

October 3, 2018

NC Trafficking Sentence Research

Study Guidelines:

STUDY SENTENCING AND POST-CONVICTION RELIEF FOR HUMAN TRAFFICKING OFFENSES

SECTION 8.(a) Study. – The North Carolina Human Trafficking Commission, in consultation with the Conference of District Attorneys and the Office of Indigent Defense Services, shall study the human trafficking offenses set forth in Article 10A of Chapter 14 of the General Statutes. At a minimum, the study shall consider (i) the appropriate level of sentencing for each offense, (ii) whether any revisions to the sentencing levels would reduce human trafficking, and (iii) the effects of expanding the eligibility of any post-conviction relief to human trafficking victims.

National Survey of Human Trafficking Sentences

North Carolina

a) Sentencing Guidelines

North Carolina uses a punishment grid for their felony sentences. The grid holds a maximum and minimum sentence for each felony, including a sliding scale depending on the amount of points given for the prior criminal record of the defendant.¹ For all human trafficking violations, each offense is a separate offense.

b) Human Trafficking Sentences

- I. N.C. Gen. Stat. § 14-43.11. Human Trafficking.
 - 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
 - c. *Cumulative for each violation

¹ <https://www.nccourts.gov/documents/publications/punishment-grids>



- 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

All Other State and Federal Sentences

Federal

a) Sentencing Guidelines

The federal sentencing guidelines are put out every year by the United States Sentencing Commission. The last comprehensive guidelines manual was published in 2016.² The handbook outlines how every sentence should be treated for each violation of federal law, including when sentences should be lowered or extended according to mitigating or aggravating circumstances. According to these guidelines, the base offense level for human trafficking based crimes is set at 22, which ranges from 41-51 years imprisonment without any criminal record to 84-105 years imprisonment with 13 or more points on the offender's criminal record.³ If the victim sustained serious bodily injury or life-threatening bodily injury, this increases by 4 levels, 2 levels if serious bodily injury was inflicted.⁴ If a dangerous weapon was brandished or threatened, the

² United States Sentencing Commission Guidelines Manual 2016, US Sentencing Commission, *available at* <https://www.ussc.gov/sites/default/files/pdf/guidelines-manual/2016/GLMFull.pdf>.

³ *Id.* at 240, 420.

⁴ *Id.* at 240.



level is increased by 2, 4 levels if the weapon is used.⁵ If a victim was held in a condition of servitude for more than a year, increase by 3 levels, 180 days to a year, increase by 2 levels, and for 30-180 days, increase by 1 level.⁶ However, each individual trafficking statute also has stated sentences.

b) Human Trafficking Sentences

- I. 18 U.S.C. § 1589. Forced Labor.
 - a. 20 years imprisonment max and fine
 - b. If the violation includes death, kidnaping, an attempt to kidnap, aggravated sexual abuse, or an attempt to kill: any term or years or life imprisonment, fine, or both
- II. 18 U.S.C. § 1590. Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor.
 - a. 20 years imprisonment max and fine
 - b. If the violation includes death, kidnaping, an attempt to kidnap, aggravated sexual abuse, or an attempt to kill: any term of years or life imprisonment, fine or both
- III. 18 U.S.C. § 1591. Sex Trafficking of Children or By Force.
 - a. Minor victim under 14: 15 years to life imprisonment, fine or both
 - b. Minor victim under 18: 10 years to life imprisonment, fine or both
 - c. Obstruction: 20 years imprisonment max, fine or both
- IV. 18 U.S.C. § 1592. Unlawful Conduct with Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor.
 - a. 5 years max imprisonment, fine or both

Alabama

a) Sentencing Guidelines

The Sentences for felonies are outlined in Ala. Code § 13A-5-6. If a criminal defendant has been convicted of a felony previously, Ala. Code § 13-5-9 provides for harsher penalties. Additionally, a fine may be given according to Ala. Code § 13A-5-11. Mitigating and aggravating circumstances may be offered according to Ala. Code § 13A-5-45 in sentencing hearings.

b) Human Trafficking Sentences

- I. Ala. Code § 13A-6-152. Human Trafficking in the First Degree
 - a. Class A felony⁷
 - i. 10 years min. to 99 years max.

⁵ *Id.* 240.

⁶ *Id.* at 241.

⁷ This is the highest felony category in Alabama.



- II. Ala. Code § 13A-6-153. Human Trafficking in the Second Degree
 - a. Class B felony
 - i. 2 years min. to 20 years max.

Alaska

a) Sentencing Guidelines

The sentencing guidelines for Alaska's felonies is located under code section 12.55.125 in the Alaska Code.⁸

b) Human Trafficking Sentences

- I. Alaska Stat. § 11.41.360. Human Trafficking in the first degree
 - a. Class A felony
 - i. 20 years imprisonment max
 - ii. If first offense, 5-8 years imprisonment
 - iii. If first offense and possessed a firearm, dangerous instrument, or caused serious injury or death, or otherwise knowingly directed conduct at a peace officer, 7-11 years imprisonment
 - iv. If second felony conviction, 10-14 years imprisonment
 - v. If third felony conviction, 15-20 years imprisonment
- II. Alaska Stat. § 11.41.365. Human Trafficking in the second degree.
 - a. Class B felony
 - i. 10 years imprisonment max
 - ii. If first felony: 1-3 years imprisonment
 - iii. If second felony: 4-7 years imprisonment
 - iv. If third felony: 3-5 years imprisonment

Arizona

a) Sentencing Guidelines

Arizona's sentencing provisions are released annually and found on their court website.⁹ The guidelines have a chart that introduces a range of sentences for each misdemeanor and felony. For felonies, this breaks down between non-dangerous offenses, dangerous offenses, repetitive offenses, and dangerous crimes against children.¹⁰ Ariz. Rev. Stat. § 13-701 outlines how these sentences are commuted. The court must consider aggravating circumstances such as, offense involving the 1)

⁸ Alaska Stat. § 12.55.125. Sentences of Imprisonment for felonies.

⁹ Criminal Code Sentencing Provisions, 2017-2018 (Aug. 9, 2017), *available at* <https://www.azcourts.gov/Portals/0/CriminalSentencingCt/2017Sentencing.pdf>.

¹⁰ *Id.* at 1-2.



infliction of serious physical injury; 2) threatened use or possession of a deadly weapon or dangerous instrument during the commission of the crime; 3) value of property damaged; 4) presence of an accomplice; 5) especially heinous, cruel or depraved manner of offense; 6) committed offense in exchange for payment; 7) Defendant public servant at time of offense; 8) Victim or victim's family suffered physical, emotional, or financial harm; 9) death of unborn child; 10) defendant previously convicted felony; 11) victim 65 years or older or disabled; 12) hate crime; 13) presence of lying in wait; 14) presence of a child; 15) whistleblower retaliation; etc. For the purposes of this study, we will assume that human trafficking offenses are dangerous offenses.

b) Human Trafficking Sentences

- I. Ariz. Rev. Stat. § 13-1306. Unlawfully Obtaining Labor or Services; Classification.
 - a. Class 4 felony
 - i. First offense: 4-8 years imprisonment
 - ii. One Historical prior: 8-12 years imprisonment
 - iii. Two historical priors: 12-16 years imprisonment
 - iv. Second dangerous offense: 6-10 years imprisonment
 - v. Third and subsequent dangerous offenses: 10-15 years imprisonment
- II. Ariz. Rev. Stat. § 13-1307. Sex Trafficking; Classification; Definitions.
 - a. Class 2 felony¹¹
 - i. First Offense: 7-21 years imprisonment
 - ii. One historical prior: 14-28 years imprisonment
 - iii. Two historical priors: 21-35 years imprisonment
 - iv. Second dangerous offense: 10.5-16.25 years imprisonment
 - v. Third and subsequent dangerous offenses: 15.75-35 years imprisonment

Arkansas

a) Sentencing Guidelines

The Arkansas Sentencing Grid is available on the Arkansas state website where it is published annually.¹² This guide grades each offense according to seriousness, giving each violation a ranking of 1-10. This ranking corresponds to the standards grid, which gives a chart of offense seriousness, in relation to criminal history scores of 0-5+. The individual statutes give a class to each felony, which is then looked up on this sentencing grid and guide to allow the judiciary to find a suitable sentence.

b) Human Trafficking Sentences

¹¹ Highest felony class in Arizona

¹² Arkansas Sentencing Standards Grid & Seriousness Reference Table (Jun. 14, 2017), available at <http://www.arkansas.gov/asc/pdfs/Proposed-Seriousness-Reference-Table-and-Grid-MARK-UP-COPY.pdf>.



- I. Ark. Code § 5-18-103. Trafficking of Persons.
 - a. Adult Victim: Class A felony
 - i. Generally, Seriousness: 8
 - 1. 0 Criminal history score: 8-15 years imprisonment
 - 2. 5+ criminal history score: 20-50 years imprisonment
 - ii. Trafficking of persons, selling or advertising travel services: 8
 - 1. 0 Criminal history score: 8-15 years imprisonment
 - 2. 5+ criminal history score: 20-50 years imprisonment
 - iii. Patronizing human trafficking victim: seriousness 7
 - 1. 0 Criminal history score: 5-10 years imprisonment
 - 2. 5+ criminal history score: 15-40 years imprisonment
 - b. Minor Victim: Class Y felony
 - i. Generally: Seriousness: 9
 - 1. 0 Criminal history score: 15-25 years imprisonment
 - 2. 5+ criminal history score: 40-60 years imprisonment
 - ii. Trafficking of Persons, selling or advertising travel services with minor victim: seriousness 9
 - 1. 0 Criminal history score: 15-25 years imprisonment
 - 2. 5+ criminal history score: 40-60 years imprisonment
 - iii. Patronizing minor human trafficking victim: 8
 - 1. 0 Criminal history score: 8-15 years imprisonment
 - 2. 5+ criminal history score: 20-50 years imprisonment
 - c. A \$250 fine

California

a) Sentencing Guidelines

According to Cal. Pen. Code § 1170, courts go by the sentences prescribed by statute. However, the California rules of court outlines felony sentencing laws under Chapter 5 containing aggravating and mitigating factors for sentencing.¹³

b) Human Trafficking Sentences

- I. Cal. Pen. Code § 236.1.
 - a. Forced labor
 - i. imprisonment of 5,8, or 12 years and max fine \$500,000
 - b. Sex trafficking
 - i. imprisonment of 8, 14, or 20 years with max fine \$500,000
 - c. Minor victim, commercial sex act:
 - i. Imprisonment of 5, 8, or 12 years and max fine of \$500,000

¹³ California Rules of Court, *available at* <http://www.courts.ca.gov/cms/rules/index.cfm?title=four>



- ii. Imprisonment of 15- life and max fine \$500,000
 - 1. If the offense involves force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person
- II. Cal. Pen. Code § 236.4.
 - a. Additional to § 236.1, fine of 1 million max
 - b. If great bodily harm committed in the commission or attempt, an additional and consecutive term of 5, 7, or 10 years
 - c. If prior conviction of 236.1, additional and consecutive term of 5 years for each additional conviction on charges separately brought and tried

Colorado

a) Sentencing Guidelines

The guidelines for Colorado's felony sentences are located in Colo. Rev. Stat. § 18-1.3-401.

b) Human Trafficking Sentences

- I. Colo. Rev. Stat. § 18-3-503. Human Trafficking of a minor for Involuntary Servitude
 - a. Adult Victim: Class 3 felony
 - i. 4-12 years imprisonment (three years probation)
 - b. Minor Victim: Class 2 felony
 - i. 8-24 years imprisonment (5 years probation)
- II. Colo. Rev. Stat. § 18-3-504. Human Trafficking for Sexual Servitude, Human Trafficking of a Minor for Sexual Servitude.
 - a. Commercial sex trafficking, Adult Victim: Class 3 felony
 - i. 4-12 years imprisonment (three years probation)
 - b. Commercial sex trafficking, Minor Victim: Class 2 felony¹⁴
 - i. 8-24 years imprisonment (5 years probation)

Connecticut

a) Sentencing Guidelines

The sentences for felonies in Connecticut are contained in Conn. Gen. Stat. § 53a-35a.

b) Human Trafficking Sentences

¹⁴ Mandatory sentence of at least the minimum range



- I. Conn. Gen. Stat. § 53a-192a. Trafficking in Persons: Class B Felony.
 - a. Class B felony
 - i. 1-20 years imprisonment
- II. Conn. Gen. Stat. § 53a-196i. Commercial Sexual Exploitation of a Minor; Class C Felony.
 - a. Class C felony
 - i. 1-10 years imprisonment

District of Columbia

a) Sentencing Guidelines

In D.C., the penalties for sex trafficking are contained in D.C. Code §22-1837. The penalties range from punishing based on the amount of time that the victim was held to statute specific punishments.

b) Human Trafficking Sentences

- I. D.C. Code §22-1837. Penalties.
 - a. Violations of § 22-1832 (Forced Labor), § 22-1833 (Trafficking in Labor or Commercial Sex Acts), or § 22-1834 (Sex Trafficking of Children): fined not more than guidelines of D.C. Code § 22-3571.01¹⁵ and max imprisonment of 20 years, or both
 - b. Victim held longer than 180 days during violation of § 22-1832 (Forced Labor), § 22-1833 (Trafficking in Labor or Commercial Sex Acts), or § 22-1834 (Sex Trafficking of Children): max fine 1.5 times the max fine authorized by D.C. Code § 22-3571.01, imprisoned for not more than 1.5 times the max term for a charge
 - c. Unlawful Conduct with Respect to Documents in furtherance of Human Trafficking: Not more than 5 years and fine specified by D.C. Code § 22-3571.01
 - d. Benefitting financially from human trafficking: imprisoned for not more than half the max term of imprisonment for each violation, max fine in D.C. Code § 22-3571.01
 - e. Attempt: not fined more than half the max for each offense, imprisoned for half the max of the offense, or both
 - f. No consecutive sentences for violations of §§ 22-1833 (Trafficking in Labor or Commercial Sex Acts) and 22-1834 (Sex Trafficking of Children) arising from one incident

Delaware

¹⁵ This is a sliding scale that is based on the length of imprisonment for each charge



a) Sentencing Guidelines

The sentences for felonies in Delaware are contained in Del. Code tit. 11 §4205.

b) Human Trafficking Sentences

- I. Del. Code tit. 11, § 787. Trafficking of an individual, forced labor and sexual servitude, class D felony; Class B felony; Class A Felony.
 - a. Trafficking an individual
 - i. Adult Victim: Class C felony
 1. 15 years imprisonment max
 - ii. Minor Victim: Class B felony
 1. 2-25 years imprisonment
 - b. Forced Labor
 - i. Adult Victim: Class C felony
 1. 15 years imprisonment max
 - ii. Minor Victim: Class B felony
 1. 2-25 years imprisonment
 - c. Sexual Servitude
 - i. Adult Victim: Class C felony
 1. 15 years imprisonment max
 - ii. Minor Victim: Class B felony
 1. 2-25 years imprisonment
 - d. Patronizing victim of sexual servitude:
 - i. Adult Victim: Class D felony
 1. 8 years imprisonment max
 - ii. Minor Victim: Class C felony
 1. 15 years imprisonment max
 - e. Aggravated circumstance¹⁶
 - i. Elevated by 1 felony grade higher than the underlying offense

Florida

a) Sentencing Guidelines

Under Fla. Stat. § 921.0024, a worksheet is used to add up a point system that results in a total offense score that allows for an offender to be sentenced under the law. The general penalties for felonies are located in Fla. Stat. § 775.082.

¹⁶ The person recruited, enticed, or obtained the victim from a shelter designed to serve victims of human trafficking, victims of domestic violence, victims of sexual assault, runaway youth, foster children, or the homeless; or b. The person used or threatened use of force against, abduction of, serious harm to, or physical restraint of the victim.



b) Human Trafficking Sentences

- I. Fla. Stat. § 787.06. Human Trafficking.
 - a. Labor services of any child under the age of 18: first degree felony
 - i. 30 years imprisonment max
 - b. Coercion for labor of an adult: first degree felony
 - i. 30 years imprisonment max
 - c. Coercion for commercial sexual activity of an adult: first degree felony
 - i. 30 years imprisonment max
 - d. Labor or services of any child under 18 who is an unauthorized alien: first degree felony
 - i. 30 years imprisonment max
 - e. Coercion for commercial sexual activity of an adult who is an unauthorized alien: first degree felony
 - i. 30 years imprisonment max
 - f. Labor or services by transfer or transport of any child under the age of 18 from outside this state to within the state: first degree felony
 - i. 30 years imprisonment max
 - g. Commercial sexual activity who does so by the transfer or transport of any child under the age of 18 from outside this state to within the state: first degree felony
 - i. 30 years imprisonment max
 - h. Coercion for commercial sexual activity by the transfer or transport of an adult from outside this state to within the state: first degree felony
 - i. 30 years imprisonment max
 - i. Every instance is a separate crime, with separate punishment authorized

Georgia

a) Sentencing Guidelines

The sentencing for crimes in Georgia is listed within the statute that contains the crime that the offender committed. However, according to the crime severity level, probation will also be a period of probation after their sentence has been served.¹⁷

b) Human Trafficking Sentences

- I. Ga. Code Ann. § 16-5-46. Trafficking for Labor or sexual servitude.

¹⁷ Crime Severity Levels, *available at*

<https://pap.georgia.gov/sites/pap.georgia.gov/files/ParoleConsideration/Notice%20of%20Action%202013%20Oct%20CSL%20Revision.pdf>.



- a. Labor servitude, minor victim or victim with developmental disability: felony punishable by imprisonment of 25-50 years or life imprisonment and max fine of 100,000.00
- b. Trafficking an individual for sexual servitude: felony punishable by imprisonment of 10-20 years
- c. Trafficking a minor for sexual servitude (or individual with developmental disability): felony punishable by imprisonment of 25-50 years or life imprisonment
- d. Solicitation of victim of sexual servitude: felony.
 - i. If 16 or 17: punishable by imprisonment for 5-20 years
 - ii. If under 16 or known developmental disability: imprisonment of 10-20 years

Hawaii

a) Sentencing Guidelines

According to Haw. Rev. Stat. § 706-606, the nature and circumstances of the offense as well as the seriousness of the offense, the ability of the punishment to deter future crimes, protection of the public, and rehabilitating the offender must all be considered prior to sentencing. Sentences for felonies are located under Haw. Rev. Stat. §§ 659-660.

b) Human Trafficking Sentences

- I. Haw. Rev. Stat. § 707-781. Labor trafficking in the first degree.
 - a. Class A felony
 - i. 20 years imprisonment max, \$50,000 max fine
- II. Haw. Rev. Stat. § 707-782. Labor trafficking in the second degree.
 - a. Class B felony
 - i. 10 years imprisonment max, \$25,000 max fine
 - b. If it involves kidnapping, attempt to kidnap, sexual assault in the first, second or third degree, or attempt to commit sexual assault, or if death results: class A felony
 - i. 20 years imprisonment max, \$50,000 max fine
- III. Haw. Rev. Stat. § 707-784. Extended terms of imprisonment; labor trafficking offenses.
 - a. If convicted of 707-781 or 707-782 and it resulted in bodily injury
 - i. Bodily injury: additional 2 years imprisonment
 - ii. Substantial bodily injury: additional 5 years imprisonment
 - iii. Serious bodily injury: additional 15 years imprisonment
 - iv. Death: sentencing according to applicable homicide statute
- IV. Haw. Rev. Stat. § 707-786. Nonpayment of wages.
 - a. Fine of \$2,000 min to \$10,000 max



- b. If amount owed is \$2,000 or more or the convicted defendant denies the amount of denied wages: Class C felony
 - i. 5 years imprisonment max, \$10,000 max fine
- c. If the amount owed is less than \$2,000: misdemeanor
- d. Each pay period counts as a separate offense
- V. Haw. Rev. Stat. § 707-787. Unlawful conduct with respect to documents.
 - a. Class C felony
 - i. 5 years imprisonment max, \$10,000 max fine
- VI. Haw. Rev. Stat. § 712-1202 Sex trafficking.
 - a. Class A felony
 - i. 20 years imprisonment max, \$50,000 max fine
- VII. § 712-1203 Promoting prostitution.
 - a. Class B felony
 - i. 10 years imprisonment max, \$25,000 max fine

Idaho

a) Sentencing Guidelines

Idaho provides an online tool through the judiciary that allows for sentences to be evaluated or an estimate to be given. The tool takes into consideration the offense, the age, gender, and age of the offender, the level of service inventory (LSI) score of the offender, prior convictions, alcoholism, and drug addictions into account to give a sentencing range.¹⁸ The sentence for each offense is given in the statute that contains the code violation.

b) Human Trafficking Sentences

- I. Idaho Code Ann. § 18-8603. Human Trafficking Penalties.**
 - a. 25 years imprisonment max¹⁹

Illinois

a) Sentencing Guidelines

Each individual felony has its own sentencing statute under the Illinois code. A class X felony is covered under 730 Ill. Comp. Stat. 5/5-4.5-25. A Class 1 felony is covered under 730 Ill. Comp. Stat. 5/5-4.5-30. A Class 2 felony is covered under 730 Ill.

¹⁸ This tool is available at <https://sentencing.isc.idaho.gov>.

¹⁹ Unless a more severe penalty can be applied by law such as aggravated assault, aggravated battery, assault with intent to commit a serious felony, battery with intent to commit a serious felony, felonious administering of drugs, felony injury to child, felony injury to vulnerable adult, felony exploitation of vulnerable adult, sexual abuse and exploitation of vulnerable adult, etc.



Comp. Stat. 5/5-4.5-35. A Class 3 felony is covered under 730 Ill. Comp. Stat. 5/5-4.5-40. A Class 4 felony is covered under 730 Ill. Comp. Stat. 5/5-4.5-45.

b) Human Trafficking Sentences

I. 720 Ill. Comp. Stat. 5/10-9. Trafficking in Persons, Involuntary Servitude, and related offenses.

a. Involuntary Servitude

- i. Causes or threatens to cause physical harm to any person: Class X felony
 1. 6-30 years imprisonment
 2. Extended term: 30-60 years
- ii. Physically restrains or threatens to physically restrain another person: Class 1 felony
 1. 4-15 years imprisonment
 2. Extended term: 15-30 years imprisonment
- iii. Abuses or threatens to abuse the law or legal process: Class 2 felony
 1. 3-7 years imprisonment
 2. Extended term: 7-14 years imprisonment
- iv. Knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported government identification document of another person: Class 3 felony
 1. 2-5 years imprisonment
 2. Extended term: 5-10 years imprisonment
- v. Uses intimidation, or exerts financial control over any person: Class 4 felony
 1. 1-3 years imprisonment
 2. Extended term: 3-6 years imprisonment
- vi. Uses any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform the labor or services, that person or another person would suffer serious harm or physical restraint: Class 4 felony
 1. 1-3 years imprisonment
 2. Extended term: 3-6 years imprisonment

b. Involuntary Sexual Servitude of a Minor

- i. There is no overt force or threat and the minors between the ages of 17 and 18 years
 1. Class 1 felony
 - a. 4-15 years imprisonment
 - b. Extended term: 15-30 years imprisonment
- ii. There is no overt force or threat and the minor is under the age of 17 years
 1. Class X felony
 - a. 6-30 years imprisonment



- b. Extended term: 30-60 years
 - iii. There is no overt force or threat
 - 1. Class X felony
 - a. 6-30 years imprisonment
 - b. Extended term: 30-60 years
- c. Trafficking in Persons
 - i. Class 1 felony
 - a. 4-15 years imprisonment
 - b. Extended term: 15-30 years imprisonment
- d. Aggravating factors
 - i. If involves kidnapping or an attempt to kidnap, aggravated criminal sexual assault or an attempt to commit aggravated criminal sexual assault or an attempt to commit first degree murder: Class X felony
 - a. 6-30 years imprisonment
 - b. Extended term: 30-60 years
- e. Sentencing Considerations:
 - i. Bodily injury: extended sentence
 - 1. Also increase penalties for cases in which the victim was held between 180 days and one year and increased penalties for holding a victim for more than one year
 - ii. Number of victims: take into account number of victims and increase sentences substantially for cases where there were more than 10 victims

Indiana

a) Sentencing Guidelines

Indiana uses a sentencing calculator to calculate sentences for each offender that is located on their judiciary's website.²⁰ This calculator takes into account credit classifications for the offender based off their sentencing level, time served, and their start date. The sentences for each felony are located in Ind. Code §§ 35-50-2-4 – 35-50-2-7.

b) Human Trafficking Sentences

- I. Ind. Code § 35-42-3.5-1. Promotion of human trafficking; sexual trafficking of a minor; human trafficking.
 - a. Promotion of human trafficking: Level 4 felony
 - i. 2-12 years imprisonment, 6 years advisory sentence and \$10,000 max fine
 - b. Promotion of human trafficking of a minor: Level 3 felony

²⁰This tool can be found here: <https://www.in.gov/judiciary/4720.htm>.



- i. 3-16 years imprisonment, 9 years advisory sentence, and \$10,000 max fine
- c. Sexual Trafficking of a minor: Level 2 felony
 - i. 10-30 years imprisonment, 17 and a half years advisory sentence and \$10,000 max fine
- d. Human Trafficking: Level 5 felony
 - i. 1-6 years imprisonment, advisory sentence of 3 years, and \$10,000 max fine

Iowa

a) Sentencing Guidelines

A guidelines for sentencing in Iowa can be found on the Iowa Courts website.²¹ The sentencing takes into consideration the general penalty for the offense, any enhancements or minimums, specific penalties that may be added, and greater and lesser mandatories. The general sentences for all felonies can be found under Chapter 902 of the Iowa code.

b) Human Trafficking Sentences

- I. Iowa Code § 710A.2. Human Trafficking.
 - a. Human Trafficking
 - i. Adult Victim: Class “D” felony
 - 1. 5 years imprisonment max and \$750 - \$7,500 fine
 - ii. Minor Victim: Class “C” felony
 - 1. 10 years imprisonment max and \$1,000-\$10,000 fine
 - b. Human Trafficking by causing or threatening to cause serious physical injury to another person
 - i. Adult Victim: Class “C” felony
 - 1. 10 years imprisonment max and \$1,000-\$10,000 fine
 - ii. Minor Victim: Class “B” felony
 - 1. 25 years imprisonment max
 - c. Human trafficking by physically restraining or threatening to physically restrain another person
 - i. Adult Victim: Class “D” felony
 - 1. 5 years imprisonment max and \$750 - \$7,500 fine
 - ii. Minor Victim: Class “C” felony
 - 1. 10 years imprisonment max and \$1,000-\$10,000 fine
 - d. Human Trafficking by soliciting services or benefitting from the services of a victim
 - i. Adult Victim: Class “D” felony

²¹ This guide is available at https://www.iowacourts.gov/static/media/cms/2014_chart_E9203DF084AC2.pdf.



1. 5 years imprisonment max and \$750 - \$7,500 fine
 - ii. Minor Victim: Class “C” felony
 1. 10 years imprisonment max and \$1,000-\$10,000 fine
- e. Human Trafficking by abusing or threatening to abuse the law or legal process
 - i. Adult victim: Class “D” felony
 1. 5 years imprisonment max and \$750 - \$7,500 fine
 - ii. Minor victim: Class “C” felony
 1. 10 years imprisonment max and \$1,000-\$10,000 fine
- f. Human Trafficking by knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document or purported government identification document of a victim:
 - i. Adult victim: Class “D” felony
 1. 5 years imprisonment max and \$750 - \$7,500 fine
 - ii. Minor victim: Class “C” felony
 1. 10 years imprisonment max and \$1,000-\$10,000 fine
- g. Benefitting financially or receiving anything of value from knowing participation in human trafficking
 - i. Adult victim: Class “D” felony
 1. 5 years imprisonment max and \$750 - \$7,500 fine
 - ii. Minor victim: Class “C” felony
 1. 10 years imprisonment max and \$1,000-\$10,000 fine

Kansas

a) Sentencing Guidelines

Kansas decides felony sentences based on the current crime and the offender’s criminal history. This information is used, together with a grid box, to determine what the sentence for any violation would be.²² The sentences for felonies are located Article 66 of the Kansas Code.

b) Human Trafficking Sentences

- I. Kan. Stat. Ann. § 21-5426. Human Trafficking, Aggravated Human Trafficking.
 - a. Human Trafficking: Severity Level 2, person felony
 - i. 181-493 years imprisonment

²² See *Judiciary, Corrections and Juvenile Justice*, available at <http://www.kslegresearch.org/KLRD-web/Publications/BriefingBook/2018Briefs/G-7-Sentencing.pdf>, for more information. The grid can be found at <https://sentencing.ks.gov/docs/default-source/2018-forms/2018-nondrug-and-drug-grid-quick-reference-guide.pdf?sfvrsn=0>.



- b. Aggravated Human Trafficking: Severity Level 1, person felony
 - i. 240-653 years imprisonment
- c. Aggravated Human Trafficking and Attempt, conspiracy, or criminal solicitation to commit aggravated human trafficking when offender is over 18 and the minor is less than 14 : off-grid person felony
 - i. Life imprisonment

Kentucky

a) Sentencing Guidelines

The sentences for felonies in Kentucky are located in Ky. Rev. Stat. Ann. § 532.060.

b) Human Trafficking Sentences

- I. Ky. Rev. Stat. Ann. § 529.100. Human Trafficking.
 - a. Class C felony
 - i. 5-10 years imprisonment
 - b. If involves serious physical injury: Class B felony
 - i. 10-20 years imprisonment
 - c. If minor victim, elevate penalty one level higher
- II. Ky. Rev. Stat. Ann. § 529.110. Promoting Human Trafficking.
 - a. Adult victim: Class D felony
 - i. 1-5 years imprisonment
 - b. Minor Victim: Class C felony
 - i. 5-10 years imprisonment

Louisiana

a) Sentencing Guidelines

The sentencing guidelines for Louisiana are contained in La. Stat. Ann. § 894.1. Additionally, the sentences for each violation is written into each statute.

b) Human Trafficking Sentences

- I. La. Stat. Ann. § 14:46.2. Human Trafficking.
 - a. \$10,000 max fine and 10 years imprisonment max
 - b. If with commercial sexual activity or any sexual conduct constituting a crime: \$15,000 max fine and 20 years imprisonment max
 - c. Minor victim: \$25,000 max fine and 5-25 years imprisonment, with five being without parole, probation, or suspension of sentence
- II. La. Stat. Ann. § 46.3. Trafficking of Children for Sexual Purposes.
 - a. If victim is under 18: \$50,000 max fine, 15-50 years imprisonment, or both
 - b. If victim is less than 14: \$75,000 max fine, 25-50 years imprisonment, or both



- c. If previously convicted sex offender when the victim was a minor: \$100,000 max fine, 50 years to life imprisonment with at least 50 years without parole, probation, or suspension of sentence

Maine

a) Sentencing Guidelines

The sentences for felonies in Maine are located in Me. Rev. Stat. tit. 17-A § 1252.

b) Human Trafficking Sentences

- I. Me. Rev. Stat. tit. 17-A § 852. Aggravated Sex Trafficking.
 - a. Class B Crime
 - i. 10 years imprisonment max
- II. Me. Rev. Stat. tit. 17-A, § 853. Sex Trafficking.
 - a. Promotes Prostitution: Class D Crime
 - i. Less than one year max
 - b. Promotes Prostitution and has 2 or more prior convictions of similar offenses: Class C Crime
 - i. 5 years imprisonment max

Maryland

a) Sentencing Guidelines

The Maryland Sentencing Guidelines Manual can be followed in order to determine what sentence an offender may serve for code violations.²³ A worksheet must be completed that takes into account the convicted sentence for the offender, criminal history, date of offense, number of convicted offenses, number of criminal events, and the disposition type. The base sentencing for each violation is contained in the statutes themselves.

b) Human Trafficking Sentences

- I. **Md. Code, Crim. Law § 11-303. Pandering.**²⁴
 - a. Adult victim (Misdemeanor Human Trafficking): 10 years imprisonment max and/or a max fine of \$5,000

²³ The manual can be found at <http://www.msccsp.org/Files/Guidelines/MSGM/guidelinesmanual.pdf>.

²⁴ Pandering includes human trafficking in Maryland



- b. Minor Victim (Felony Human Trafficking): 25 years imprisonment max and/or max fine of \$15,000
- c. Benefitting from Trafficking: same penalties as the venture in which the offender participated
- d. Aiding or abetting: same penalties as the venture in which the offender participated

Massachusetts

a) Sentencing Guidelines

Massachusetts has a comprehensive sentencing guide that is used to determine the sentence for a convicted offender according to the serious level of the offense, the criminal history of the offender, and mandatory minimums in order to utilize a sentencing grid.²⁵ Further, the base sentence is located in the statutes themselves for each offense.

b) Human Trafficking Sentences

- I. Mass. Gen. Laws ch. 265, § 50. Trafficking of persons for sexual servitude; trafficking of persons under 18 years for sexual servitude; trafficking by business entities; tort actions brought by victims.
 - a. Trafficking of persons for sexual servitude, Adult Victim: 5-20 years imprisonment and \$25,000 max fine
 - i. Sentence cannot be reduced to less than five years and will not be eligible for parole or any other deduction for five years
 - b. Trafficking of persons for sexual servitude, Minor Victim: Life imprisonment or any term of years, but not less than 5 years
 - i. Sentence cannot be reduced to less than five years and will not be eligible for parole or any other deduction for five years
 - c. Business entity that commits trafficking: \$1,000,000 max fine
- II. Mass. Gen. Laws ch. 265 § 51. Trafficking of Persons for Forced Service, Victims Under 18 Years, Trafficking by Business Entities, Tort Actions Brought by Victims.
 - a. Trafficking of persons for forced services, Adult Victim: 5-20 years imprisonment and \$25,000 max fine
 - i. Sentence cannot be reduced to less than five years and will not be eligible for parole or any other deduction for five years
 - b. Trafficking of persons for forced services, Minor Victim: Life imprisonment or any term of years, but not less than 5 years
 - i. Sentence cannot be reduced to less than five years and will not be eligible for parole or any other deduction for five years

²⁵ This sentencing guide is located at <https://www.mass.gov/law-library/massachusetts-sentencing-guidelines-steps-and-information>.



- c. Business entity that commits trafficking: \$1,000,000 max fine
- III. Mass. Gen. Laws ch..256, § 52: Subsequent Violations of Sec. 50 or 51: Penalties; Evidence of Prior Adjudication or Conviction.
 - a. Prior record of human trafficking offense: Life imprisonment or any term of years, but not less than 10 years
 - i. Sentence cannot be reduced to less than ten years and will not be eligible for parole or any other deduction for ten years

Michigan

a) Sentencing Guidelines

The State of Michigan utilizes a Sentencing Guidelines Manual to determine sentences.²⁶ This manual uses prior record variables, scores based off the offense variables, the crime class and proper sentencing grid, the recommended minimum sentence range, and requirements for departing from the minimum range to decide what sentence should be given following a conviction. The base sentences are located in the statutes themselves.

b) Human Trafficking Sentences

- I. Mich. Comp. Laws § 750.462f. Violation of MCL 750.462b, 750.462c, and 750.462d; violation of MCL 750.462e; attempting, conspiring, or soliciting another to violate chapter; violation of law arising out of same transaction; consecutive terms; restitution.
 - a. Forced labor or services:
 - i. Felony punishable by 10 years imprisonment max, \$10,000 max fine, or both
 - ii. If bodily injury inflicted or commercial sexual activity results: felony punishable by 15 years imprisonment max, \$15,000 max fine, or both
 - iii. If serious bodily injury results: felony punishable by 20 years imprisonment max, \$20,000 max fine, or both
 - iv. If violation includes kidnapping or attempted kidnapping, criminal sexual conduct in the first degree or an attempt to kill or the death of an individual: felony punishable by imprisonment for life or any term of years, \$50,000 max fine, or both
 - b. Holding Individual in debt bondage:
 - i. Felony punishable by 10 years imprisonment max, \$10,000 max fine, or both
 - ii. If bodily injury inflicted or commercial sexual activity results: felony punishable by 15 years imprisonment max, \$15,000 max fine, or both

²⁶ This manual can be found at <https://mjieducation.mi.gov/documents/sgm-files/94-sgm/file>.



- iii. If serious bodily injury results: felony punishable by 20 years imprisonment max, \$20,000 max fine, or both
- iv. If violation includes kidnapping or attempted kidnapping, criminal sexual conduct in the first degree or an attempt to kill or the death of an individual: felony punishable by imprisonment for life or any term of years, \$50,000 max fine, or both
- c. Knowingly recruit, entice, harbor, transport, provide, or obtain an individual by any means, knowing that individual will be subjected to forced labor or services or debt bondage or Knowingly benefit financially or receive anything of value from participation in an enterprise, as that term is defined in section 159f, if the enterprise has engaged in an act proscribed under this chapter.
 - i. Felony punishable by 10 years imprisonment max, \$10,000 max fine, or both
 - ii. If bodily injury inflicted or commercial sexual activity results: felony punishable by 15 years imprisonment max, \$15,000 max fine, or both
 - iii. If serious bodily injury results: felony punishable by 20 years imprisonment max, \$20,000 max fine, or both
 - iv. If violation includes kidnapping or attempted kidnapping, criminal sexual conduct in the first degree or an attempt to kill or the death of an individual: felony punishable by imprisonment for life or any term of years, \$50,000 max fine, or both
- d. Forced labor or services of a minor for commercial sexual activity or forced labor alone
 - i. Felony punishable by 20 years imprisonment max, \$20,000 max fine, or both
- e. Attempting, conspiring, or soliciting to commit these crimes is subject to the same penalty as the violations themselves
- f. Sentences may be served consecutively with other crimes

Minnesota

a) Sentencing Guidelines

Minnesota uses Sentencing Guidelines to determine sentences for offenders within its state codes.²⁷ A grid is utilized after determining the offense severity, criminal history, custody status at the time of the offense, and presumptive sentences.

b) Human Trafficking Sentences

²⁷ The Minnesota Sentencing Guidelines and Commentary for 2018 are located at <http://mn.gov/msgc-stat/documents/NewGuidelines/2018/Guidelines.pdf>.



- I. Minn. Stat. § 609.322. Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking
 - a. Sex trafficking in the first degree (minor victims):
 - i. 20 years imprisonment max, \$50,000 max fine, or both
 - b. Sex trafficking with aggravating factor present²⁸:
 - i. 25 years imprisonment max, \$60,000 max fine, or both
 - c. Sex trafficking in the second degree (adult victim)
 - i. 15 years imprisonment max, \$40,000 max fine, or both
- II. Minn. Stat. § 609.282. Labor Trafficking.
 - a. Minor victim: 20 years imprisonment max, \$40,000 max fine, or both
 - b. Adult victim: 15 years imprisonment max, \$30,000 max fine, or both

Mississippi

a) Sentencing Guidelines

The Mississippi Department of Corrections publishes a Sentence Computation Reference Handbook that is used for determining sentences²⁹. To compute time, the type of crime, length of sentence, terms and conditions of sentence, laws, pre-trial detention, and additional sentences are all taken into account. The sentences themselves contain the base sentences for each crime.

b) Human Trafficking Sentences

- I. Miss. Code Ann. § 97-3-54.1. Human Trafficking; Offenses.
 - a. Procuring the Sexual Servitude of a minor: 5-30 years imprisonment, fine of \$50,000-\$500,000 fine, or both
 - b. Human Trafficking
 - i. Adult victim: 2-20 years imprisonment, fine of \$10,000-\$100,000 fine, or both
 - ii. Minor Victim: 5-20 years imprisonment, fine of \$20,000-\$100,000, or both
 - c. Procuring Involuntary Servitude
 - i. Adult victim: 2-20 years imprisonment, fine of \$10,000-\$100,000 fine, or both
 - ii. Minor Victim: 5-20 years imprisonment, fine of \$20,000-\$100,000, or both

²⁸ Aggravating factors include offender having committed a prior qualified a prior qualified human trafficking-related offense, offense involves a bodily harm to the victim, the victim was held in debt bondage or forced labor for more than 180 days, or the offense involved more than one sex trafficking victim.

²⁹ This Handbook is located at <http://www.mdms.gov/Documents/RecordsHandbook2013.pdf>.



- II. Miss. Code Ann. § 97-3-54.2. Human Trafficking Act; Destruction, Concealment or Confiscation of Passport or other immigration document for purpose of preventing person's freedom of movement or ability to travel; Penalties.
 - a. 5 years imprisonment max
- III. Miss. Code Ann. § 97-3-54.3. Human Trafficking Act; Aiding, abetting, or conspiring to violate human trafficking provisions.
 - a. Person who aids, abets or conspires with one or more persons to violate these laws is considered a principal in the offense and will be indicted according to that violation

Missouri

a) Sentencing Guidelines

The Missouri Sentencing Advisory Commission publishes a handbook that serves as guidelines for sentencing.³⁰ The base sentences for each human trafficking violation are contained within the statutes themselves.

b) Human Trafficking Sentences

- I. Mo. Rev. Stat. § 566.203. Abusing an individual through forced labor, penalty.
 - a. Felony punishable by imprisonment of 5-20 years and \$250,000 max fine
 - i. If death results or violation included kidnapping, attempt to kidnap, or sexual abuse: Class B felony punishable by 5 years to life imprisonment and \$250,000 max fine
- II. Mo. Rev. Stat. § 56.206. Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor, penalty.
 - a. Felony punishable by 5-20 year imprisonment and \$250,000 max fine
 - i. If death results or violation included kidnapping, attempt to kidnap, or sexual abuse: Class B felony punishable by 5 years to life imprisonment and \$250,000 max fine
- III. Mo. Rev. Stat. § 566.209. Trafficking for the purpose of sexual exploitation, penalty.
 - a. Felony punishable by 5-20 years imprisonment and \$250,000 max fine
 - b. If effected by force, abduction, or coercion: punishable by 10 years – life imprisonment and \$250,000 max fine
- IV. Mo. Rev. Stat. § 566.210 – Sexual Trafficking of a child, first degree, penalty³¹
 - a. Felony punishable by life imprisonment with no probation or parole until after 25 years
- V. Mo. Rev. Stat. § 566.211. Sexual Trafficking of a Child, second degree, penalty.
 - a. Felony punishable by 10 years – life imprisonment and \$250,000 max fine

³⁰ This Handbook can be found at <https://www.mosac.mo.gov/file.jsp?id=102733>.

³¹ For victims under 12 years old



- b. If effected by force, abduction, or coercion: felony punishable by life imprisonment with no probation or parole until after 25 years
- VI. Mo. Rev. Stat. § 566.215. Contributing to Human Trafficking through the Misuse of Information, Penalty.
 - a. Class E felony

Montana

a) Sentencing Guidelines

In Montana, Title 46, Chapter 18 of the Montana Code contains the laws that govern sentencing. The sentences are otherwise contained in the statutes themselves.

b) Human Trafficking Sentences

- I. Mont. Code Ann. § 45-5-702. Trafficking of Persons.
 - a. Adult victim: 15 years imprisonment max, \$50,000 max fine, or both
 - b. Minor victim or involved aggravated kidnapping, sexual intercourse without consent or deliberate homicide: 50 years imprisonment max, \$100,000 max fine
- II. Mont. Code Ann. § 45-5-703. Involuntary Servitude.
 - a. Adult victim: 15 years imprisonment max, \$50,000 max fine, or both
 - b. Minor victim or involved aggravated kidnapping, sexual intercourse without consent or deliberate homicide: 50 years imprisonment max, \$100,000 max fine
- III. Mont. Code Ann. § 45-5-704. Sexual Servitude.
 - a. Adult victim: 15 years imprisonment max, \$50,000 max fine, or both
 - b. Minor victim: 25 years imprisonment max, \$75,000 max fine
- IV. Mont. Code Ann. § 45-5-705. Patronizing Victim of Sexual Servitude.
 - a. Adult victim: 15 years imprisonment max, \$50,000 max fine, or both
 - b. Child victim: 25 years imprisonment max, \$75,000 max fine
- V. Mont. Code Ann. § 45-5-706. Aggravating Circumstance.
 - a. When defendant recruited, enticed, or obtained the victim of the offense from a shelter that serves runaway youth, foster children, homeless persons, or persons subjected to human trafficking, domestic violence, or sexual assault: additional 5 years imprisonment consecutive to the offense

Nebraska

a) Sentencing Guidelines



The Sentences for felonies in Nebraska are contained in Neb. Rev. Stat. § 28-105.

b) Human Trafficking Sentences

- I. Neb. Rev. Stat. § 28-831. Human Trafficking; Labor trafficking or sex trafficking of a minor or sex trafficking of a minor; prohibited acts; penalties.
 - a. Labor trafficking of a minor: Class 1B felony
 - i. 20 years to life imprisonment
 - b. Sex Trafficking of a minor: Class 1B felony
 - i. 20 years to life imprisonment
 - c. Labor Trafficking (adult victim): Class II felony
 - i. 1-50 years imprisonment
 - d. Sex Trafficking (adult victim): Class II felony
 - i. 1-50 years imprisonment
 - e. Knowingly benefitting from or participating in a trafficking venture: Class IIA felony
 - i. 0-20 years imprisonment

Nevada

a) Sentencing Guidelines

The sentences for Nevada felonies are contained in Nev. Rev. Stat. § 193.130.³² However, there are also sentences in each individual statute.

b) Human Trafficking Sentences

- I. Nev. Rev. Stat. § 201.300. Pandering and Sex Trafficking.
 - a. Pandering: Category C felony
 - i. 1-5 years imprisonment, \$10,000 max fine or both
 - b. Sex Trafficking (adult victim): Category B felony punishable by 3-10 years imprisonment and \$10,000 max fine
 - c. Minor Victim (less than 14): Category A felony punishable by life imprisonment with no parole eligibility until 10 years and \$10,000 max fine
 - d. Minor victim (14-16): Category A felony punishable by life imprisonment with no parole eligibility until 5 years and \$10,000 max fine
- II. Nev. Rev. Stat. § 201.320. Living from earnings of prostitute, penalty.
 - a. Category D felony
 - i. 1-4 years, \$5,000 max fine, or both

³² For more information on Nevada felonies

<https://www.leg.state.nv.us/Division/Research/Publications/FactSheets/CrimeCharts/CrimeList.pdf>.



New Hampshire

a) Sentencing Guidelines

The general sentencing guidelines for the state of New Hampshire are located in N.H. Rev. Stat. Ann. § 651.2. There are also some sentencing guidelines in some of the statutes themselves.

b) Human Trafficking Sentences

- I. N.H. Rev. Stat. Ann. § 633:7. Interference with Freedom, Trafficking in Persons.
 - a. Adult victim: Class A felony
 - i. 15 years imprisonment max
 - b. Sex trafficking, Minor Victim: Class A felony punishable by 7-30 years imprisonment
 - c. Knowingly recruiting victims for trafficking: Class A felony
 - i. 15 years imprisonment max
 - ii. If knew that victim would be involved in commercial sex: felony punishable by 7-30 years imprisonment
 - d. Soliciting minor victim of sex trafficking: Class B felony
 - i. 7 years imprisonment max

New Jersey

a) Sentencing Guidelines

The Manual on New Jersey Sentencing Law gives an overview of sentencing procedures, plea agreements, and any factors that may be used to determine sentencing.³³ Sentences for each felony are located in the statutes themselves and N.J. Rev. Stat. § 2C:43-6.

b) Human Trafficking Sentences

- I. N.J. Rev. Stat. § 2C:13-8. Human Trafficking.
 - a. First degree crime
 - i. 20 years imprisonment with no eligibility for parole
 - ii. 20 years imprisonment to life with no eligibility for parole before 20 years
 - iii. \$25,000 max fine
- II. N.J. Rev. Stat. § 2C:13-9. Second Degree Crime; Penalties.
 - a. Second degree crime
 - i. 5-10 years imprisonment

³³ See Manual on New Jersey Sentencing Law, available at <https://njcourts.gov/attorneys/assets/attyresources/manualsentencinglaw.pdf>.



- b. Parole ineligibility for one-third to one-half of term of imprisonment or 3 years, whichever one is greater
- c. \$15,000 max fine
- III. N.J. Rev. Stat. § 2C: 13-10. Findings, Declarations Relative to Human Trafficking; Definitions.
 - a. Advertising Commercial sexual abuse of a minor: first degree crime punishable of \$25,000 max fine
 - i. 10-20 years imprisonment

New Mexico

a) Sentencing Guidelines

The sentencing guidelines for felonies in New Mexico are located in N.M. Stat. § 31-18-15.

b) Human Trafficking Sentences

- I. N.M. Stat. § 30-52-1. Human Trafficking.
 - a. Adult Victim: third degree felony
 - i. If death resulted: 6 years imprisonment
 - ii. Three years imprisonment
 - b. Minor Victim Under 16: second degree felony
 - i. If resulted in death: 15 years imprisonment
 - ii. Sexual offense against child: 15 years imprisonment
 - iii. Sexual exploitation of children: 12 years imprisonment
 - iv. 9 years imprisonment
 - c. Minor Victim Under 13: first degree felony
 - i. If death results: life imprisonment
 - ii. If aggravated criminal sexual penetration: life imprisonment
 - iii. 18 years imprisonment

New York

a) Sentencing Guidelines

All of the information for New York sentencing is located on the NY Courts website.³⁴ Additionally, :

b) Human Trafficking Sentences

³⁴ Sentencing, *available at* <https://www.nycourts.gov/courthelp/Criminal/sentencing.shtml>.



- I. N.Y. Penal Law § 230.34. Sex Trafficking.
 - a. Class B felony
 - i. Violent: 5-25 years imprisonment
 - ii. Non Violent: 1-3 years imprisonment, 25 years max imprisonment
- II. N.Y. Penal Law § 135.35. Labor Trafficking.
 - a. Class D felony
 - i. Violent: 2-7 years imprisonment
 - ii. Non violent: No jail, Probation, 1-3 to 7 years imprisonment
- III. N.Y. Penal Law § 135.37. Aggravated Labor Trafficking
 - a. Class C felony
 - i. Violent: 3.5 years to 15 years imprisonment
 - ii. Non Violent: No Jail, Probation, ½-15 years imprisonment

North Dakota

a) Sentencing Guidelines

The sentencing for felonies in North Dakota are located in N.D. Cent. Code § 12.1-32-01.

b) Human Trafficking Sentences

- I. N.D. Cent. Code § 12.1-41-02. Trafficking an Individual.
 - a. Adult Victim: Class A felony
 - i. 20 years imprisonment max, \$20,000 max fine, or both
 - b. Minor Victim: Class AA felony
 - i. Life imprisonment max, no parole for 30 years max
- II. N.D. Cent. Code § 12.1-41-03. Forced Labor.
 - a. Adult victim: Class A felony
 - i. 20 years imprisonment max, \$20,000 max fine, or both
 - b. Minor Victim: Class AA felony
 - i. Life imprisonment max, no parole for 30 years max
- III. N.D. Cent. Code § 12.1-41-04. Sexual Servitude.
 - a. Minor victim: Class AA felony
 - i. Life imprisonment max, no parole for 30 years max
 - b. Adult Victim: Class A felony
 - i. 20 years imprisonment max, \$20,000 max fine, or both
- IV. N.D. Cent. Code § 12.1-41-05. Patronizing a Victim of Sexual Servitude.
 - a. Adult Victim: Class B felony
 - i. 10 years imprisonment max, \$20,000 max fine, or both
 - b. Minor Victim: Class A felony
 - i. 20 years imprisonment max, \$20,000 max fine, or both
- V. N.D. Cent. Code § 12.1-41-06. Patronizing a minor for commercial sexual activity.



- a. With intent that an individual engage in commercial sexual activity with a minor, the person gives, agrees to give, or offers to give anything of value to a minor or other person that they may engage in commercial sexual activity with a minor: Class A felony
 - i. 20 years imprisonment max, \$20,000 max fine, or both
 - b. If The person gives, agrees to give, or offers to give anything of value to a minor or another person so that an individual may engage in commercial sexual activity with a minor: Class B felony
 - i. 10 years imprisonment max, \$20,000 max fine, or both
- VI. N.D. Cent. Code § 12.1-41-08. Aggravating Circumstance.
- a. If the defendant recruited, enticed, or obtained the victim of the offense from a shelter that serves individuals subjected to human trafficking, domestic violence, or sexual assault, runaway youth, foster children, or the homeless: additional five years

Ohio

a) Sentencing Guidelines

The Supreme Court of Ohio has many guides that aid in sentencing, including the Felony Sentencing Quick Reference Guide.³⁵ It outlines factors that must be considered, mandatory prison terms, and optional prison terms. All human trafficking sentences are listed under mandatory prison terms.

b) Human Trafficking Sentences

- I. Ohio Rev. Code § 2905.32. Trafficking in Persons.
 - a. First degree felony punishable by 10-15 years
- II. Ohio Rev. Code § 2941.1422. Mandatory Prison Term- Furtherance of Human Trafficking.
 - a. Felony sentenced under (b)(7) of Ohio Rev. Code § 2929.14 precluded unless offender is convicted of a felony under the code
- III. Ohio Rev. Code § 2929.18. Financial Sanctions – Felony.
 - a. Felony of the first degree: \$20,000 max
 - b. Felony of the second degree: \$15,000 max
 - c. Felony of the third degree: \$10,000 max
 - d. Felony of the fourth degree: \$5,000 max
 - e. Felony of the fifth degree: \$2,500 max

³⁵ This guide is available at <https://www.supremecourt.ohio.gov/Boards/Sentencing/resources/judPractitioner/felonyQuickRef.pdf>.



Oklahoma

a) Sentencing Guidelines

The sentences for Oklahoma's human trafficking crimes are located in the statutes themselves. Additionally, sentencing information may be found on the Oklahoma Department of Correction's website.³⁶

b) Human Trafficking Sentences

- I. Okla. Stat. tit. 21, § 866. Trafficking in Children.
 - a. Felony punishable by 10 years imprisonment max, \$10,000 max fine, or both
 - b. If prospective adoptive parents: misdemeanor and \$5,000 max fine per violation
 - c. Advertisement of human trafficking: misdemeanor and \$5,000 max fine per violation
- II. Okla. Stat. tit. 21, § 867. Trafficking in Children a Felony.
 - a. First conviction: Felony punishable by 1-3 years imprisonment
 - b. Subsequent offense: Felony punishable by 3 years imprisonment min.
 - c. Except if sentenced to life or life without parole: 2 years or more required to serve a pose-imprisonment supervision period
- III. Okla. Stat. tit. 21, § 1029. Engaging in Prostitution, etc. – Soliciting or Procuring – Residing or being in place for Prohibited Purpose – Aiding and Abetting or Participating – Child Prostitution – Presumption of Coercion.
 - a. Child Prostitution (under 16): felony punishable by 10 years imprisonment max and
 - i. First offense: \$2,500 max fine
 - ii. Second offense: \$10,000 max fine
 - iii. Third offense or more: \$15,000 max fine

Oregon

a) Sentencing Guidelines

Oregon uses a sentencing guidelines grid in order to sentence its offenders.³⁷ This is used in addition to a crime seriousness scale to determine which sentences should be given.³⁸

³⁶ <http://doc.ok.gov/js-packet>

³⁷ <https://www.oregon.gov/cjc/about/Documents/guidelinesgrid.pdf>



b) Human Trafficking Sentences

- I. Or. Rev. Stat. § 163.266. Trafficking in Persons.
 - a. Trafficking into involuntary servitude or benefits financially from trafficking: Class B felony
 - i. 10 years imprisonment max
 - b. Minor victim or trafficking into commercial sex: Class A felony
 - i. 20 years imprisonment max
- II. Or. Rev. Stat. § 163.263. Subjecting another person to involuntary servitude in the second degree.
 - a. Class C felony
 - i. 5 years imprisonment max
- III. Or. Rev. Stat. § 163.264. Subjecting another person to involuntary servitude in the first degree.
 - a. Class B felony
 - i. 10 years imprisonment max

Pennsylvania

a) Sentencing Guidelines

The sentencing guidelines for Pennsylvania are located in Chapter 303 of the Pennsylvania code.

b) Human Trafficking Sentences

- I. 18 Pa. Cons. Stat. § 3011. Trafficking in Individuals.
 - a. Minor victim: First degree felony
 - i. 20 years imprisonment max, \$25,000 max fine
 - b. Adult Victim: Second degree felony
 - i. 10 years imprisonment max, \$25,000 max fine
- II. 18 Pa. Cons. Stat. §3012. Involuntary Servitude.
 - a. First degree felony
 - i. 20 years imprisonment max, \$25,000 max fine
- III. 18 Pa. Cons. Stat. § 3013. Patronizing a Victim of Sexual Servitude.
 - a. Second degree felony
 - i. 10 years imprisonment max, \$25,000 max fine
- IV. 18 Pa. Cons. Stat. § 3014. Unlawful Conduct Regarding Documents.
 - a. Third degree felony
 - i. 7 years imprisonment max, \$15,000 max fine
- V. 18 Pa. Cons. Stat. § 3015. Nonpayment of Wages.

³⁸<https://sentencing.umn.edu/sites/sentencing.umn.edu/files/Oregon%20Sentencing%20Guidelines.pdf>



- a. If owed less than \$2,000: third degree misdemeanor
- b. If owed more than \$2,000, refusal or failure constitutes second or subsequent violation, or the person falsely denies the amount due or validity of the debt: third degree felony
 - i. 7 years imprisonment max, \$15,000 max fine

Rhode Island

- a) Sentencing Guidelines
- b) Human Trafficking Sentences

- I. 11 R.I. Gen. Laws § 67.1-3. Trafficking an individual.
 - a. Minor Victim: Felony punishable of 50 years imprisonment max, \$40,000 max fine, or both
 - b. Adult Victim: Felony punishable of 20 years imprisonment max, \$20,000 max fine, or both
- II. 11 R.I. Gen. Laws § 67.1-4. Forced Labor.
 - a. Minor Victim: Felony punishable of 50 years imprisonment max, \$40,000 max fine, or both
 - b. Adult Victim: Felony punishable of 20 years imprisonment max, \$20,000 max fine, or both
- III. 11 R.I. Gen. Laws § 67.1-5. Sexual Servitude.
 - a. Felony punishable of 50 years imprisonment max, \$40,000 max fine, or both
 - b. Adult Victim: Felony punishable of 20 years imprisonment max, \$20,000 max fine, or both
- IV. 11 R.I. Gen. Laws § 11-67-1-9. Aggravating Circumstance.³⁹
 - a. If present: additional 5 years imprisonment

South Carolina

- a) Sentencing Guidelines

The sentencing guidelines for South Carolina are published through the South Carolina legislature and individual sentences are located within the human trafficking statutes themselves.

- b) Human Trafficking Sentences

- I. S.C. Code Ann. § 16-3-2020. Trafficking in Persons, Penalties, Defenses.

³⁹ defendant recruited, enticed, or obtained the victim of the offense from a shelter that serves individuals subjected to human trafficking, domestic violence, or sexual assault, runaway youth, foster children, or the homeless; or Kidnaps, holds hostage, or otherwise keeps the victim against his or her will



- a. First offense: felony punishable by 15 years imprisonment max
- b. Second offense: felony punishable by 30 years imprisonment max
- c. Third or subsequent offense: felony punishable by 45 years imprisonment max
- d. Minor victim: additional 15 years imprisonment added to penalty to be served consecutive

South Dakota

a) Sentencing Guidelines

The sentences for South Dakota's felonies are found in S.D. Codified Laws § 22-6-

1.

b) Human Trafficking Sentences

- I. S.D. Codified Laws § 22-49-2. First Degree Human Trafficking- Felony.
 - a. Class 2 felony
 - i. 25 years imprisonment, \$50,000 max fine, or both
- II. S.D. Codified Laws § 22-49-3. Second Degree Human Trafficking.
 - a. Class 4 felony
 - i. 10 years imprisonment, \$20,000 max fine, or both
- III. S.D. Codified Laws §22-49-4. Hiring person forced to engage in sexual activity-- Felony.
 - a. Class 6 felony
 - i. 2 years imprisonment, \$4,00 fine, or both

Tennessee

a) Sentencing Guidelines

The sentences for felonies in Tennessee are located in Tenn. Code Ann. § 40-35-

112.

b) Human Trafficking Sentences

- I. Tenn. Code Ann. § 39-13-307. Involuntary Labor Servitude- Restitution.
 - a. Class C felony
 - i. Range I: 3-6 years imprisonment
 - ii. Range III: 10-15 years imprisonment
 - b. If minor victim under 13, resulted in serious bodily injury or death, time victim was held was more than one year, or there were more than ten victims: Class B felony
 - i. Range I: 8-12 years imprisonment



- ii. Range III: 20-30 years imprisonment
- II. Tenn. Code Ann. § 39-13-308. Trafficking for forced labor or services.
 - a. Class C felony
 - i. Range I: 3-6 years imprisonment
 - ii. Range III: 10-15 years imprisonment
- III. Tenn. Code Ann. § 39-13-309. Trafficking for Commercial Sex Act.
 - a. Class B felony
 - i. Range I: 8-12 years imprisonment
 - ii. Range III: 20-30 years imprisonment
 - b. If under 15, on the grounds or within 1,000 feet of a prohibited place: Class A felony
 - i. Range I: 15-25 years imprisonment
 - ii. Range III: 40-60 years imprisonment

Texas

a) Sentencing Guidelines

The sentences for felonies in Texas are located in Tex. Penal Code § 12.20-12.35.⁴⁰

b) Human Trafficking Sentences

- I. Tex. Penal Code § 20A.02. Trafficking of Persons.
 - a. Second degree felony
 - i. 2-20 years imprisonment, \$10,000 max fine, or both
 - b. If minor, death results, or death of an unborn child results: first degree felony
 - i. 5 years to life imprisonment, \$10,000 max fine, or both
- II. Tex. Penal Code § 20A.03. Continuous Trafficking of Persons.
 - a. First degree felony punishable by 25 years to life imprisonment

Utah

a) Sentencing Guidelines

The sentences for felonies in Utah are contained in Utah Code § 76-3-203.

b) Human Trafficking Sentences

- I. Utah Code § 76-5-308.5. Human Trafficking of a Child- Penalties.

⁴⁰ Penal Code Offenses by Punishment Range, *available at* <https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/criminal-justice/PenalCode-Offenses-byRange.pdf>.



- a. First degree felony
 - i. 5years - life imprisonment
- II. Utah Code § 76-5-309. Human Trafficking and Human Smuggling – Penalties.
 - a. Human Trafficking: Second degree felony
 - i. 1-15 years imprisonment
 - b. Human Smuggling: third degree felony
 - i. 5 years imprisonment max
- III. Utah Code § 76-5-310. Aggravated Human Trafficking and Aggravated Human Smuggling- Penalties.
 - a. Aggravated human trafficking; first degree felony
 - i. 5years - life imprisonment
 - b. Aggravated human smuggling: second degree felony
 - i. 1-15 years imprisonment

Vermont

a) Sentencing Guidelines

The State of Vermont publishes a Sentencing Options manual that serves as a guide for the state’s sentencing.⁴¹ Additionally, the sentences for human trafficking violations are contained within the sentences themselves.

b) Human Trafficking Sentences

- I. Vt. Stat. Ann. tit. 13, § 2652. Human Trafficking.
 - a. Life imprisonment max, \$500,000 max fine, or both
- II. Vt. Stat. Ann. tit. 13, § 2653. Aggravated Human Trafficking. (includes minor victims)
 - a. 20-life imprisonment, \$100,000 fine, or both
- III. Vt. Stat. Ann. tit. 13, § 2654. Patronizing or Facilitating Human Trafficking.
 - a. 5 years imprisonment max, \$100,000 max fine, or both

Virginia

a) Sentencing Guidelines

Virginia has a sentencing worksheet that takes into account criminal record of the offender, mitigating and aggravating factors, and minimum sentences in order to determine an offender’s sentence.⁴² The sentences for felonies are located in Va. Code Ann. § 18.2-10.

b) Human Trafficking Sentences

⁴¹ <http://www.doc.state.vt.us/about/what/sentencing-options-manual/view>

⁴² <http://www.vcsc.virginia.gov/worksheets.html>



- I. Va. Code Ann. § 18.2-346. Prostitution; Commercial Sexual Conduct; Commercial Exploitation of a Minor; Penalties.
 - a. Commercial sexual exploitation of a minor 16 or older: Class 6 felony
 - i. 1-5 years imprisonment, \$2,500 max fine, or both
 - b. Commercial sexual exploitation of a minor under 16: Class 5 felony
 - i. 1-10 years imprisonment, \$2,500 max fine, or both
- II. Va. Code Ann. § 18.2-355. Taking, Detaining, Etc., Person for Prostitution, etc. or Consenting Thereto; Human Trafficking.
 - a. Class 4 felony
 - i. 2-10 years imprisonment, \$100,000 max fine, or both
 - b. Minor Victim: Class 3 felony
 - i. 5-20 years imprisonment, \$100,000 max fine, or both
- III. Va. Code Ann. § 18.2-357.1. Commercial Sex Trafficking; Penalties.
 - a. If solicits, invites, recruits, encourages, or otherwise causes or attempts to cause a person to become a prostitute: Class 5 felony
 - i. 1-10 years imprisonment, \$2,500 max fine, or both
 - b. If uses force, intimidation or deception to cause person to become a prostitute or have unlawful sexual intercourse: Class 4 felony
 - i. 2-10 years imprisonment, \$100,000 max fine, or both
 - c. Committing this crime with minor victim: Class 3 felony
 - i. 5-20 years imprisonment, \$100,000 max fine, or both

Washington

a) Sentencing Guidelines

Washington publishes an adult sentencing guidelines manual annually that aids in determining individual sentences for offenders.⁴³

b) Human Trafficking Sentences

- I. Wash. Rev. Code § 9A.40.100. Trafficking.
 - a. All forms: Class A felony
 - i. Life imprisonment max, \$50,000 max fine, or both

West Virginia

a) Sentencing Guidelines

⁴³https://www.cfc.wa.gov/PublicationSentencing/SentencingManual/Adult_Sentencing_Manual_2017.pdf



The laws that apply to sentencing in West Virginia are located in Chapter 61, Article 11 of the West Virginia Code.

b) Human Trafficking Sentences

- I. W.Va. Code §61-14-2. Human Trafficking of an Individual; Penalties.
 - a. Adult victim: 3-15 years imprisonment, \$200,000 max fine, or both
 - b. Minor victim: 5-20 years imprisonment, \$300,000 max fine, or both
- II. W.Va. Code §61-14-3. Use of Forced Labor; Penalties.
 - a. Adult victim: 1-5 years imprisonment, \$100,000 max fine, or both
 - b. Minor Victim: 3-15 years imprisonment, \$300,000 max fine, or both
- III. W.Va. Code §61-14-4. Use of Persons in Debt Bondage; Penalties.
 - a. Adult victim: 1-5 years imprisonment, \$100,000 max fine, or both
 - b. Minor victim: 3-15 years imprisonment, \$300,000 max fine, or both
- IV. W.Va. Code §61-14-5. Sexual Servitude; Penalties.
 - a. Adult victim: 3-15 years imprisonment, \$200,000 max fine, or both
 - b. Minor victim: 10-20 years imprisonment max, \$300,000 max fine, or both
- V. W.Va. Code §61-14-6. Patronizing a Victim of Sexual Servitude; Penalties.
 - a. Adult victim: 1-5 years imprisonment max, \$100,000 max fine, or both
 - b. Minor victim: 3-15 years imprisonment max, \$300,000 max fine, or both

Wisconsin

a) Sentencing Guidelines

The Wisconsin Legislative Fiscal Bureau publishes Felony Sentencing studies annually for the state of Wisconsin. Additionally, the sentences for each felony are located in Wis. Stat. § 939.50.

b) Human Trafficking Sentences

- I. Wis. Stat. § 940.302. Human Trafficking.
 - a. Class D felony
 - i. 25 years imprisonment max, \$100,000 max fine, or both
 - b. Benefits knowingly from trafficking: Class D felony
 - i. 25 years imprisonment max, \$100,000 max fine, or both
 - c. Knowingly receives earnings of debt bondage, prostitute, or commercial sex act: Class F felony
 - i. 12.5 years imprisonment max, \$25,000 max fine, or both

Wyoming

a) Sentencing Guidelines



The sentences for Wyoming's human trafficking offenses are located within the statutes themselves.

b) Human Trafficking Sentences

- I. Wyo. Stat. Ann. § 6-2-702. Human Trafficking in the First Degree; Penalty.
 - a. Adult victim: felony punishable by 5-50 years imprisonment, \$10,000 max fine, or both
 - b. Minor Victim: felony punishable by 25-50 years, \$10,000 max fine, or both
- II. Wyo. Stat. Ann. § 6-2-703. Human Trafficking in the Second Degree; Penalty.
 - a. felony punishable by 2-20 years imprisonment, \$10,000 max fine, or both
- III. Wyo. Stat. Ann. § 6-2-704. Forced Labor and Servitude; Penalty.
 - a. felony punishable by 15 years imprisonment max, \$10,000 max fine, or both
- IV. Wyo. Stat. Ann. § 6-2-705. Sexual Servitude of Adult.
 - a. felony punishable by 3 years imprisonment max, \$3,000 max fine, or both
- V. Wyo. Stat. Ann. § 6-2-706. Sexual Servitude of a Minor.
 - a. felony punishable by 5 years imprisonment max, \$5,000 max fine, or both
- VI. Wyo. Stat. Ann. § 6-2-707. Patronizing a Victim of Sexual Servitude.
 - a. Felony punishable by 3 years imprisonment max, \$5,000 max fine, or both