

**2015 SENATE JUDICIARY**

**SB 2275**

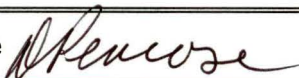
# 2015 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Fort Lincoln Room, State Capitol

SB 2275  
2/3/2015  
23077

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



**Minutes:**

1

Ch. Hogue: We will open the hearing on SB 2275.

Sen. Larry Luick: Sponsor, support. As we have heard about the atrocities of SB 2107, 2199, 2219, 2232, 2250, 4017, 2332; basically the sex trafficking issues for us, not only in ND but across the US. Efforts to prevent coerced abortions are also in the realm of protections.

Ch. Hogue: Thank you. Further testimony in support.

Christopher Dodson, Exec. Director, ND Catholic Conference: Support (see attached 1).

Sen. C. Nelson: Who is going to be penalized?

Christopher Dodson: I don't have SB 2107 in front of me, my understanding in these 3 sections, 02, 03 and 04 of that is the trafficker. That's why if you make changes to that section, this is a companion bill to SB 2107.

Sen. Grabinger: I think this is a good bill, but I'm wondering if this will be difficult for our law enforcement to get a conviction on this, in the sense that this is hearsay; how are you going to get proof, to gain a conviction on something like this.

Christopher Dodson: I'm not a law enforcement officer and never been a states' attorney in this state, but I know three federal cases in which they identified from the victims and the evidence that this was occurring. So the federal prosecutors were able to do it. My guess is when the evidence builds

up of all that happened to that victim, if this comes out, then they can slap this on as an additional offense.

Ch. Hogue: Thank you. Further testimony in support.

Tom Freier, ND Family Alliance: Support of this bill.

Ch. Hogue: Further testimony in support. Testimony in opposition. Neutral testimony. We will close the hearing on SB 2275.

# 2015 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Fort Lincoln Room, State Capitol

SB 2275  
2/10/2015  
23569

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*R. Penrose*

**Minutes:**

Ch. Hogue: We will take a look at SB 2275. What are the committee's wishes?

Sen. C. Nelson: I have a note referencing the Catholic Conference, page 2, saying 2275 will enhance penalties to the crime of human trafficking as language must be in concert with the language of SB 2107.

Sen. Armstrong: I move a Do Pass.

Sen. Casper: Second the motion.

**6 YES 0 NO 0 ABSENT**

**DO PASS**

**CARRIER: Sen. Luick**

Date: 2/10/15

Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE  
ROLL CALL VOTE

BILL/RESOLUTION NO. 2275

Senate

**JUDICIARY**

Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Sen. Armstrong Seconded By Sen. Casper

Senators	Yes	No	Senators	Yes	No
Chairman Hogue	<input checked="" type="checkbox"/>		Sen. Grabinger	<input checked="" type="checkbox"/>	
Sen. Armstrong	<input checked="" type="checkbox"/>		Sen. C. Nelson	<input checked="" type="checkbox"/>	
Sen. Casper	<input checked="" type="checkbox"/>				
Sen. Luick	<input checked="" type="checkbox"/>				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Luick

**REPORT OF STANDING COMMITTEE**

**SB 2275: Judiciary Committee (Sen. Hogue, Chairman)** recommends **DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2275 was placed on the  
Eleventh order on the calendar.

**2015 HOUSE HUMAN SERVICES**

**SB 2275**

# 2015 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Fort Union Room, State Capitol

SB 2275  
3/17/2015  
Job #24972

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Ticky Crabtree*

### Explanation or reason for introduction of bill/resolution:

Relating to a forced or coerced abortion performed on a victim of human trafficking and provides a penalty.

### Minutes:

Testimony 1

Chairman Weisz opened the hearing on SB 2275.

Sen. Larry Luick: From District 25 introduced and supported the bill. This bill is identifying a means to help and solve the problem we have. There are others to testify after me.

1:58

Rep. Mooney: This is going after individuals that are forcing women into abortion situations. Is that exactly what it is doing?

Sen. Luick: That is exactly correct.

Chairman Weisz: You define threat under b, but I don't see threat in the bill.

Sen. Luick: I believe there is someone who could answer that for you?

Rep. Oversen: Was there any consultation with the Attorney General's Office or law enforcement? On the last sentence of the bill, do we define what the offense is? They say what the punishment will be, but not what the defense is.

Sen. Luick: I can't answer that question for you. The Attorney General's Office was involved with crafting these sex trafficking bills.

Christopher Dobson: Executive Director of Catholic Conference testified in support of the bill. (See Testimony #1) Mr. Chairman, your question was about the word threat. The word threat means threatened, threated etc. Threatening is used in subsection a. Forced or coerced means attempting committing or attempting to commit or threatening to commit that is why we have a definition of threat in section b. Rep. Oversen, your question was about the last sentence. In SB 2107 it provides not a new classification, but an enhanced



penalty. This mirrors the language already there in SB 2107 with regards to an aggravating circumstance such as going into a domestic shelter and recruiting to victims. It is an enhanced penalty so it follows that language exactly. It is an additional five years in addition to the imprisonment prescribed for the offense. The offenses are also trafficking forced labor or sexual servitude. It only applies to human traffickers that have committed those offenses and if they forced a victim to have an abortion in the context of those offenses they would be sentenced an additional five years.

10:29

Rep. Mooney: The question I have are under threat under section b of page one; are we saying there are some instances where threat is constitutionally protected?

Dobson: There are laws around the country that makes it a crime just to force an abortion for anybody not just human traffickers.

NO OPPOSITION

Chairman Weisz closed the hearing on SB 2275.

# 2015 HOUSE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Union Room, State Capitol

SB 2275  
3/31/2015  
Job # 25631

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature	
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**Minutes:**

Attachments 0
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**Chairman Weisz:** Let's take up 2275 the sex trafficking bill.

**Rep. Oversen:** I move a Do Pass on SB 2275.

**Rep. Dick Anderson:** Second.

**Vote:** Yes 12, No 1, Absent 0

**Rep. Oversen:** Carrier.

**Chairman Weisz:** Closes discussion.

Date: 3-31-15  
Roll Call Vote #:

2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2275

House Human Services Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Oversen Seconded By D. Anderson

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	✓	✓	Rep. Mooney	✓	✓
Vice-Chair Hofstad	✓	✓	Rep. Muscha	✓	✓
Rep. Bert Anderson	✓	✓	Rep. Oversen	✓	✓
Rep. Dick Anderson	✓	✓			
Rep. Rich S. Becker	✓	✓			
Rep. Damschen	✓	✓			
Rep. Fehr	✓	✓			
Rep. Kiefert	✓	✓			
Rep. Porter	✓	✓			
Rep. Seibel	✓	✓			

Total (Yes) 12 No 1

Absent 1

Floor Assignment Rep. Oversen

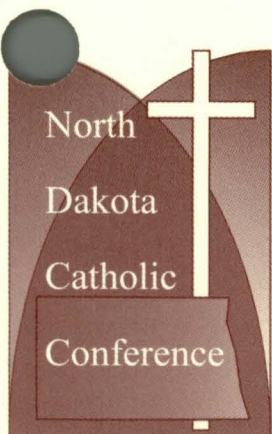
If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2275: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2275 was placed on the Fourteenth order on the calendar.

**2015 TESTIMONY**

**SB 2275**



Representing the Diocese of Fargo  
and the Diocese of Bismarck

Christopher T. Dodson  
Executive Director and  
General Counsel

**To:** Senate Judiciary Committee  
**From:** Christopher T. Dodson, Executive Director  
**Subject:** Senate Bill 2275 Forced Abortion in Human Trafficking  
**Date:** February 3, 2015

The North Dakota Catholic Conference supports Senate Bill 2275.

Senate Bill 2275 would provide an enhanced penalty for a human trafficker if the trafficker forced or coerced a victim to have an abortion in the course of conducting the crime of trafficking.

There is compelling evidence that forced abortions occur in human trafficking.

- A study published in the *Annals of Health Law* concluded “The prevalence of forced abortions is an especially disturbing trend in sex trafficking. Prior research noted that forced abortions were a reality for many victims of sex trafficking outside the United States and at least one study noted forced abortions in domestic trafficking. The survivors in this study similarly reported that they often did not freely choose the abortions they had while being trafficked.” One subject in the study stated: “in most of [my six abortions,] I was under serious pressure from my pimps to abort the babies.” Another subject reported seventeen abortions and that at least some of them were forced on her.<sup>1</sup>
- The U.S. Department of Health and Human Services as identified the existence of forced abortions, and their complications, as a something that might indicate that a woman is a victim of human trafficking.<sup>2</sup>
- The 2013 Report on Human Trafficking released by the State of Michigan’s Commission on Human Trafficking identified forced abortions as among the “physical and psychological” damages suffered by victims of human trafficking.<sup>3</sup>
- Stanford University of School of Medicine instructs medical personnel to consider repeated abortions and complications from self-induced abortions as possible signs that a woman is a trafficking victim.<sup>4</sup>
- A 2007 story on human trafficking in the *Boston Globe* reported on how trafficked women were forced to undergo abortions.<sup>5</sup>
- In one case that involved trafficking women across several states federal prosecutors found that many of the women were compelled to have sex with 130 men per week, beaten, raped, and then forced to undergo abortions.<sup>6</sup>



- In two other federal cases forced abortions were noted as part of the trafficking conduct and patterns of conspiracy to commit trafficking.<sup>7</sup>

Senate Bill 2275 would provide an enhanced penalty to human traffickers for forcing or coercing an abortion.

The bill's structure follows the enhanced penalty section SB 2107. If a forced abortion on a victim occurs during the commission of a human trafficking offense the court may sentence the defendant to be imprisoned for up to five years in addition to the period of imprisonment prescribed for the offense.

Because SB 2275 is an enhanced penalty to the crime of human trafficking, its language must be in concert with the language of SB 2107. We ask the committee, therefore, to mindful of this fact when making amendments to either bill.

We urge a **Do Pass** recommendation on SB 2275.

<sup>1</sup> *The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Healthcare Facilities*, Laura J. Lederer and Christopher A. Wetzel, Vol 23, 2014 Annals of Health Law 62

<sup>2</sup> U.S. Department of Health and Human Services, *Identifying Victims of Human Trafficking*; Id., *Human Trafficking Fact Sheet*

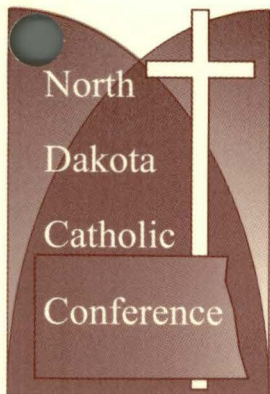
<sup>3</sup> Michigan Commission on Human Trafficking, 2013 Report

<sup>4</sup> Stanford University of School of Medicine, *Human Trafficking: What Medical Personnel Need to Know* (2013), Harise Stein, MD

<sup>5</sup> "Human Trafficking in Boston", *Boston Globe*, March 27, 2007

<sup>6</sup> *Sex Trafficking Of Women In The United States International And Domestic Trends*, Janice G. Raymond, Donna M. Hughes, March 2001

<sup>7</sup> *U.S. v. Todd*, 627 F.3d 329, 331 (9th Cir. 2009); *U.S. v. Stokes*, No. 10-00244-04 2011 WL 1585601 (W.D. Mo. 2011).



Representing the Diocese of Fargo  
and the Diocese of Bismarck

Christopher T. Dodson  
Executive Director and  
General Counsel

#1

**To:** House Human Services Committee  
**From:** Christopher T. Dodson, Executive Director  
**Subject:** Senate Bill 2275 Forced Abortion in Human Trafficking  
**Date:** March 17, 2015

The North Dakota Catholic Conference supports Senate Bill 2275.

Senate Bill 2275 would provide an enhanced penalty for a human trafficker if the trafficker forced or coerced a victim to have an abortion in the course of conducting the crime of trafficking.

There is compelling evidence that forced abortions occur in human trafficking.

- A study published in the *Annals of Health Law* concluded “The prevalence of forced abortions is an especially disturbing trend in sex trafficking. Prior research noted that forced abortions were a reality for many victims of sex trafficking outside the United States and at least one study noted forced abortions in domestic trafficking. The survivors in this study similarly reported that they often did not freely choose the abortions they had while being trafficked.” One subject in the study stated: “in most of [my six abortions,] I was under serious pressure from my pimps to abort the babies.” Another subject reported seventeen abortions and that at least some of them were forced on her.<sup>1</sup>
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Senate Bill 2275 would provide an enhanced penalty to human traffickers for forcing or coercing an abortion.

The bill's structure follows the enhanced penalty section SB 2107. If a forced abortion on a victim occurs during the commission of a human trafficking offense the court may sentence the defendant to be imprisoned for up to five years in addition to the period of imprisonment prescribed for the offense.

Because SB 2275 is an enhanced penalty to the crime of human trafficking, its language must be in concert with the language of SB 2107. We ask the committee, therefore, to not take action on SB 2275 until the House Judiciary Committee has acted on SB 2107.

We urge a **Do Pass** recommendation on SB 2275.

<sup>1</sup> *The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Healthcare Facilities*, Laura J. Lederer and Christopher A. Wetzel, Vol 23, 2014 Annals of Health Law 62

<sup>2</sup> U.S. Department of Health and Human Services, *Identifying Victims of Human Trafficking*; Id., *Human Trafficking Fact Sheet*

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<sup>7</sup> *U.S. v. Todd*, 627 F.3d 329, 331 (9th Cir. 2009); *U.S. v. Stokes*, No. 10-00244-04 2011 WL 1585601 (W.D. Mo. 2011).