

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1293

2005 HOUSE JUDICIARY

HB 1293

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1293

House Judiciary Committee

Conference Committee

Hearing Date 1/19/05

Tape Number	Side A	Side B	Meter #
1	xx		29.3-end
1		xx	0-17.6

Committee Clerk Signature

Minutes: 14 members present.

Chairman DeKrey: We will open the hearing on HB 1293.

Representative Zaiser: Sponsor of the bill, explained the bill (see written testimony).

Representative Delmore: How does this work in other states, whether both people are guilty of what, and if a Class B misdemeanor is what the female would get, what happens in other states.

Representative Zaiser: Increasingly in other states, more and more of them are going to arresting the johns as well as the women prostitutes. As for the penalty, I'm not exactly sure of how the breakdown is. The one I did check into, there was an equal penalty. I can't tell you what in terms of whether it was a Class B misdemeanor or a lesser or greater offense, I couldn't answer that.

Representative Klemin: In other states, you frequently hear about undercover police officers posing as prostitutes, in order to solicit persons to have sex with them, and then when they come

to an agreement on the deal, the so called prostitute pulls out her badge and arrests him, is that what we're doing here on this bill.

Representative Zaiser: That is not specifically what we're doing, but I think this would enable that to occur. I think you are talking about a sting operation. Someone from the AG's office could speak to that.

Representative Klemin: I am surprised that this isn't covered somewhere else in the criminal code. Did you confer with anybody on that whether it is covered somewhere.

Representative Zaiser: Yes, frankly I was surprised to. That's why, immediately after the arrest of these women, when I talked to the police chief in Fargo, he indicated that they had no grounds for arrest. When I called the office to get the bill drafted, I asked them if they could find any other legislation which would cover it. I did hear from one reporter that talked to the Minot police chief, they were using grounds of loitering. So it male individuals that were hanging around, maybe with the implication that they would find woman, they would arrest them for loitering. Again, in talking to LC just a week ago, they went through all the Century Code and could not find anyplace where this was in the CC. There are other states that do not do this. We're not the only one. I think we should be on the list of the states that do prosecute the men, because I think if we haven't got a market, we're going to have less women out there soliciting sex for hire.

Representative Meyer: If we pass this legislation, would it also cover the man that is organizing the women, or just the man that's having sex with them.

Representative Zaiser: I think that is covered on the other side of the Code. I think that is addressed with the prostitute side. This particular piece of legislation is simply amended to cover the person who is soliciting the sex.

Representative Meyer: The individual man.

Representative Zaiser: Yes. I think the pimp is already covered by statute.

Representative Boehning: I heard in Fargo that they've had some undercover sting operations. How bad is the prostitute in ND, how many arrests are they making. Is this just a problem in certain areas.

Representative Zaiser: In terms of a problem, it's my understanding that it is becoming increasingly a problem in Fargo. I think we can be proactive and fair in preventing problems from occurring not only in Fargo but anywhere in this state. I think this corrects a problem, I think it is proactive where there isn't a problem.

Chairman DeKrey: Thank you. Further testimony in support of HB 1293.

Bob Bennett, AG's Office: The reason for the amendments is that the current be overly restrictive relating to who the business arrangement would be with. These amendments would make the intent clear. In response to Rep. Meyer's question, this bill is gender neutral. It applies to both sides. It is not limited just to the man soliciting a woman. Three of the arrests were male and two were females in the statistics for 2003. The pimp is currently in law. In some cases, it is a class C felony for individuals to engage in the pimping business, a broker, or agent, or run a house of prostitution. We don't have anything in the current law relating to the other side, the john. Other states have this as well.

Representative Klemin: Reading this language, individual hire a prostitute, what if that person is an undercover policewoman, who is posing as a prostitute. If he agrees to hire her, and she's not really a prostitute, is it a violation of this statute.

Bob Bennett: We currently have statutes relating to certain defenses, it includes this area.

Representative Klemin: It seems to me that the person initiating the contact, has to be the john, rather than the prostitute.

Bob Bennett: Then we get into the entrapment area. Is the criminal activity in the mind of the officer as opposed to the individual. If they make themselves available under our entrapment law, it's not a defense to a criminal charge because of the fact that somebody made it easier for you to commit a crime. It is a violation of entrapment law, however, if you place the seed of criminal conduct in somebody's mind.

Representative Klemin: Is the word prostitute defined anywhere in the criminal code.

Bob Bennett: We define it in Section 12.1-29-05, subsection 3, a person who engages in sexual activity for hire. So it is a business activity. We also have a definition of sexual activity, which is sexual acts, sexual contacts, etc.

Representative Koppelman: I think what Rep. Klemin was getting at with his line of questioning was, under the current law, would it allow for entrapment, because it says that an individual who hires or offers to hire a prostitute, if the prostitute is an undercover officer, they're not technically a prostitute. Would that person have a defense against being charged with being with a prostitute, whether the john could be prosecuted under the statute, because the prostitute was an undercover cop.

Bob Bennett: Yes the person can be charged because it is their conduct, not the conduct of the other person. If there is going to be entrapment, that's going to be involved in any case which is undercover activity.

Representative Koppelman: So wouldn't it be a defense for them to say that this person wasn't a prostitute in the first place, so I'm not guilty.

Bob Bennett: No. What was in the mind of the person attempting to hire or solicit a prostitute.

Chairman DeKrey: Thank you. Further testimony in support of HB 1293.

Pat Claus, Sergeant, Fargo Police Department: I am the organizer of the two sting operations in Fargo. I am in support of this bill. During the two years I ran the Narcotics Unit in the city of Fargo, we went from having a couple exotic dance advertisements in the personal section of the Forum to currently running approximately 7-10 services advertising in a now specific adult entertainment section in the Forum's classified ads. They don't even mention dancing in most of the ads. Some people refer to this as a victimless crime. In my opinion, they are not victimless crimes. They came to our attention through criminal cases and criminal intelligence. These prostitution organizations, were involved in theft of property, to include firearms. Cases of drug use and drug distribution traced to these organizations. The impact of these activities are significant upon the community. We don't have streetwalkers in Fargo, but do have prostitution at some of our truck stops. They move from truck to truck. They do have significant impact on the quality of life and other issues such as health issues. We've tried education in our area with the health department because of all crimes involving prostitution, you have the danger of transmission of sexually transmitted diseases, especially when coupled with intravenous drug use, specifically meth.

Representative Koppelman: It appears to me that there is a potential or loophole in the language of the bill, it could be alleged, that if this becomes a statute, that you could say that you weren't soliciting a prostitute, but a police officer that's never engaged in prostitution. If you were to insert, after the word prostitute, on line 6, or someone that individual believes to be a prostitute, that may clear up that issue, because then are saying, you're getting at what you want to get at, the solicitation.

Pat Claus: I think that the way it is crafted right now, the AG's might concur, it wouldn't be an obstacle for prosecution. The way I drafted my bill that we submitted, is we didn't even say prostitute, we said person, it's against the law if you solicit any person with the intent to pay that person for a sexual act.

Representative Klemin: Is there another bill.

Pat Claus: I can't tell you, I just returned from vacation. I did submit one, we turned over several proposed bills to Rep. Grande.

Representative Maragos: Thank you for appearing. Further testimony in support of HB 1293.

Bob Bennett: In response to Rep. Klemin's question, there is another bill in the process that has almost the same language as this and I do not know what the bill number is, but it is house bill.

Representative Delmore: With that bill, we add the amendments from that bill on to this as well. Would it clarify some of the things.

Bob Bennett: I don't think it would be a problem. I think subsection 2 of that bill reads pretty close to this one.

Jessica McSparron-Bien, Sexual Assault Program and Policy Coordinator with ND Council on Abused women's Services: (see written testimony).

Representative Maragos: Thank you for appearing. Any further testimony in support of HB 1293.

Carol Two Eagle: I come before you as a pipe carrier. I ran a safe house for two years. We had male and female prostitutes come to us for sanctuary from their pimps. (She related several stories).

Representative Maragos: Thank you. Further testimony in support. Testimony neutral to HB 1293. Testimony in opposition to HB 1293.

Representative Boehning: I have a question for Mr. Bennett, in the states that put the john laws on the books, have we seen a decrease in the amount of prostitution or just seen an increase of johns getting picked up. Is this a deterrent to prostitution.

Bob Bennett: I don't know. I don't know what the stats are. I can't say whether there has been an increase or a decrease.

Representative Maragos: Thank you. Further testimony on HB 1293. We will close the hearing on HB 1293.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1293

House Judiciary Committee

Conference Committee

Hearing Date 1/24/05

Tape Number	Side A	Side B	Meter #
2	xx		3.5-13.9

Committee Clerk Signature



Minutes: 14 members present.

Chairman DeKrey: What are the committee's wishes in regard to HB 1293.

Representative Maragos: I move the amendment, pg. 1, line 7 to remove "with that prostitute".

Representative Delmore: Seconded.

Chairman DeKrey: Motion carried.

Representative Kretschmar: I move that on page 1, line 6, replace "a prostitute for" with "another individual with".

Representative Meyer: Seconded.

Chairman DeKrey: Motion carried.

Representative Klemin: I move that on line 7, replace "purpose" with "intention".

Representative Maragos: Seconded.

Chairman DeKrey: Motion carried.

Page 2
House Judiciary Committee
Bill/Resolution Number HB 1293
Hearing Date 1/24/05

Representative Kretschmar: I move that on line 2, replace "a prostitute" with "an individual to engage in sexual activity".

Representative Maragos: Second.

Chairman DeKrey: Motion carried.

Representative Meyer: I move Do Pass as amended.

Representative Maragos: Seconded.

14 YES 0 NO 0 ABSENT DO PASS AS AMENDED CARRIER: Rep. Koppelman

VR
1/25/05

HOUSE AMENDMENTS TO HOUSE BILL NO. 1293 JUD 1-25-05

Page 1, line 2, replace "a prostitute" with "an individual to engage in sexual activity"

Page 1, line 6, replace "**a prostitute**" with "**an individual to engage in sexual activity**" and
replace "a prostitute for" with "another individual with"

Page 1, line 7, replace "purpose" with "intention" and remove "with that prostitute"

Renumber accordingly

Date: 1/24/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1293

HOUSE JUDICIARY COMMITTEE

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *Do Pass as Amended*

Motion Made By *Rep. Meyer* Seconded By *Rep. Maragos*

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Representative Delmore	✓	
Representative Maragos	✓		Representative Meyer	✓	
Representative Bernstein	✓		Representative Onstad	✓	
Representative Boehning	✓		Representative Zaiser	✓	
Representative Charging	✓				
Representative Galvin	✓				
Representative Kingsbury	✓				
Representative Klemin	✓				
Representative Koppelman	✓				
Representative Kretschmar	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment *Rep. Koppelman*

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

REPORT OF STANDING COMMITTEE

HB 1293: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1293 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "a prostitute" with "an individual to engage in sexual activity"

Page 1, line 6, replace "**a prostitute**" with "**an individual to engage in sexual activity**" and replace "a prostitute for" with "another individual with"

Page 1, line 7, replace "purpose" with "intention" and remove "with that prostitute"

Renumber accordingly

2005 SENATE JUDICIARY

HB 1293

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1293

Senate Judiciary Committee

Conference Committee

Hearing Date March 16, 2005

Tape Number	Side A	Side B	Meter #
1	X		2100 - 5390

Committee Clerk Signature *Maria L. Selby*

Minutes: Relating to hiring a prostitute; penalty.

Senator John (Jack) T. Traynor, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

Testimony In Support of the Bill:

Rep. Steven Zaiser, Dist. #21 - Introduced the bill (meter 2100) Gave Testimony - Att. #1

Senator Triplett questioned what are the other states using as law and has it been a deterrent for them? Most states have laws we are one of the few that does not. As it was testified in the house the penalty does act as a deterrent, but it will not eliminate the crime.

The committee discussed the prostitution activity in North Dakota (meter 2594) In the Fargo area the majority of it is the guise of an "escort service" with dazzling names like "Spring Delight". This is a service that you call and they come to you. Every now an then a "house" shows up. The neighbors don't like all the activities and they usually disappear quickly or are closed down.

Senator Triplett asked how much of a problem in ND this is? It is not a problem in North Dakota currently but it is on the rise. Minot and Grand Forks have both had incidents. It is not the number one crime and it is not meant for the police to go out and target the crime but it is simply a law for the books.

Senator Syverson questioned the definition of "engaging" in a sexual activity. There are a lot of activities that go on in society that may not be a sexual act, but may be interpreted as an act. For instance some type of dancing may be interpreted as a sexual activity. The language was more specific but the Fargo Police Department wanted it softened. They were after being able to apprehend the client. The "catch all" is "for pay". Dancing would not be described as prostitution.

Senator Syverson questioned if a person was hired to dance and you may have known they were a prostitute, but you only hired them as a "dancer"... **Rep. Zizer** stated that he had the Attorneys for the police department write the language and it would be correct. **Senator Syverson** responded that he had more faith in the Attorneys on the committee and would like their opinion.

Senator Hacker asked for the definition of "sexual activity" in the code. **Sen. Trenbeath** responded the in code sexual activity means "sexual act" or "sexual contact" as those terms are defined in Section 12.1 20 02 and it is well defined. Read definition. After a review of the code the committee discussed that this would not include "watching" a girl at a strip club.

Jessica McSparron-Bien, ND Council on Abused Women Services and Coalition Against Sexual Assault in ND, (meter 3450) Gave Testimony - Att. #2

Senator Syverson questioned what effect this bill would have on "phone sex"? The committee review Century Code 12.1 29 05-definitions and 12.1 20 02, 12.1 21 02 in detail. Conversation

over the telephone does not qualify. **Sen. Traynor** questioned the disjunctive use of the wording.. an individual who hires or offers or agrees to hire... In a situation of a boy and a girl out on a date and one of them say "lets have some sexual activity" when you use the words offer is it modified by the words to hire? I do not think so, this would be obtaining consent. **Senator Triplett** agreed with the interpretation but stated that it would be clearer if it stated or offers or agrees to hire is included.

Andy Zackmier, Fraternal Order of Police. (meter 4377) I am a Bis-Man Patrolman. I have dealt with a small amount of prostitution. They are usually connected to other crimes. In a drug arrest where they have a large amount of money-they claim that they are dancers. They use this act to pay for there drug habit and this bill would help dry up one of there income sources. They are not local women and maybe this will encourage them to move on.

Senator Triplett asked how this would actual deter the prostitute? It may not but the money source may think twice before doing the act.

Sergeant Pat Klause - Fargo Police Dept. (meter 4812) I have had 15 years of departmental experience in Drug and Vice enforcement. I would like to clarify a few of the issues; this bill will not have anything to do with "phone" or the "watching" of. This bill is targeted to the "sexual conduct act" or activity. The portion of "agreeing to hire" was added in to address the provider of the prostitute. The problem we have in our current law is the term "solicit" this leaves it open to the interpretation of who solicits whom. In an undercover operation if an officer asked how much it could be wrongly interpreted as a "solicitor". This is why we use the language, when a person "solicits or agrees to engage in the criminal activity they are of equal guilt."

Page 4

Senate Judiciary Committee

Bill/Resolution Number HB 1293

Hearing Date March 16, 2005

Senator Hacker asked at what point does it become hire, is it at the exchange of money, drugs what? It is based on the consummating of the deal by the transfer of money or the agreement to perform in some kind of activity. This is a question of fact for the court or the jury to decide.

“Probable cause” would exist when the person makes an overt act to agree or solicit, i.e., acceptance of money. Agreement of funds would be considered a consummating act of the deal that would trigger the violation of the law.

Senator Hacker what is “money”, is it something of value? The Sergeant referred to HB 1418.

Chap. 19 of code.

Testimony in Opposition of the Bill

None

Senator John (Jack) T. Traynor, Chairman closed the Hearing

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1293

Senate Judiciary Committee

Conference Committee

Hearing Date March 22, 2005

Tape Number

1

Side A

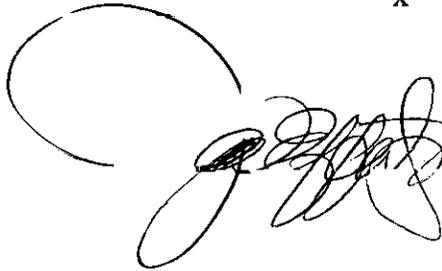
Side B

x

Meter #

3811 - 4175

Committee Clerk Signature



Minutes:

Chairman Traynor opened the discussion on HB 1293.

Senator Trenbeath asked which is the other prostitution bill.

Senator Traynor said HB 1418.

Senator Nelson moved a do pass on HB 1293.

Senator Hacker seconded the motion.

Senator Syverson asked if the committee has done anything with HB 1418.

Senator Traynor said no, the committee needs to act on that bill, too.

Senator Syverson said to him, HB 1418 seems more comprehensive and understandable.

Senator Nelson asked what is the harm in passing both bills.

Senator Hacker said they are different sections.

Senator Nelson said let them harmonize them.

Senator Syverson said he does not have a problem with that.

Page 2

Senate Judiciary Committee

Bill/Resolution Number HB 1293

Hearing Date March 22, 2005

The motion passed on a roll call vote 6-0-0.

Senator Nelson will carry the bill.

Date: 3/22/05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1293

Senate Judiciary

Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass

Motion Made By

Senator *Nelson*

Seconded By Senator

Hacker

Senators	Yes	No	Senators	Yes	No
Sen. Traynor	✓		Sen. Nelson	✓	
Senator Syverson	✓		Senator Triplett	✓	
Senator Hacker	✓				
Sen. Trenbeath	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment

Senator Nelson

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

REPORT OF STANDING COMMITTEE (410)
March 22, 2005 12:33 p.m.

Module No: SR-52-5721
Carrier: Nelson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1293, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1293 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HB 1293

TESTIMONY
HB 1293
by Representative Steven L. Zaiser

Good morning members of the committee.

For the record, I am Steve Zaiser representing the central portions of Fargo. Today I am going to introduce and provide testimony on HB 1293 which relates to the section in the Century Code relating to the hiring of a prostitute.

The genesis of the idea for this bill occurred approximately one year ago when two young women were arrested and accused of prostitution or sex for hire; only to realize that the men soliciting prostitution were free of any kind of arrest or violation. Shortly after the arrest of the women, I visited with Fargo Police Chief Chris Magnus, and indicated to him that I would introduce a bill in the next legislative session. The bill would find the men soliciting prostitution guilty of an offense

for soliciting sex for hire and make the penalty equal to that of the prostitutes themselves. Chief Magnus concurred with my thinking adding that the Fargo Police Department would support such an effort.

That is in fact what this bill does. It finds male individuals (often called "johns") who solicit sex for hire as guilty of the same offense as prostitutes, a Class B Misdemeanor. The Attorney General's Office has provided a "friendly" amendment which would more clearly define a person soliciting sex for hire.

I believe passing this bill will significantly reduce the market for prostitution by providing a penalty for those soliciting sex rather than there being no determent and no penalty for soliciting sex for hire.

This should help curb the prostitution now occurring in Fargo and perhaps in other portions of the state. I encourage you to pass this bill so both individuals party to the consensual sex for hire arrangement, be subject to equal penalties.

I'd be happy to entertain any questions you might have and do my best to answer them.

This indeed is a sexy bill.

PROPOSED AMENDMENT TO HB 1293

Page 1, line 7, remove "with that prostitute"

Renumber accordingly

**NORTH DAKOTA COUNCIL ON ABUSED WOMEN'S SERVICES
COALITION AGAINST SEXUAL ASSAULT IN NORTH DAKOTA**

418 East Ross #320 • Bismarck, ND 58501 • Phone: (701) 255-6240 • Fax 255-1904 • Toll Free 1-888-255-6240 • ndcaws@ndcaws.org

Chairperson DeKrey and Member of the House Judiciary Committee

Date: Wednesday, January 19, 2005

For the record, I am Jessica McSparron-Bien, Sexual Assault Program and Policy Coordinator with the North Dakota Council on Abused Women's Services/Coalition Against Sexual Assault in North Dakota. I am here to provide testimony in support of HB 1293.

In the United States there are over 50,000 women and children trafficked per year for the explicit purposes of the sex industry, the 21st century's modern form of slavery, according to the Trafficking Victims Protection Act of 2000. The women and children are forced into sexual slavery at the hands of their ring leader or pimp through organized crime rings and international trade.

Not only are there a large number of women and children trafficked into the United States, but an even more alarming number of women and children in the United States, who for a variety of reasons such as; leaving an abusive home without adequate financial support, teens leaving abusive homes, drug abusers unable to seek or afford treatment, and women and children with mental illness, that fall into the cyclical manifestations that encompass the sex industry.

Along with the physical and psychological trauma these women and children suffer at the hands of their buyers, there is a large health risk with the spread of sexually transmitted infections, HIV/AIDS, unintended pregnancy, and in some cases death. Females involved

in prostitution often lack the ability financially or practically to seek health services, increasing the risk of infection and disease.

Many females that become involved in the sex industry fear for their lives if they attempt to leave. The organized "management" of individuals involves the use of force, threat of force, violence, rape, starvation, isolation, kidnapping, exploitation and fraud. There is also the criminality of prostitution which prohibits many victims from seeking assistance or help within our system.

Finally, we cannot pretend that this issue does not affect North Dakota. This past year, the Fargo Police Department apprehended and interrupted a prostitution ring. However, for every individual arrested, there are a large number of other individuals that continue prostitution.

This bill, makes the "John" or individual who hires a prostitute accountable for their actions. It established the accomplice component and holds that party responsible for their behavior and action. This bill is also consistent with the intents of the Trafficking Victims Protection Act of 2000 passed by Congress. This bill is but one small step in addressing this large problem.

The North Dakota Council on Abuse Women's Services/Coalition Against Sexual Assault in North Dakota asked for your support of this legislation.

Thank You.

Good morning Chairman Traynor and members of the committee.

For the record, my name is Steve Zaiser. I am a representative from District 21, the oldest and most central portion of Fargo. I often refer to this district as the only truly urban district in the state.

I am here this morning to introduce HB 1293. HB 1293 relates to hiring an individual to engage in sexual activity; and to provide a penalty.

The genesis of the bill was approximately one year ago when two Fargo women were arrested for prostitution.

Following all of the publicity during the arrest I inquired of the Fargo police chief as to if any men were arrested for their role in the activity. The chief promptly informed me that there were no laws on the books that would enable an arrest of the person soliciting sex for pay; only the payee.

As soon as the chief said that, I informed him that I would pursue a statute that would make the person soliciting sex for pay guilty of the same penalty now provided for the person who is the recipient of pay for sexual activity provided. He told me to do so and that he would be supportive.

Consequently, you have the following bill in front of you for consideration.

I would entertain any questions you might have and do my best to answer them.

Thank you Chairman Traynor.

AH #2

**NORTH DAKOTA COUNCIL ON ABUSED WOMEN'S SERVICES
COALITION AGAINST SEXUAL ASSAULT IN NORTH DAKOTA**

118 East Rosser #320 • Bismarck, ND 58501 • Phone: (701) 255-6240 • Fax 255-1904 • Toll Free 1-888-255-6240 • ndcaws@ndcaws.org
Chairperson Traynor and Members of the Senate Judiciary Committee

Date: Wednesday, March 16, 2005

For the record, I am Jessica McSparron-Bien, Sexual Assault Program and Policy Coordinator with the North Dakota Council on Abused Women's Services/Coalition Against Sexual Assault in North Dakota. I am here to provide testimony in support of the intent of HB 1418 and 1293.

In the United States there are over 50,000 women and children trafficked per year for the explicit purposes of the sex industry, the 21st century's modern form of slavery, according to the Trafficking Victims Protection Act of 2000. The women and children are forced into sexual slavery at the hands of their ring leader or pimp through organized crime rings and international trade.

Not only are there a large number of women and children trafficked into the United States, but an even more alarming number of women and children in the United States, who for a variety of reasons such as; leaving an abusive home without adequate financial support, young adults being falsely recruited into the sex industry, drug abusers unable to seek or afford treatment, and women and children with mental illness, that fall into the cyclical manifestations that encompass the sex industry.

Along with the physical and psychological trauma these women and children suffer at the hands of their buyers, there is a large health risk with the spread of sexually transmitted infections, HIV/AIDS, unintended pregnancy, and in some cases death. Females involved

in prostitution often lack the ability financially or practically to seek health services, increasing the risk of infection and disease.

Many females that become involved in the sex industry fear for their lives if they attempt to leave. The organized "management" of individuals involves the use of force, threat of force, violence, rape, starvation, isolation, kidnapping, exploitation and fraud. There is also the criminality of prostitution which prohibits many victims from seeking assistance or help within our system.

Finally, we cannot pretend that this issue does not affect North Dakota. This past year, the Fargo Police Department apprehended and interrupted a prostitution ring. However, for every individual arrested, there are a large number of other individuals that continue prostitution.

This bill, makes the "John" or individual who hires a prostitute accountable for their actions. It established the accomplice component and holds that party responsible for their behavior and action. This bill is also consistent with the intents of the Trafficking Victims Protection Act of 2000 passed by Congress. This bill is but one small step in addressing this large problem.

The North Dakota Council on Abuse Women's Services/Coalition Against Sexual Assault in North Dakota asked for your support of this legislation.

Thank You.