy for human occupancy. Although the client values her heritage and has a strong desire to advocate for Native women, she realized that living on the reservation was not the right fit for her and she came to Fargo. She used nature and cultural teachings to begin her emotional healing.

Shortly after seeking shelter at the YWCA, the client disclosed that she was a victim of human trafficking. She began to participate in the human trafficking program at the YWCA, and was eventually moved into a private apartment connected to the shelter, designated for human trafficking victims. The client continued to address her trauma through nature and cultural practices, but also incorporated talk therapy and advocacy through the Rape and Abuse Crisis Center.

Working with the YWCA Education and Employment coordinator, the client secured all of her documents (*state ID/Driver's License, Social Security Card and Birth Certificate*) and a part-time job. She worked with the YWCA Human Trafficking Advocate and was approved for the YWCA Housing and Stabilization Program, moving into her own apartment 80 days after entering the shelter. The client continues to receive supportive services through all service providers at the YWCA, as well as RACC. The client is thriving and living independently. In addition to her employment, the client is active in community advocacy for Native American Women and human rights issues.

## RESOURCES

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Additional information related to work of the NDHTTF can be found at:

[www.ndhttf.org](http://www.ndhttf.org)

<https://attorneygeneral.nd.gov/public-safety/human-trafficking>

# CONCLUSION



The Attorney General's Office and the North Dakota Human Trafficking Task Force continue to *work together to shed light on the state of human trafficking in North Dakota*. Turning the tide on exploitation and trafficking will take the continued attention and commitment of our elected leaders, law enforcement and non-profit partners. The Attorney General's Office urges elected officials, non-profit leaders, federal partners and all law enforcement jurisdictions to remain steadfast in their commitment to working collaboratively to end human trafficking in North Dakota.