

CHAPTER 27--H.F.No. 42

An act relating to public safety; amending definitions of labor trafficking; establishing enhanced penalties for labor trafficking when the trafficking occurs over an extended period of time or when a victim dies or suffers great bodily harm; making conforming changes related to the statewide human trafficking assessment; requiring the Sentencing Guidelines Commission to consider assigning a severity level ranking to the labor trafficking crime; amending Minnesota Statutes 2022, sections 299A.78, subdivision 1; 299A.79, subdivision 3; 609.281, subdivisions 3, 4, 5, by adding a subdivision; 609.282, subdivision 1, by adding a subdivision; 609.321, by adding subdivisions; 609.322, subdivision 1; 609.325, subdivision 4; repealing Minnesota Statutes 2022, section 609.281, subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2022, section 299A.78, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of sections 299A.78 to 299A.795, the following definitions apply:

(a) "Commissioner" means the commissioner of the Department of Public Safety.

(b) "Nongovernmental organizations" means nonprofit, nongovernmental organizations that provide legal, social, or other community services.

~~(c) "Blackmail" has the meaning given in section 609.281, subdivision 2.~~

~~(c)~~ (c) "Debt bondage" has the meaning given in section 609.281, subdivision 3.

~~(d)~~ (d) "Forced or coerced labor or services" has the meaning given in section 609.281, subdivision 4.

~~(e)~~ (e) "Labor trafficking" has the meaning given in section 609.281, subdivision 5.

~~(f)~~ (f) "Labor trafficking victim" has the meaning given in section 609.281, subdivision 6.

~~(g)~~ (g) "Sex trafficking" has the meaning given in section 609.321, subdivision 7a.

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

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

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

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 2. Minnesota Statutes 2022, section 299A.79, subdivision 3, is amended to read:

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

(1) the risks of becoming a trafficking victim;

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

(3) crime victims' rights; and

(4) reporting recruitment activities involved in trafficking.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 3. Minnesota Statutes 2022, section 609.281, subdivision 3, is amended to read:

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

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2022, section 609.281, subdivision 4, is amended to read:

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

(1) threat, either implicit or explicit, scheme, plan, ~~or~~ pattern, or other action or statement intended to cause a person to believe that, if the person did not perform or provide the labor or services, that person or another person would suffer ~~bodily harm or~~ physical restraint; sexual contact, as defined in section 609.341, subdivision 11, paragraph (b); or bodily, psychological, demonstrable economic, or demonstrable reputational harm that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm;

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

(3) physical restraint of a person;

(4) infliction of bodily, psychological, demonstrable economic, or demonstrable reputational harm that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm;

~~(3)~~ (5) abuse or threatened abuse of the legal process, including the use or threatened use of a law or legal process, whether administrative, civil, or criminal; or

~~(4) knowingly destroying, concealing, removing, confiscating, or possessing~~ (6) destruction, concealment, removal, confiscation, withholding, or possession of any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person; or

~~(5) use of blackmail.~~

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2022, section 609.281, subdivision 5, is amended to read:

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

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

(i) debt bondage ~~or~~;

(ii) forced or coerced labor or services;

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

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

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

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2022, section 609.281, is amended by adding a subdivision to read:

Subd. 7. **Psychological harm.** "Psychological harm" means harm that causes mental distress, mental suffering, or mental anguish as demonstrated by a victim's response to an act, including but not limited to seeking psychotherapy as defined in section 604.20, losing sleep or appetite, being diagnosed with a mental health condition, experiencing suicidal ideation, or having difficulty concentrating on tasks resulting in a loss of productivity.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2022, section 609.282, subdivision 1, is amended to read:

Subdivision 1. ~~**Individuals under age 18**~~ **Labor trafficking resulting in death.** Whoever knowingly engages in the labor trafficking of an individual ~~who is under the age of 18~~ is guilty of a crime and may be sentenced to imprisonment for not more than ~~20~~ 25 years or to payment of a fine of not more than \$40,000, or both if the labor trafficking victim dies and the death was proximately caused by the labor trafficking conduct of the offender and murder in the first or second degree was not committed thereby.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 8. Minnesota Statutes 2022, section 609.282, is amended by adding a subdivision to read:

Subd. 1a. **Individuals under age 18; extended period of time; great bodily harm.** Whoever knowingly engages in the labor trafficking of an individual is guilty of a crime and may be sentenced to imprisonment

for not more than 20 years or to a payment of a fine of not more than \$40,000, or both if any of the following circumstances exist:

- (1) the labor trafficking victim is under the age of 18;
- (2) the labor trafficking occurs over an extended period of time; or
- (3) the labor trafficking victim suffers great bodily harm and the harm was proximately caused by the labor trafficking conduct of the offender.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 9. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision to read:

Subd. 15. **Debt bondage.** "Debt bondage" has the meaning given in section 609.281, subdivision 3.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 10. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision to read:

Subd. 16. **Forced or coerced labor or services.** "Forced or coerced labor or services" has the meaning given in section 609.281, subdivision 4.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 11. Minnesota Statutes 2022, section 609.321, is amended by adding a subdivision to read:

Subd. 17. **Labor trafficking victim.** "Labor trafficking victim" has the meaning given in section 609.281, subdivision 6.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 12. Minnesota Statutes 2022, section 609.322, subdivision 1, is amended to read:

Subdivision 1. **Solicitation, inducement, and promotion of prostitution; sex trafficking in the first degree.** (a) Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than \$50,000, or both:

- (1) solicits or induces an individual under the age of 18 years to practice prostitution;
- (2) promotes the prostitution of an individual under the age of 18 years;
- (3) receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual under the age of 18 years; or
- (4) engages in the sex trafficking of an individual under the age of 18 years.

(b) Whoever violates paragraph (a) or subdivision 1a may be sentenced to imprisonment for not more than 30 years or to payment of a fine of not more than \$60,000, or both, if one or more of the following aggravating factors are present:

- (1) the offender has committed a prior qualified human trafficking-related offense;

(2) the offense involved a sex trafficking victim who suffered bodily harm during the commission of the offense;

(3) the time period that a sex trafficking victim was held in debt bondage or forced or coerced labor or services exceeded 180 days; or

(4) the offense involved more than one sex trafficking victim.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 13. Minnesota Statutes 2022, section 609.325, subdivision 4, is amended to read:

Subd. 4. **Affirmative defense.** It is an affirmative defense to a charge under section 609.324, subdivision 6 or 7, if the defendant proves by a preponderance of the evidence that the defendant is a labor trafficking victim, ~~as defined in section 609.281~~, or a sex trafficking victim, ~~as defined in section 609.321~~, and that the defendant committed the acts underlying the charge as a result of being a labor trafficking or sex trafficking victim.

Sec. 14. **SEVERITY LEVEL RANKING REVIEW.**

The Sentencing Guidelines Commission shall consider assigning an offense severity level to labor trafficking under Minnesota Statutes, section 609.282, subdivision 2, and the enhanced penalty provisions in sections 6 and 7.

Sec. 15. **REPEALER.**

Minnesota Statutes 2022, section 609.281, subdivision 2, is repealed.

EFFECTIVE DATE. This section is effective August 1, 2023.

Presented to the governor April 24, 2023

Signed by the governor April 25, 2023, 3:36 p.m.