

**2009 -- H 5661 SUBSTITUTE A**

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LC01936/SUB A/2  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2009**

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A N A C T

RELATING TO CRIMINAL OFFENSES - TRAFFICKING OF PERSONS AND  
INVOLUNTARY SERVITUDE

Introduced By: Representatives Giannini, DaSilva, Corvese, Petrarca, and Gablinske

Date Introduced: February 25, 2009

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 11-67-2 of the General Laws in Chapter 11-67 entitled "Trafficking  
2 of Persons and Involuntary Servitude" is hereby amended to read as follows:

3           **11-67-2. Involuntary servitude.** -- (a) Whoever knowingly subjects, attempts to subject,  
4 or engages in a conspiracy to subject another person to forced labor ~~in order to commit a~~ or  
5 commercial sexual activity either by:

6           (1) Causing or threatening to cause physical harm to any person;

7           (2) Physically restraining or threatening to physically restrain another person;

8           (3) Abusing or threatening to abuse the law or legal process;

9           (4) Knowingly destroying, concealing, removing, confiscating or possessing without that  
10 person's consent any actual or purported passport or other immigration document, or any other  
11 actual or purported government identification document, of another person; or

12           (5) By using intimidation; shall be guilty of a felony and subject to not more than twenty  
13 (20) years imprisonment or a fine of not more than twenty thousand dollars (\$20,000) or both.

14           ~~(b) In cases involving a minor between the ages of seventeen (17) and eighteen (18)~~  
15 ~~years, the defendant is guilty of a felony, and subject to not more than thirty (30) years~~  
16 ~~imprisonment, or a fine of not more than thirty thousand dollars (\$30,000), or both;~~

17           ~~(c) In cases in which the minor had not attained the age of seventeen (17) years,~~  
18 ~~defendant is guilty of a felony, and subject to not more than forty (40) years imprisonment, or a~~

1 ~~fine of up to forty thousand dollars (\$40,000), or both.~~

2 SECTION 2. Chapter 11-67 of the General Laws entitled "Trafficking of Persons and  
3 Involuntary Servitude" is hereby amended by adding thereto the following section:

4 **11-67-6. Sex trafficking of a minor. -- (a) Definitions. As used in this section:**

5 (1) "Commercial sex act" means any sex act or sexually explicit performance on account  
6 of which anything of value is given, promised to, or received, directly or indirectly, by any  
7 person.

8 (2) "Minor" refers to any natural person under eighteen (18) years of age.

9 (3) "Person" includes an individual, corporation, partnership, association, a government  
10 body, a municipal corporation, or any other legal entity.

11 (4) "Sex act" means any touching of the sexual or other intimate parts of another person  
12 for the purpose of gratifying the sexual desire of any person. It includes touching of the person as  
13 well as touching by the person, whether directly or through clothing.

14 (5) "Sexually-explicit performance" means an act or show, intended to arouse, satisfy the  
15 sexual desires of, or appeal to the prurient interests of patrons or viewers, whether public or  
16 private, live, photographed, recorded, or videotaped.

17 (b) Any person who:

18 (1) Recruits, entices, solicits, isolates, harbors, transports, provides, persuades, obtains, or  
19 maintains, or so attempts, any minor for the purposes of commercial sex acts; or

20 (2) Sells or purchases a minor for the purposes of commercial sex acts; or

21 (3) Benefits, financially or by receiving anything of value, from participation in a venture  
22 which has engaged in an act described in subdivision (1) or (2); or

23 (4) Obstructs, attempts to obstruct, or in any way interferes with or prevents the  
24 enforcement of this section; shall be subject to the penalties under this section.

25 (c) Every person who shall commit sex trafficking of a minor, when the victim is under  
26 the age of fourteen (14) years, is guilty of a felony and shall be subject to not more than forty (40)  
27 years imprisonment or a fine of not more than forty thousand dollars (\$40,000), or both.

28 (d) Every person who shall commit sex trafficking of a minor, when the victim is  
29 between the ages of fourteen (14) and eighteen (18) years, is guilty of a felony and shall be  
30 subject to not more than thirty (30) years imprisonment or a fine of not more than thirty thousand  
31 dollars (\$30,000), or both.

32 (e) In a prosecution under this section, the government need not prove that the defendant  
33 knew the victims age.

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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- 1           This act would mandate a fine of no less than forty thousand dollars (\$40,000) and
- 2 imprisonment for up to forty (40) years for anyone found guilty of sex trafficking of a minor.
- 3           This act would take effect upon passage.

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