Senate Engrossed

FILED

KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 76

SENATE BILL 1059

AN ACT

AMENDING SECTIONS 13-1307 AND 13-1308, ARIZONA REVISED STATUTES; RELATING TO HUMAN TRAFFICKING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-1307, Arizona Revised Statutes, is amended to read:

13-1307. Sex trafficking; classification; definitions

A. It is unlawful for a person to knowingly traffic another person who is eighteen years of age or older with either of the following:

1. The intent to cause the other person to engage in any prostitution or sexually explicit performance by deception, force or coercion.

2. The knowledge that the other person will engage in any prostitution or sexually explicit performance by deception, coercion or force.

B. It is unlawful for a person to traffic another person who is under eighteen years of age with either of the following:

1. The intent to cause the other person to engage in any prostitution or sexually explicit performance.

2. The knowledge that the other person will engage in any prostitution or sexually explicit performance.

C. Notwithstanding any other law, a sentence imposed on a person for a violation of subsection B of this section shall be consecutive to any other sentence imposed on the person at any time.

D. A person who violates this section is guilty of a class 2 felony, except that if the offense is committed against a person who is under fifteen years of age, the offense is a dangerous crime against children punishable pursuant to section 13-705.

E. For the purposes of this section:

1. "Coercion" includes:

(a) Abusing or threatening to abuse the law or the legal system.

(b) Knowingly destroying, concealing, removing, confiscating, possessing or withholding another person's actual or purported passport or other immigration document, government issued identification document, government record or personal property.

(c) Extortion.

(d) Causing or threatening to cause financial harm to any person.

(e) Facilitating or controlling another person's access to a controlled substance.

2. "Force" includes causing or threatening to cause serious harm to another person or physically restraining or threatening to physically restrain another person.

3. "Sexually explicit performance" means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interest of patrons.

4. "Traffic" means to ~~transport another person or to~~ entice, recruit, harbor, provide, TRANSPORT or otherwise obtain another person ~~for transport~~.

Sec. 2. Section 13-1308, Arizona Revised Statutes, is amended to read:

13-1308. Trafficking of persons for forced labor or services; classification; definitions

A. It is unlawful for a person to either:

1. Knowingly traffic another person with the intent to or knowledge that the other person will be subject to forced labor or services.

2. Knowingly benefit, financially or by receiving anything of value, from participation in a venture that has engaged in an act in violation of section 13-1306, section 13-1307 or this section.

B. A violation of this section is a class 2 felony.

C. For the purposes of this section:

1. "Forced labor or services":

(a) Means labor or services that are performed or provided by another person and that are obtained through a person's either:

(i) Causing or threatening to cause serious physical injury to any person.

(ii) Restraining or threatening to physically restrain another person.

(iii) Knowingly destroying, concealing, removing, confiscating, possessing or withholding another person's actual or purported passport or other immigration document, government issued identification document, government record or personal property.

(iv) Abusing or threatening to abuse the law or the legal system.

(v) Extortion.

(vi) Causing or threatening to cause financial harm to any person.

(vii) Facilitating or controlling another person's access to a controlled substance.

(b) Does not include ordinary household chores and reasonable disciplinary measures between a parent or legal guardian and the parent's or legal guardian's child.

2. "Traffic" means to ~~transport another person or to~~ entice, recruit, harbor, provide, TRANSPORT or otherwise obtain another person ~~for transport~~ by deception, coercion or force.

APPROVED BY THE GOVERNOR APRIL 16, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2010.