

October 3, 2018

Analysis of North Carolina Sentencing for Human Trafficking Violations and Industry
Specific Recommendations

Part I: Analysis of North Carolina Sentencing Statutes

1. Human Trafficking Sentences in North Carolina:
 - I. N.C. Gen. Stat. § 14-43.11. Human Trafficking.
 - a. Adult Victim: Class C felony
 - i. I: 44-58 min to 73-92 max
 - ii. VI: 87-117 min to 146-182 max
 - b. Minor Victim: Class B2 felony
 - i. I: 94-125 min to 157-196 max
 - ii. VI: 189-251min to 314-393 max
 - c. *Cumulative for each violation
 - II. N.C. Gen. Stat. § 14-43.12. Involuntary Servitude.
 - a. Adult Victim: Class F felony
 - i. I: 10-13 min to 16-20 max
 - ii. VI: 20-26 min to 33-41 max
 - b. Minor Victim: Class C Felony
 - i. I: 44-58 min to 73-92 max
 - ii. VI: 87-117 min to 146-182 max
 - III. N.C. Gen. Stat. § 14-202.13. Sexual Servitude.
 - a. Adult Victim: Class D felony
 - i. I: 38-51 min to 64-80 max
 - ii. VI: 77-103 to 128-160 max
 - b. Minor Victim: Class C felony
 - i. I: 44-58 min to 73-92 max
 - ii. VI: 87-117 min to 146-182 max
 - IV. N.C. Gen. Stat. § 14-202.14. Unlawful Sale, Surrender, or Purchase of a Minor.
 - a. Class F felony and \$5,000.00 fine
 - i. I: 10-13 min to 16-20 max
 - ii. VI: 20-26 min to 33-41 max
 - b. Each subsequent violation: Class F felony and \$10,000.00
 - i. I: 10-13 min to 16-20 max
 - ii. VI: 20-26 min to 33-41 max
2. Analysis of sentencing on National level



In terms of Human Trafficking in the first degree, North Carolina has the harshest sentences for adult trafficking in the nation. In fact, the changes made in the last legislative session took North Carolina from the seventh harshest sentence for adult victims in the US to the harshest overall. North Carolina already had the harshest laws for human trafficking of minor victims, but these laws were made even harsher in the last session. Human trafficking in the first degree has the potential to carry harshest sentence nationally when it is applied to minor victims as an offender with a prior record level of VI could be sentenced to a maximum of 314-393 years imprisonment.¹ Most human trafficking statutes cap their sentences at life imprisonment rather than carrying this sentence length.

Of all of the states that have a separate offense for labor trafficking or involuntary servitude, North Carolina has the harshest sentence for minor victims and the third harshest for adult victims.² Of all of the states that have a separate offense for sex trafficking, North Carolina carries the harshest sentence for both adult and minor victims.

3. Sentencing Recommendation

Based off an analysis of a national survey of human trafficking sentences, it is recommended that the sentencing for North Carolina's human trafficking statutes remain the same. North Carolina's human trafficking sentences are among the harshest in the country. As such, the sentences in North Carolina meet the suggestions of the State Department under the TVPA as they involve significant jail time, with a majority of sentences being one year imprisonment or more.³ These sentences, used effectively, should curb human trafficking in North Carolina.

Part II: Industry Specific Recommendations for Massage Regulations

1. Analysis of Massage Portions of SL-2017-151

Overall, the licensing scheme established by this bill for massage establishments is in line with those of other states who have elected to have a state licensing board for massage establishments and therapists. The board will license massage establishments in addition to practitioners themselves, which places the burden on establishments to meet the state requirements rather than workers. This is a good, strong anti-trafficking measure along with requiring initial and periodic inspections for massage and bodywork establishments.

¹ 8 states in the U.S. carry a max sentence of life imprisonment for human trafficking of a minor victim.

² Behind both Georgia and Nebraska, who both carry a maximum sentence of 50 years imprisonment.

³ Punishing Trafficking Offenders Adequately,
<https://www.state.gov/j/tip/rls/tiprpt/2008/105378.htm>.



2. Recommendations for North Carolina Massage Laws

It is recommended that North Carolina add more anti-trafficking measures to their state-wide massage laws such as:

- Regulating hours of operation
- Prohibiting structures like buzzer-controlled front doors and back-door entrances that obscure buyer behavior

Resources:

- Human Trafficking in Illicit Massage Businesses (specifically Creating Strong Laws, pgs. 51-52):
https://polarisproject.org/sites/default/files/Full_Report_Human_Trafficking_in_Illicit_Massage_Businesses.pdf
- Delaware statewide massage law