

Senate Engrossed  
**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

CHAPTER 185

# **SENATE BILL 1281**

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 13-1307. Sex trafficking; classification; definitions

5 A. It is unlawful for a person to knowingly ~~recruit, entice, harbor,~~  
6 ~~transport, provide or obtain by any means~~ TRAFFIC another person who is  
7 eighteen years of age or older with EITHER OF the FOLLOWING:

8 1. THE intent ~~of causing~~ TO CAUSE the other person to engage in  
9 ~~prostitution by force, fraud or~~ ANY PROSTITUTION OR SEXUALLY-EXPLICIT  
10 PERFORMANCE BY DECEPTION, FORCE OR coercion.

11 2. THE KNOWLEDGE THAT THE OTHER PERSON WILL ENGAGE IN ANY PROSTITUTION  
12 OR SEXUALLY-EXPLICIT PERFORMANCE BY DECEPTION, COERCION OR FORCE.

13 B. It is unlawful for a person to ~~recruit, entice, harbor, transport,~~  
14 ~~provide or obtain by any means~~ TRAFFIC another person who is under eighteen  
15 years of age with EITHER OF the FOLLOWING:

16 1. THE intent ~~of causing~~ TO CAUSE the other person to engage in  
17 ~~prostitution~~ ANY PROSTITUTION OR SEXUALLY-EXPLICIT PERFORMANCE.

18 2. THE KNOWLEDGE THAT THE OTHER PERSON WILL ENGAGE IN ANY PROSTITUTION  
19 OR SEXUALLY-EXPLICIT PERFORMANCE.

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

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

27 E. FOR THE PURPOSES OF THIS SECTION:

28 1. "COERCION" INCLUDES:

29 (a) ABUSING OR THREATENING TO ABUSE THE LAW OR THE LEGAL SYSTEM.

30 (b) KNOWINGLY DESTROYING, CONCEALING, REMOVING, CONFISCATING,  
31 POSSESSING OR WITHHOLDING ANOTHER PERSON'S ACTUAL OR PURPORTED PASSPORT OR  
32 OTHER IMMIGRATION DOCUMENT, GOVERNMENT ISSUED IDENTIFICATION DOCUMENT,  
33 GOVERNMENT RECORD OR PERSONAL PROPERTY.

34 (c) EXTORTION.

35 (d) CAUSING OR THREATENING TO CAUSE FINANCIAL HARM TO ANY PERSON.

36 (e) FACILITATING OR CONTROLLING ANOTHER PERSON'S ACCESS TO A  
37 CONTROLLED SUBSTANCE.

38 2. "FORCE" INCLUDES CAUSING OR THREATENING TO CAUSE SERIOUS HARM TO  
39 ANOTHER PERSON OR PHYSICALLY RESTRAINING OR THREATENING TO PHYSICALLY  
40 RESTRAIN ANOTHER PERSON.

41 3. "SEXUALLY EXPLICIT PERFORMANCE" MEANS A LIVE OR PUBLIC ACT OR SHOW  
42 INTENDED TO AROUSE OR SATISFY THE SEXUAL DESIRES OR APPEAL TO THE PRURIENT  
43 INTEREST OF PATRONS.

44 4. "TRAFFIC" MEANS TO TRANSPORT ANOTHER PERSON OR TO ENTICE, RECRUIT,  
45 HARBOR, PROVIDE OR OTHERWISE OBTAIN ANOTHER PERSON FOR TRANSPORT.

1           Sec. 2. Section 13-1308, Arizona Revised Statutes, is amended to read:  
2           13-1308. Trafficking of persons for forced labor or services;  
3                           classification; definitions

4           A. It is unlawful for a person to either:

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

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

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

11          C. For the purposes of this section:

12          1. "Forced labor or services":

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

15           ~~(a)~~ (i) Causing or threatening to cause serious physical injury to  
16 any person.

17           ~~(b)~~ (ii) Restraining or threatening to physically restrain another  
18 person.

19           ~~(c) Withholding from another person that person's government records,~~  
20 ~~identifying information or personal property.~~

21           (iii) KNOWINGLY DESTROYING, CONCEALING, REMOVING, CONFISCATING,  
22 POSSESSING OR WITHHOLDING ANOTHER PERSON'S ACTUAL OR PURPORTED PASSPORT OR  
23 OTHER IMMIGRATION DOCUMENT, GOVERNMENT ISSUED IDENTIFICATION DOCUMENT,  
24 GOVERNMENT RECORD OR PERSONAL PROPERTY.

25           (iv) ABUSING OR THREATENING TO ABUSE THE LAW OR THE LEGAL SYSTEM.

26           (v) EXTORTION.

27           (vi) CAUSING OR THREATENING TO CAUSE FINANCIAL HARM TO ANY PERSON.

28           (vii) FACILITATING OR CONTROLLING ANOTHER PERSON'S ACCESS TO A  
29 CONTROLLED SUBSTANCE.

30           (b) DOES NOT INCLUDE ORDINARY HOUSEHOLD CHORES AND REASONABLE  
31 DISCIPLINARY MEASURES BETWEEN A PARENT OR LEGAL GUARDIAN AND THE PARENT'S OR  
32 LEGAL GUARDIAN'S CHILD.

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

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.

Passed the House July 1, 20 09,

by the following vote: 54 Ayes,

0 Nays, 6 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

Passed the Senate June 16, 20 09,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

1st day of July, 20 09

at 8:53 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 13th day of

July, 20 09,

at 5:51 o'clock P M.

[Signature]  
Governor of Arizona

S.B. 1281

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13th day of July, 2009,

at 7:35 o'clock P M.

[Signature]  
Secretary of State