

1.1 **Senator Latz from the Committee on Judiciary and Public Safety, to which was**  
1.2 **referred**

1.3 **S.F. No. 133:** A bill for an act relating to public safety; amending definitions of labor  
1.4 trafficking; establishing enhanced penalties for labor trafficking when the trafficking occurs  
1.5 over an extended period of time or when a victim dies or suffers great bodily harm; making  
1.6 conforming changes related to the statewide human trafficking assessment; amending  
1.7 Minnesota Statutes 2022, sections 299A.78, subdivision 1; 299A.79, subdivision 3; 609.281,  
1.8 subdivisions 3, 4, 5; 609.282, subdivision 1, by adding a subdivision; repealing Minnesota  
1.9 Statutes 2022, section 609.281, subdivision 2.

1.10 Reports the same back with the recommendation that the bill be amended as follows:

1.11 Page 3, lines 5 and 9, before "economic" insert "demonstrable" and before "reputational"  
1.12 insert "demonstrable" and after "harm" insert "that is sufficiently serious, under all the  
1.13 surrounding circumstances, to compel a reasonable person of the same background and in  
1.14 the same circumstances to perform or to continue performing labor or services in order to  
1.15 avoid incurring that harm"

1.16 Page 3, after line 30, insert:

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

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

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

1.26 Page 4, line 6, delete everything after "death" and insert "was proximately caused by  
1.27 the labor trafficking conduct of the offender and murder in the first or second degree was  
1.28 not committed thereby"

1.29 Page 4, line 7, delete the new language

1.30 Page 4, line 18, delete "great bodily harm arose" and insert "harm was proximately  
1.31 caused by the labor trafficking conduct of the offender."

1.32 Page 4, delete lines 19 and 20

1.33 Page 4, after line 22, insert:

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

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

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

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

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

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

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

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

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

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

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

2.21 (1) solicits or induces an individual under the age of 18 years to practice prostitution;

2.22 (2) promotes the prostitution of an individual under the age of 18 years;

2.23 (3) receives profit, knowing or having reason to know that it is derived from the  
2.24 prostitution, or the promotion of the prostitution, of an individual under the age of 18 years;  
2.25 or

2.26 (4) engages in the sex trafficking of an individual under the age of 18 years.

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

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

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

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

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

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

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

3.10 Subd. 4. **Affirmative defense.** It is an affirmative defense to a charge under section  
3.11 609.324, subdivision 6 or 7, if the defendant proves by a preponderance of the evidence  
3.12 that the defendant is a labor trafficking victim, ~~as defined in section 609.281,~~ or a sex  
3.13 trafficking victim, ~~as defined in section 609.321,~~ and that the defendant committed the acts  
3.14 underlying the charge as a result of being a labor trafficking or sex trafficking victim.

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

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

3.19 Renumber the sections in sequence

3.20 Amend the title as follows:

3.21 Page 1, line 5, after the semicolon, insert "requiring the Sentencing Guidelines  
3.22 Commission to consider assigning a severity level ranking to the labor trafficking crime;"

3.23 Amend the title numbers accordingly

3.24 And when so amended the bill do pass. Amendments adopted. Report adopted.

3.25   
3.26 .....  
(Committee Chair)

3.27 February 15, 2023.....  
3.28 (Date of Committee recommendation)