

North Dakota State Report State Ratings 2014

The Polaris annual state ratings process tracks the presence or absence of 10 categories of state statutes that Polaris believes are critical to a comprehensive anti-trafficking legal framework. It is important to note that these 10 categories are not exhaustive of all the important legislation that helps combat human trafficking in a given state. Moreover, the ratings do not assess the effectiveness or implementation of these laws, nor the anti-trafficking efforts of task forces, law enforcement, prosecutors, judges, service providers, and advocates in the state. The purpose of the annual state ratings process is to document laws on the books, to motivate legislators and policy advocates, and to focus the attention of states on the statutes that still need to be enacted in order to achieve a strong anti-trafficking legal framework.

Rating: Tier Three (orange)

Total Points: 4

Credited Categories: 1 Sex Trafficking; 2 Labor Trafficking; 3(b) Investigative Tools; and 5 No Requirement of Force, Fraud, or Coercion for minor victims of sex trafficking.

Categories Still Needed: 3(a) Asset Forfeiture; 4(a) Training for Law Enforcement; 4(b) Human Trafficking Task Force; 6 Posting of a Hotline; 7 Safe Harbor for Minors; 8 Victim Assistance; 9 Civil Remedy; and 10 Vacating Convictions.

Category By Category Break-Down:

Category 1: Sex Trafficking Statute

§ 12.1-40-01. Human trafficking -- Penalty.

1. A person is guilty of human trafficking if the person:
 - a. Benefits financially or receives anything of value from knowing participation in human trafficking; or
 - b. Promotes, recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to promote, recruit, entice, harbor, transport, provide, or obtain by any means, another person, knowing that the person will be subject to human trafficking.
2. An offense under this section is a class AA felony if the person subject to human trafficking is less than eighteen years of age. Otherwise, the offense is a class A felony.
3. If the person subject to human trafficking is under the age of eighteen years, it is no defense that the actor did not know the child's age or reasonably believed the child to be eighteen years of age or older.
4. In addition to any sentence or fine imposed for a conviction of an offense under this chapter, the court shall order the person convicted to make restitution to the victim of the crime.

§ 12.1-40-02. Definitions.

In this chapter:

1. "Debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of the debtor's personal services or those of a person under the debtor's control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.



2. "Forced labor or services" means labor or services that are performed or provided by another person and are obtained or maintained through an actor's:

a. Threat, either implicit or explicit, scheme, plan, or pattern, or other action intended to cause a person to believe that, if the person did not perform or provide the labor or services:

(1) That person or another person would suffer bodily harm or physical restraint; or

(2) That any fact or alleged fact tending to cause shame or to subject any person to hatred, contempt, or ridicule would be exposed;

b. Physically restraining or threatening to physically restrain a person;

c. Abuse or threatened abuse of the legal process; or

d. Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person.

"Forced labor or services" does not mean labor or services required to be performed by a person in compliance with a court order or as a required condition of probation, parole, or imprisonment.

3. "Human trafficking" means labor trafficking or sex trafficking.

4. "Labor trafficking" means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining, or receipt of a person by any means, whether a United States citizen or foreign national, for the purpose of:

a. Debt bondage or forced labor or services;

b. Slavery or practices similar to slavery; or

c. The removal of organs through the use of coercion or intimidation.

5. "Sex trafficking" means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining, or receipt of a person by any means, whether a United States citizen or foreign national, for the purpose of:

a. Causing the person or another to engage in sexual acts or sexual conduct in violation of chapter 12.1-20; or

b. Violating chapter 12.1-27.1, 12.1-27.2, or 12.1-29.

Category 2: Labor Trafficking Statute

Yes. See Section § 12.1-40-01.

Category 3(a): Asset Forfeiture

None.

Category 3(b): Investigative Tools

§ 12.1-06.1-01. Definitions.

1. For the purpose of section 12.1-06.1-02:

f. "Racketeering" means any act including any criminal attempt, facilitation, solicitation, or conspiracy, committed for financial gain, which is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable by imprisonment for more than one year, regardless of whether such act is charged or indicted, involving:

(18) Child pornography.

(19) Prostitution.



(20) Human trafficking.

Category 4(a): Training for Law Enforcement

None.

Category 4(b): Human Trafficking Task Force

None.

Category 5: No Requirement of Force, Fraud, or Coercion for Sex Trafficking of Minors

Yes. See § 12.1-40-02(5).

Category 6: Posting of a Human Trafficking Hotline

None.

Category 7: Safe Harbor

None.

Category 8: Victim Assistance

None.

Category 9: Civil Remedy

None.

Category 10: Vacating Convictions

None.

If you would like assistance in enacting laws to fill in the gaps, please contact the Polaris Policy Program at policy@polarisproject.org.