

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 4236

(SENATE AUTHORS: LANG)

DATE
03/23/2022

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to public safety; amending definitions of labor trafficking; establishing
- 1.3 enhanced penalties for labor trafficking when the trafficking occurs over an
- 1.4 extended period of time or when a victim dies or suffers great bodily harm; making
- 1.5 conforming changes related to the statewide human trafficking assessment;
- 1.6 amending Minnesota Statutes 2020, sections 299A.78, subdivision 1; 299A.79,
- 1.7 subdivision 3; 609.281, subdivisions 3, 4, 5; 609.282, subdivision 1, by adding a
- 1.8 subdivision; repealing Minnesota Statutes 2020, section 609.281, subdivision 2.
- 1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.10 Section 1. Minnesota Statutes 2020, section 299A.78, subdivision 1, is amended to read:
- 1.11 Subdivision 1. **Definitions.** For purposes of sections 299A.78 to 299A.795, the following
- 1.12 definitions apply:
- 1.13 (a) "Commissioner" means the commissioner of the Department of Public Safety.
- 1.14 (b) "Nongovernmental organizations" means nonprofit, nongovernmental organizations
- 1.15 that provide legal, social, or other community services.
- 1.16 ~~(e) "Blackmail" has the meaning given in section 609.281, subdivision 2.~~
- 1.17 ~~(d)~~ (c) "Debt bondage" has the meaning given in section 609.281, subdivision 3.
- 1.18 ~~(e)~~ (d) "Forced labor or services" has the meaning given in section 609.281, subdivision
- 1.19 4.
- 1.20 ~~(f)~~ (e) "Labor trafficking" has the meaning given in section 609.281, subdivision 5.
- 1.21 ~~(g)~~ (f) "Labor trafficking victim" has the meaning given in section 609.281, subdivision
- 1.22 6.
- 1.23 ~~(h)~~ (g) "Sex trafficking" has the meaning given in section 609.321, subdivision 7a.

2.1 ~~(h)~~ (h) "Sex trafficking victim" has the meaning given in section 609.321, subdivision
2.2 7b.

2.3 ~~(i)~~ (i) "Trafficking" includes "labor trafficking" and "sex trafficking."

2.4 ~~(j)~~ (j) "Trafficking victim" includes "labor trafficking victim" and "sex trafficking
2.5 victim."

2.6 **EFFECTIVE DATE.** This section is effective August 1, 2022.

2.7 Sec. 2. Minnesota Statutes 2020, section 299A.79, subdivision 3, is amended to read:

2.8 Subd. 3. **Public awareness initiative.** The public awareness initiative required in
2.9 subdivision 1 must address, at a minimum, the following subjects:

2.10 (1) the risks of becoming a trafficking victim;

2.11 (2) common recruitment techniques; use of debt bondage, ~~blackmail~~, forced labor and
2.12 services, prostitution, and other coercive tactics; and risks of assault, criminal sexual conduct,
2.13 exposure to sexually transmitted diseases, and psychological harm;

2.14 (3) crime victims' rights; and

2.15 (4) reporting recruitment activities involved in trafficking.

2.16 **EFFECTIVE DATE.** This section is effective August 1, 2022.

2.17 Sec. 3. Minnesota Statutes 2020, section 609.281, subdivision 3, is amended to read:

2.18 Subd. 3. **Debt bondage.** "Debt bondage" means the status or condition of a ~~debtor arising~~
2.19 ~~from a pledge by the debtor of the debtor's personal~~ person who provides labor or services
2.20 ~~or those of any kind to pay a real or alleged debt of a the person under the debtor's control~~
2.21 ~~as a security for debt~~ or another, if the value of those the labor or services as reasonably
2.22 assessed is not applied toward the liquidation of the debt or the length and nature of those
2.23 the labor or services are not respectively limited and defined.

2.24 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
2.25 committed on or after that date.

2.26 Sec. 4. Minnesota Statutes 2020, section 609.281, subdivision 4, is amended to read:

2.27 Subd. 4. **Forced labor or services.** "Forced labor or services" means labor or services
2.28 of any kind that are performed or provided by another person and are obtained or maintained
2.29 through an actor's:

3.1 (1) threat, either implicit or explicit, scheme, plan, ~~or~~ pattern, or other action or statement
 3.2 intended to cause a person to believe that, if the person did not perform or provide the labor
 3.3 or services, that person or another ~~person~~ would suffer ~~bodily harm or~~ physical restraint;
 3.4 sexual contact, as defined in section 609.341, subdivision 11, paragraph (b); or bodily,
 3.5 psychological, economic, or reputational harm;

3.6 (2) ~~physically restraining or threatening to physically restrain~~ sexual contact, as defined
 3.7 in section 609.341, subdivision 11, paragraph (b), with, or physical restraint of, a person;

3.8 (3) infliction of bodily, psychological, economic, or reputational harm;

3.9 ~~(3)~~ (4) abuse or threatened abuse of the legal process, including the use or threatened
 3.10 use of a law or legal process, whether administrative, civil, or criminal; or

3.11 ~~(4) knowingly destroying, concealing, removing, confiscating, or possessing~~ (5)
 3.12 destruction, concealment, removal, confiscation, withholding, or possession of any actual
 3.13 or purported passport or other immigration document, or any other actual or purported
 3.14 government identification document, of another person; ~~or.~~

3.15 ~~(5) use of blackmail.~~

3.16 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 3.17 committed on or after that date.

3.18 Sec. 5. Minnesota Statutes 2020, section 609.281, subdivision 5, is amended to read:

3.19 Subd. 5. **Labor trafficking.** "Labor trafficking" means:

3.20 (1) the recruitment, transportation, transfer, harboring, enticement, provision, obtaining,
 3.21 or receipt of a person by any means, ~~for the purpose~~ in furtherance of:

3.22 (i) debt bondage ~~or;~~

3.23 (ii) forced labor or services;

3.24 ~~(ii)~~ (iii) slavery or practices similar to slavery; or

3.25 ~~(iii)~~ (iv) the removal of organs through the use of coercion or intimidation; or

3.26 (2) receiving profit or anything of value, knowing or having reason to know it is derived
 3.27 from an act described in clause (1).

3.28 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
 3.29 committed on or after that date.

4.1 Sec. 6. Minnesota Statutes 2020, section 609.282, subdivision 1, is amended to read:

4.2 Subdivision 1. ~~Individuals under age 18~~ **Labor trafficking resulting in death.** Whoever
4.3 knowingly engages in the labor trafficking of an individual ~~who is under the age of 18~~ is
4.4 guilty of a crime and may be sentenced to imprisonment for not more than ~~20~~ 25 years or
4.5 to payment of a fine of not more than \$40,000, or both if the labor trafficking victim dies
4.6 and the death arose out of and in the course of the labor trafficking or the labor and services
4.7 related to the labor trafficking.

4.8 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
4.9 committed on or after that date.

4.10 Sec. 7. Minnesota Statutes 2020, section 609.282, is amended by adding a subdivision to
4.11 read:

4.12 Subd. 1a. **Individuals under age 18; extended period of time; great bodily**
4.13 **harm.** Whoever knowingly engages in the labor trafficking of an individual is guilty of a
4.14 crime and may be sentenced to imprisonment for not more than 20 years or to a payment
4.15 of a fine of not more than \$40,000, or both if any of the following circumstances exist:

4.16 (1) the labor trafficking victim is under the age of 18;

4.17 (2) the labor trafficking occurs over an extended period of time; or

4.18 (3) the labor trafficking victim suffers great bodily harm and the great bodily harm arose
4.19 out of and in the course of the labor trafficking or the labor and services related to the labor
4.20 trafficking.

4.21 **EFFECTIVE DATE.** This section is effective August 1, 2022, and applies to crimes
4.22 committed on or after that date.

4.23 Sec. 8. **REPEALER.**

4.24 Minnesota Statutes 2020, section 609.281, subdivision 2, is repealed.

4.25 **EFFECTIVE DATE.** This section is effective August 1, 2022.

APPENDIX
Repealed Minnesota Statutes: 22-06803

609.281 DEFINITIONS.

Subd. 2. **Blackmail.** "Blackmail" means a threat to expose any fact or alleged fact tending to cause shame or to subject any person to hatred, contempt, or ridicule.