



North Dakota Legislative Council

Prepared for the Protection and Victim Services Committee
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HUMAN TRAFFICKING VICTIM SERVICE AND RE-ENTRY PROGRAMS STUDY - BACKGROUND MEMORANDUM

House Concurrent Resolution No. 3028 (2025) ([appendix](#)) provides for a study of human trafficking victim service and re-entry programs. The study must include an assessment of current human trafficking victim and re-entry services, including services to protect victims from predatory offenders, policies, practices, data, and resource allocation. The goal of the study is to identify service implementation opportunities to help victims effectively re-enter society. In conducting the study, the Legislative Management must seek input from the Attorney General's office, nonprofit organizations, law enforcement, and other stakeholders.

BACKGROUND

Human trafficking is a crime involving the recruitment, transportation, transfer, harboring, or receipt of individuals through force, fraud, or deception for purposes of exploitation for profit. With low investment costs and high profits, human trafficking is a lucrative business, often occurring in connection with other illegal enterprises. Human trafficking occurs in all parts of the world, in both urban and rural communities. Victims of human trafficking can be men, women, and children of all ages and backgrounds, with certain demographics at higher risk of victimization. Based on factors identified by the United States Department of State Office to Monitor and Combat Trafficking in Persons, an individual's risk of becoming a trafficking victim increases if the individual recently has relocated or migrated, engages in substance abuse, is a runaway or homeless youth, has mental health concerns, or is involved in the child welfare system.¹

The two primary forms of severe trafficking in persons recognized by Congress are forced labor and sex trafficking.² Traffickers use force, fraud, and coercion to compel labor services and commercial sex. Labor trafficking involves obtaining an individual for labor services through involuntary servitude, peonage, debt bondage, or slavery.³ The United States Department of Homeland Security identifies forced labor as the most common form of human trafficking, accounting for approximately 77 percent of trafficking victims worldwide.⁴ Investigations by Homeland Security have uncovered criminal labor trafficking operations in all business sectors in the United States, including agriculture, landscaping, construction, hospitality, manufacturing, domestic work, restaurants, elder care, grocery retailers, salon services, and janitorial services. Sex trafficking, as a severe form of trafficking in persons, is the induction of a commercial sex act, either through compulsion or through the exploitation of a minor.⁵ Prostitution, pornography, stripping, live-sex shows, mail-order brides, military prostitution, and sex tourism are all forms of sex trafficking. Social media and other online platforms are increasingly used by sex traffickers to recruit, advertise, and otherwise exploit victims.

¹ *2024 Trafficking in Persons Report*, United States Department of State Office to Monitor and Combat Trafficking in Persons.

² 22 U.S.C. § 7102(11).

³ 22 U.S.C. § 7102(11)(B).

⁴ *Human Trafficking Quick Facts*, United States Department of Homeland Security.

⁵ 22 U.S.C. § 7102(11)(A).

FEDERAL LAW

Trafficking Victims Protection Act⁶

The Trafficking Victims Protection Act (TVPA) of 2000 was the first comprehensive federal law addressing human trafficking. Designed to equip the government with new tools and resources to initiate a comprehensive and coordinated campaign against human trafficking, the TVPA established a three-pronged framework emphasizing protection, prevention, and prosecution. Victim protection efforts under the TVPA included expanded access to federally funded health and social services, regardless of immigration status. Creating the T and U visas, the TVPA also enacted immigration protections to help shield victims from deportation and offer a pathway to permanent residency. Preventative measures against the trafficking of humans across American borders were enacted by the TVPA through international initiatives, the creation of the United States Department of State Office to Monitor and Combat Trafficking in Persons, and by requiring the president to create the Interagency Task Force to Monitor and Combat Trafficking responsible for analyzing data. The Act also created new criminal provisions prohibiting more forms of human trafficking and attempts to commit trafficking, requiring restitution from traffickers to victims, and creating stronger and harsher penalties.

Following initial enactment in 2000, the TVPA has been reauthorized six times, most recently by the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018.⁷ Key provisions added through TVPA reauthorizations include:

- Creating a civil remedy enabling victims to file lawsuits in federal district court;
- Requiring an annual report by the United States Attorney General to Congress on TVPA implementation efforts;
- Establishing a grant program for states, tribes, local governments, and nongovernmental organizations to develop and strengthen assistance for trafficking victims;
- Establishing a grant program for law enforcement to combat human trafficking;
- Directing the government to provide information about workers' rights to all individuals applying for work- and education-based visas;
- Increasing protections for workers from outside the United States, including expanding the definition of force to include abuse or threatened abuse of the legal process and imposing criminal liability on employers making materially false or fraudulent representations; and
- Providing additional funding and mandates to support victims of trafficking.

The Preventing Sex Trafficking and Strengthening Families Act of 2014⁸

The Preventing Sex Trafficking and Strengthening Families Act of 2014 amends Title IV-E of the Social Security Act with provisions intended to prevent and address sex trafficking of children in foster care. The Act directs state agencies to develop policies to identify and determine appropriate services for children over whom the state agency has responsibility and who are a victim or at risk of being a victim of sex trafficking. The Act authorizes states to identify and provide services to any individual under age 26 who may be a victim of sex trafficking, without regard to whether the individual was in foster care. The Act also requires states to report instances of sex trafficking to law enforcement, include sex trafficking data in federal reports, and locate, respond to, and report children who run away from foster care.

The Justice for Victims of Trafficking Act of 2015⁹

The Justice for Victims of Trafficking Act (JVTA) of 2015 expands the scope of criminal liability for traffickers, strengthens victim restitution, and establishes long-term strategic planning for addressing human trafficking. By expanding the offense of sex trafficking to include solicitation and patronization, the

⁶ Trafficking Victims Protection Act of 2000 [Pub. L. 106-386; 114 Stat. 1464].

⁷ Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018 [Pub. L. 115-425; 132 Stat. 5472].

⁸ The Preventing Sex Trafficking and Strengthening Families Act of 2014 [Pub. L. No 113-183; 128 Stat. 1919].

⁹ The Justice for Victims of Trafficking Act of 2015 [Pub. L. No. 114-22; 129 Stat. 227].

JVTA allows for the prosecution of commercial sex buyers. The term "advertises" also is added by the JVTA as a mode of committing an offense when the advertised victim is a minor, or when force, fraud, or coercion would be used. A significant evidentiary barrier was removed by the JVTA, eliminating the requirement for prosecutors to prove that a defendant knew or recklessly disregarded the victim's age if the defendant had a reasonable opportunity to observe the victim. The evidentiary change by the JVTA closed a legal loophole traffickers used to evade enhanced charges and sentencing. The production of child pornography was added by the JVTA to the definition of "illicit sexual conduct", criminalizing transportation and travel conduct involving illegal sexual activity with children.

The Act requires assets forfeited in a human trafficking case to be used to satisfy a victim restitution order and permits any asset involved in or traceable to human trafficking to be forfeited. A mandatory \$5,000 special assessment applies to each count of conviction for nonindigent defendants under the JVTA. The revenue generated from special assessments under the JVTA must be used to support human trafficking victim service programs.

Building upon existing federal legislation protecting at-risk children, the JVTA also bolsters service eligibility for youth trafficking victims. Services under the Runaway and Homeless Youth Act¹⁰ were expanded to include youth victims of severe forms of trafficking by the JVTA. Human trafficking and child sexual abuse material were added as forms of child abuse by the JVTA, expanding the Child Abuse and Prevention Treatment Act¹¹ and authorizing the implementation of programs to identify and provide direct services to victims of child pornography.

NORTH DAKOTA LAW

Uniform Act on Prevention of and Remedies for Human Trafficking

North Dakota Century Code Chapter 12.1-41 provides for the adoption of the Uniform Act on Prevention of and Remedies for Human Trafficking, as developed by the Uniform Law Commission in 2013. The 2015 Legislative Assembly adopted the uniform Act addressing human trafficking, which is comprised of the following offenses: trafficking of an individual, forced labor, sexual servitude, patronizing a victim of sexual servitude, or patronizing a minor for commercial sexual activity. Business entities can be held liable under Section 12.1-41-07 for knowingly participating in or ignoring trafficking conducted by their employees. Chapter 12.1-41 defines trafficking broadly, covering both labor and sex trafficking. Stricter penalties are imposed for offenses involving minors or when a defendant recruits, entices, or obtains a victim from a shelter serving vulnerable individuals.

Section 12.1-41-09 requires traffickers to pay restitution to victims for expenses relating to the offense and lost wages. Information obtained in the investigation or prosecution of a trafficking crime must be kept confidential unless disclosure is required by law or the court, or necessary for the victim to obtain benefits. Past sexual behavior of a victim is not admissible in trafficking-related prosecution or a civil action, unless admissible under the North Dakota Rules of Evidence. Section 12.1-41-12 provides broad immunity for a minor who commits an offense as a direct result of trafficking, requiring a minor to be treated as a child in need of services. A victim may raise an affirmative defense for certain charges when committed as a direct result of trafficking. Victims also may petition the court to vacate and seal convictions for offenses stemming from trafficking under Section 12.1-41-14. Victims also have the right to file a civil lawsuit against traffickers for damages, including punitive damages, within 10 years of the trafficking or date on which the victim turned age 18. Section 12.1-41-17 affirms all victims are eligible for state benefits. Law enforcement is directed to comply with victim requests related to nonimmigrant T or U visas. Section 12.1-41-19 authorizes the Attorney General to fund organizations providing human trafficking victim services in exchange for victim information.

¹⁰ Runaway and Homeless Youth Act [34 U.S.C. § 11201 et seq.].

¹¹ Child Abuse Prevention and Treatment Act [42 U.S.C. § 5101 et seq.].

Human Trafficking Commission

Section 54-12-33 requires the Attorney General to establish a Human Trafficking Commission comprised of representatives from state, local, tribal, and nongovernmental organizations working with human trafficking. The commission is charged with collecting and evaluating data on human trafficking activities in the state, and reporting annually to the Attorney General, Governor, and Legislative Assembly. The commission also is statutorily responsible for human trafficking education, awareness, and training across the state.

Human Trafficking Task Force

The North Dakota Human Trafficking Task Force (NDHTTF) was created in 2015 through the Attorney General's office as a team of law enforcement, prosecutors, and service providers at federal, state, and local levels. The goal of the NDHTTF is to detect, disrupt, and dismantle human trafficking through victim-centered comprehensive services. The three core components of the NDHTTF model are:

1. Multidisciplinary teams that operate in nine communities in the state to provide immediate response to trafficked individuals;
2. A director, grant tech, and operational team that coordinates the activities of the task force and provides training and technical assistance to the multidisciplinary teams; and
3. Subcommittees that help drive progress in developing best practices, solving common problems, and facilitating cooperation across the state.

Human Trafficking Annual Report: 2023¹²

The most recent NDHTTF report provides insight into state human trafficking statistics from the 2023 calendar year. Data reported by the NDHTTF is derived from law enforcement and victim service providers working with human trafficking in the state. The report indicates that in 2023, law enforcement launched 36 new investigations into human trafficking, comprised of 24 sex trafficking investigations, 8 labor trafficking investigations, and 4 investigations involving both forms of human trafficking. Through these investigations, law enforcement identified 17 victims. Victim service providers served 325 victims in 2023, with 131 of those victims identified as new victims. Victims of sex trafficking served by service organizations in the state predominantly were female. The report also indicates indigenous people are significantly overrepresented as victims of human trafficking.

Human Trafficking Victims Grant Program

The 2015 Legislative Assembly passed Senate Bill No. 2199, which provided one-time funding to the Attorney General for grants to organizations providing human trafficking prevention and treatment services. The Legislative Assembly has continued to provide one-time funding for human trafficking services through the 2025-27 biennium. The following table provides a history of the amount appropriated for the human trafficking victims grant program through the Attorney General's office:

Human Trafficking Victims Grant Program Appropriations		
Biennium	Bill No.	General Fund
2015-17 ¹	SB 2199	\$500,000
2017-19 ²	SB 2203	\$125,000
2019-21	SB 2003	\$1,400,000
2021-23 ³	HB 1003	\$1,101,879
2023-25 ⁴	SB 2003	\$1,110,614
2025-27 ⁵	HB 1003	\$2,452,514

¹In addition to the appropriation provided to the Attorney General for prevention and treatment services related to human trafficking victims in non-oil-producing counties for the 2015-17 biennium, the Legislative Assembly, in Section 2 of Senate Bill No. 2199 (2015), directed the Board of University and School Lands, from funds designated from the oil and gas impact grant fund in House Bill No. 1176 (2015) for grants to law enforcement agencies impacted by oil and gas development, to make available \$750,000 for grants to organizations involved in providing prevention and treatment services related to human trafficking victims in hub cities located in oil-producing counties for the 2015-17 biennium. The Board of University and School Lands was required to award the grants as directed by the Attorney General.

²In addition to the appropriation provided to the Attorney General for the 2017-19 biennium, the Legislative Assembly, in Section 2 of Senate Bill No. 2203 (2017), directed the Board of University and School Lands to award, based on

¹² 2023 Annual Human Trafficking Report, North Dakota Human Trafficking Task Force, October 2024.

recommendations from the Attorney General, up to \$700,000 in grants to organizations involved in providing prevention and treatment services related to human trafficking victims, from funds designated from the oil and gas impact grant fund for grants to law enforcement agencies impacted by oil and gas development in subsection 3 of Section 5 of Chapter 463 of the 2015 Session Laws.

³Of the \$1,101,879 appropriated in Section 1 and identified in Section 9 of House Bill No. 1003 (2021) for the 2021-23 biennium, \$921,077 is for grants and \$180,802 is for administration of the program.

⁴Of the \$1,105,404 appropriated in Section 1 and identified in Section 7 of Senate Bill No. 2003 (2023) for the 2023-25 biennium, \$992,431 is for grants and \$112,973 is for administration of the program. An additional \$5,210 of appropriation authority was distributed from the Office of Management and Budget to the Attorney General related to the targeted market equity pool and employer retirement contribution pool for administration of the program during the 2023-25 biennium.

⁵Of the \$2,452,514 appropriated in Section 1 and identified in Section 7 of House Bill No. 1003 (2025) for the 2025-27 biennium, \$2,346,022 is for grants and \$106,492 is for administration of the program.

The Attorney General is required to report to the Legislative Management regarding the funds distributed through the human trafficking victims grant program and the outcomes of the program. The following table summarizes the funds awarded through the program for the grant period beginning July 1, 2021, and ending June 30, 2023:

2021-23 Biennium Grant Period		
Applicant	Amount Awarded	Amount Expended
Abused Adult Resource Center	\$96,601	\$91,916
Community Violence Intervention Center	21,080	21,080
Dakota Children's Advocacy Center	30,000	26,058
Domestic Violence and Rape Crisis Center	32,896	32,896
Family Crisis Center	23,310	23,310
Red River Children's Advocacy Center	15,000	15,000
Youthworks - Bismarck	241,411	241,411
Youthworks - Fargo	241,412	241,412
Young Woman's Christian Association	86,785	114,582 ¹
Prevent Child Abuse North Dakota - NDHTTF	203,217	184,027
Total	\$991,712	\$991,692 ²

¹Expenditures exceed the amount awarded due to funding that could not be expended by some applicants being reallocated to other applicants.

²In addition to the \$991,692 expended by awardees, the Attorney General's office expended \$110,187 to administer the grant program for the grant period.

The following table summarizes the funds awarded through the program for the grant period beginning July 1, 2023, and ending June 30, 2025:

2023-25 Biennium Grant Period		
Applicant	Amount Awarded	Amount Expended
31:8 Project	\$100,800	\$130,941 ¹
Abused Adult Resource Center	47,031	47,804 ¹
Community Violence Intervention Center	13,608	13,608
Dakota Children's Advocacy Center	30,000	24,072
Domestic Violence Rape Crisis Center	32,896	28,492
First Nations Women's Alliance	54,992	21,977
Rape and Abuse Crisis Center	47,031	47,031
Red River Children's Advocacy Center	15,000	15,000
Youthworks - Bismarck	160,778	160,778
Youthworks - Fargo	168,211	168,211
Young Woman's Christian Association	99,372	99,372
Legal Services North Dakota and NDHTTF	135,144	176,144 ¹
Victim Service Fund	90,000	9,292
Total	\$994,863	\$942,722 ²

¹Expenditures exceed the amount awarded due to funding that could not be expended by some applicants being reallocated to other applicants.

²In addition to the \$942,722 expended by awardees, the Attorney General's office expended \$99,200 of the \$110,540 allocated to administer the grant program for the grant period. The \$63,483 in awarded funds not expended was returned to the general fund at the end of the 2023-25 biennium.

PREVIOUS STUDIES

Youth Services Framework Study¹³

The 2023 Legislative Assembly passed Senate Bill No. 2341, which required the Department of Health and Human Services (DHHS) to study and implement a standard youth services framework for children impacted by human trafficking, which includes residential treatment. The study required DHHS to collaborate with the Attorney General's office and the NDHTTF. A committee of stakeholders was formed to discuss, provide input, and identify gaps. Stakeholders included representatives from the NDHTTF, DHHS, Home on the Range, Dakota Boys and Girls Ranch, Youthworks, the Bureau of Criminal Investigation, the Children's Advocacy Center, tribal nations, Nexus Path, public custodial agencies, certified shelter care programs, and juvenile court. A report was presented to the interim Juvenile Justice Committee in June 2024.

Through meetings facilitated by DHHS, several issues were identified by the committee regarding the overall response to human trafficking in the state, including the oversight role of the NDHTTF, an inconsistent understanding of the prevalence of human trafficking, inconsistent data, lack of training opportunities, and a lack of evidence-based community services. The committee ultimately did not agree on the creation of a new level of long-term residential placement for children who are victims of human trafficking. However, the committee identified the need for:

1. Evidence-based community services for children and families to be maintained in their home communities;
2. Consistency in data and definitions for documenting and tracking human trafficking data to inform data-driven decisions; and
3. Clearly defined roles and responsibilities for the statewide effort in accomplishing and implementing human trafficking priorities.

RECENT LEGISLATION

2015 Legislation

House Bill No. 1347 amended the definition of "disorderly conduct" to include human trafficking or attempted human trafficking and expanded the definition of "deprived child" to include a child who is a victim of human trafficking.

Senate Bill No. 2107 provided for the adoption of the Uniform Act on Prevention of and Remedies for Human Trafficking, repealing Chapter 12.1-40 which previously addressed human trafficking-related offenses.

Senate Bill No. 2199 included \$500,000 in one-time funding to the Attorney General to provide grants to organizations providing human trafficking prevention and victim treatment services. The bill also provided that money deposited into the Attorney General assets forfeiture fund related to money, assets, and proceeds seized in relation to human trafficking are appropriated on a continuing basis to the Attorney General for the purpose of grants to organizations providing human trafficking prevention and victim services.

Senate Bill No. 2275 created an enhanced human trafficking offense for a forced or coerced abortion against a victim's will. If a trier of fact finds a forced or coerced abortion occurred during a human trafficking offense, the court may impose up to an additional 5 years in addition to the prescribed sentence.

¹³ *North Dakota Human Trafficking Legislative Management Report 2024*, DHHS Children and Family Services.

2017 Legislation

Senate Bill No. 2098 permitted juvenile court staff to disclose information to refer a juvenile who may be a victim of human trafficking to a program for runaway or homeless youth approved by the court and located in the state.¹⁴

Senate Bill No. 2290 removed the Human Trafficking Commission requirement to develop a coordinated and comprehensive plan for providing victims with services. It also removed the requirement for the commission to create a public awareness sign containing the National Human Trafficking Resource Center's hotline information. The bill shifted the commission's duties towards the promotion of human trafficking-related training and public awareness.

Senate Bill No. 2302 extended the offender education program on the negative impacts of the commercial sex industry to individuals convicted under the Uniform Act on Prevention of and Remedies for Human Trafficking.

2019 Legislation

House Bill No. 1311 directed the Human Trafficking Commission to promote training on missing and murdered indigenous people with the North Dakota State's Attorneys' Association, the North Dakota Peace Officers Standards and Training Board, and state and local law enforcement agencies.

House Bill No. 1465 expanded the guardian ad litem program for an individual with a developmental disability who is a material or prosecuting witness in a criminal proceeding to include human trafficking-related offenses. If appointed, the guardian ad litem is available to represent the witness's interests during all human trafficking-related proceedings.

House Bill No. 1507 required the Human Trafficking Commission to establish an educational training program focused on accurate and prompt identification, reporting, and response to suspected human trafficking in lodging establishments. The training may be provided to help lodging establishment employees identify and respond to suspected human trafficking.

House Bill No. 1541 directed the Human Trafficking Commission to provide information on human trafficking to educators and to present annually on human trafficking awareness and prevention at professional development conferences hosted by the Department of Public Instruction or educational organizations.

2021 Legislation

House Bill No. 1347 provided it is a Class B misdemeanor offense for an individual to provide early childhood services if the individual has been found guilty of, pled guilty to, or pled no contest to a human trafficking-related criminal offense.

Senate Bill No. 2109 permanently disqualifies an individual convicted of using a commercial motor vehicle in the commission of a felony involving a severe form of human trafficking of persons, as defined under federal law, from driving or obtaining licensure to drive a commercial motor vehicle.

2023 Legislation

Senate Bill No. 2341 required DHHS to study and implement, in collaboration with other stakeholders, a framework for youth services for children impacted or potentially impacted by human trafficking. The bill required DHHS to review residential treatment options for children and a report was presented to the interim Juvenile Justice Committee in June 2024.

¹⁴ Senate Bill No. 2098 (2017) amended Section 27-20-51, which was later repealed. However, the language authorizing juvenile court staff to disclose information to refer a juvenile who may be a victim of human trafficking to a program to receive services was moved to Section 27-20.2-21(8).

2025 Legislation

House Bill No. 1308 expands the membership of the Human Trafficking Commission requiring eight members, in addition to any Attorney General designees, who must be appointed by the Legislative Management, the Commissioner of DHHS, the Superintendent of Public Instruction, the North Dakota United Tribes Tribal Chairman's Association, the North Dakota State's Attorneys' Association, and the Governor. The bill requires the commission to promote human trafficking trainings for regulated occupations and professions, which may count toward any applicable continuing education requirements. The bill provides a professional individual acting in good faith is immune from human trafficking civil liability but may be subject to professional disciplinary action in accordance with the individual's ethical regulations. The bill also requires the commission to facilitate annual prevention and awareness education for students on human trafficking and exploitation.

House Bill No. 1361 creates mandatory minimum sentences under Chapter 12.1-41 for a person committing trafficking of an individual, forced labor, sexual servitude, patronizing a victim of sexual servitude, or patronizing a minor for commercial sexual activity. Sentences must be served without parole, with a Class AA felony carrying a minimum sentence of 20 years, a Class A felony carrying a minimum sentence of 10 years, and a Class B felony carrying a minimum sentence of 5 years.

Senate Bill No. 2330 requires school boards to adopt a policy on human trafficking and exploitation prevention and awareness education for students and faculty. Schoolwide human trafficking education is required for all students in grades 6, 10, and 12. Parents and legal guardians must be offered optional workshops of materials to support the education of their child on personal safety and grooming prevention. The required education may be provided by a nonprofit organization and must be developmentally appropriate, culturally sensitive, provided annually, and utilize best practices.

STUDY APPROACH

In conducting the study of human trafficking victim service and re-entry programs, the committee is required to seek input from law enforcement, the Attorney General's office, and nonprofit organizations. The committee also may wish to receive testimony from:

- NDHTTF, including an overview of the structure, role, responsibilities, goals, and education programming of the task force;
- The Attorney General's office on the role of the office and the Human Trafficking Commission relating to human trafficking in the state, and the process for awarding and distributing funds designated for the human trafficking victims grant program; and
- Recipients of the human trafficking victims grant program, including data, an overview of how the grant funding is used, and opportunities for services.

ATTACH:1