

Arizona 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 Two (yellow)

Total Points: 5

Credited Categories: 1 Sex Trafficking; 2 Labor Trafficking; 3(b) Investigative Tools; 5 No Requirement of Force, Fraud, or Coercion for Sex Trafficking of Minors; and 8 Victim Assistance.

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; 9 Civil Remedy; and 10 Vacating Convictions

Category By Category Break-Down:

Category 1: Sex Trafficking Statute

§13-1307 Sex trafficking; classification; definitions

- A. It is unlawful for a person to knowingly traffic another person who is eighteen years of age or older with either of the following:
 1. The intent to cause the other person to engage in any prostitution or sexually explicit performance by deception, force or coercion.
 2. The knowledge that the other person will engage in any prostitution or sexually explicit performance by deception, coercion or force.
- B. It is unlawful for a person to traffic another person who is under eighteen years of age with either of the following:
 1. The intent to cause the other person to engage in any prostitution or sexually explicit performance.
 2. The knowledge that the other person will engage in any prostitution or sexually explicit performance.
- C. Notwithstanding any other law, a sentence imposed on a person for a violation of subsection B of this section shall be consecutive to any other sentence imposed on the person at any time.



- D. A person who violates this section is guilty of a class 2 felony, except that if the offense is committed against a person who is under fifteen years of age, the offense is a dangerous crime against children punishable pursuant to § 13-705.
- E. For the purposes of this section:
 - 1. "Coercion" includes:
 - (a) Abusing or threatening to abuse the law or the legal system.
 - (b) Knowingly destroying, concealing, removing, confiscating, possessing or withholding another person's actual or purported passport or other immigration document, government issued identification document, government record or personal property.
 - (c) Extortion.
 - (d) Causing or threatening to cause financial harm to any person.
 - (e) Facilitating or controlling another person's access to a controlled substance.
 - 2. "Force" includes causing or threatening to cause serious harm to another person or physically restraining or threatening to physically restrain another person.
 - 3. "Sexually explicit performance" means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interest of patrons.
 - 4. "Traffic" means to entice, recruit, harbor, provide, transport or otherwise obtain another person.

Category 2: Labor Trafficking Statute

§ 13-1306. Unlawfully obtaining labor or services; classification

- A. It is unlawful for a person to knowingly obtain the labor or services of another person by doing any of the following:
 - 1. Causing or threatening to cause bodily injury to that person or another person.
 - 2. Restraining or threatening to restrain that person or another person without lawful authority and against that person's will.
 - 3. Withholding that person's governmental records, identifying information or other personal property.
- B. A person who violates this section is guilty of a class 4 felony.

§13-1308. Trafficking of persons for forced labor or services; classification; definitions

- A. It is unlawful for a person to either:
 - 1. Knowingly traffic another person with the intent to or knowledge that the other person will be subject to forced labor or services.
 - 2. Knowingly benefit, financially or by receiving anything of value, from participation in a venture that has engaged in an act in violation of section 13-1306, section 13-1307 or this section.
- B. A violation of this section is a class 2 felony.
- C. For the purposes of this section:
 - 1. "Forced labor or services":
 - (a) Means labor or services that are performed or provided by another person and that are obtained through a person's either:



- (i) Causing or threatening to cause serious physical injury to any person.
- (ii) Restraining or threatening to physically restrain another person.
- (iii) Knowingly destroying, concealing, removing, confiscating, possessing or withholding another person's actual or purported passport or other immigration document, government issued identification document, government record or personal property.
- (iv) Abusing or threatening to abuse the law or the legal system.
- (v) Extortion.
- (vi) Causing or threatening to cause financial harm to any person.
- (vii) Facilitating or controlling another person's access to a controlled substance.

(b) Does not include ordinary household chores and reasonable disciplinary measures between a parent or legal guardian and the parent's or legal guardian's child.

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

Category 3(a): Asset Forfeiture

None.

Category 3(b): Investigative Tools

§ 13-3010. Ex parte order for interception; definition

A. On application of a county attorney, the attorney general or a prosecuting attorney whom a county attorney or the attorney general designates in writing, any justice of the supreme court, judge of the court of appeals or superior court judge may issue an ex parte order for the interception of wire, electronic or oral communications if there is probable cause to believe both:

- 1. A crime has been, is being or is about to be committed.
- 2. Evidence of that crime or the location of a fugitive from justice from that crime may be obtained by the interception.

HB 2454 (2014)

§ 13-2301. Definitions.

4. "Racketeering" means any act, including any preparatory or completed offense, that is chargeable or indictable under the laws of the state or country in which the act occurred and, if the act occurred in a state or country other than this state, that would be chargeable or indictable under the laws of this state if the act had occurred in this state, and that would be punishable by imprisonment for more than one year under the laws of this state and, if the act occurred in a state or country other than this state, under the laws of the state or country in which the act occurred, regardless of whether the act is charged or indicted, and the act involves either:

(XXXI) Child Prostitution.

(XXXII) Sex Trafficking.

(XXXIII) Trafficking of Persons for Forced Labor or Services.



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 § 13-1307(B).

Category 6: Posting of a Human Trafficking Hotline

None.

Category 7: Safe Harbor

None.

Category 8: Victim Assistance

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§41-113. Human Trafficking Victim Assistance Fund; Definition

A. The human trafficking victim assistance fund is established consisting of monies received pursuant to sections 9-500.10 and 32-4260. The director shall administer the fund for the purposes prescribed in this section.

B. The governor's office for children, youth and families shall establish program priorities for the fund. The office shall spend monies in the fund to provide assistance to victims of sex trafficking prescribed in section 13-1307 and trafficking of persons for forced labor or services prescribed in section 13-1308.

C. Monies in the fund do not revert to the state general fund.

D. For the purposes of this section, "director" means the director of the governor's office for children, youth and families.

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.