

## HUMAN TRAFFICKING INTERIM COMMITTEE

Senate Majority Caucus Room, Statehouse, Boise, Idaho  
July 27, 2005

### MINUTES

*(Subject to Approval of the Committee)*

The meeting was called to order at 9:30 a.m. by Co-chair Senator Denton Darrington. Other committee members present were: Co-chair Representative Debbie Field, Senators Dick Compton and Edgar Malepeai and Representatives Carlos Bilbao and Donna Boe. Staff members present were Caralee Lambert and Charmi Arregui.

Others present included: Yolanda Matos, Valley Crisis Center; Mike Kane, Idaho Sheriffs' Association; Dan Charboneau and Ann Cronin, Idaho State Police; Kevin Maloney, United States Attorney General's Office; Bill Von Tagen, Idaho Attorney General's Office; Meri Kay Jost, Idaho Council of Catholic Women; Charlotte Mallet, American Association of University Women; Courtney Washburn, Idaho Women's Network; Marty Durand, ACLU; Megann Holmes & Nina Eng, Congressman Butch Otter's Office; Michael Henderson, Idaho Supreme Court; and Representative Ann Pasley-Stuart.

**Co-chair Senator Darrington** explained that this was an interim committee authorized by House Concurrent Resolution 18, directing the committee to examine human trafficking in Idaho. He referred to what he described as the two operative parts of the resolution. One is the definition stating that human trafficking is "a severe form of trafficking in which men, women and children are recruited and transported for labor or services through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery;" and the preceding paragraph stating that women and children are sexually exploited for commercial purposes.

The second operative part charges the committee to "examine human trafficking in Idaho including, but not limited to, the following authorized activities: (1) Data collection and findings on the nature and extent of human trafficking in Idaho; (2) Identification of available federal, state and local programs that provide services to trafficking victims; (3) Analysis and recommendations regarding the ability of existing state criminal statutes to address trafficking; and (4) Recommendations regarding the prevention of trafficking, the prosecution of offenses, and victim assistance."

**Representative Boe** added that the resolution also provides for educating the public. She said she believes that one of the committee's duties is to provide an education to the general public as there has not been much information made public about this subject.

**Representative Field** referred to a letter mentioning model legislation and applauding the state for looking into this subject. **Senator Darrington** asked that the letter be entered into the committee record, a copy of which is available in the Legislative Services Office. **Senator Darrington** stated that the purpose of every interim committee is to identify an Idaho problem and, after such

identification, to craft a solution. Speakers who testified before this meeting gave their perception of potential problems in Idaho with regard to human trafficking and suggested possible lapses or gaps in Idaho law.

**Senator Darrington** introduced **Yolanda Matos**, Assistant Director, Valley Crisis Center, Nampa; she is also the Center's counselor. **Ms. Matos** said she was trying to put a story or a face to some of the women that she has seen or worked with who may fall into a very small category of victims mentioned in HCR 18. She has worked with many domestic violence situations. The first situation **Ms. Matos** brought to the committee's attention was one in which an older gentleman goes to Mexico to purchase a young girl, aged 13 or 14 years. He marries her, brings her into the United States as his wife, and then virtually makes her a prisoner. By the time law enforcement gets involved, there have been several incidents of domestic violence. **Ms. Matos** said she believes that there is a lack of education within law enforcement with regard to situations such as this. They get called in to investigate domestic disputes, but they have not been trained to recognize certain situations or to ask the right questions, such as how a victim came to Idaho or how long she has been married. Such questions might lead law enforcement to recognize that a domestic violence victim may have been brought into this country illegally, and may be virtually a prisoner in that home. **Ms. Matos** pointed out that by the time she gets involved with a victim, the victim may have turned 17 or 18 years old, often has children, and is not interested in reporting what happened to her when she was 13 or 14 years old. The victim just wants to get out of the situation. She may also have a language barrier or be afraid of immigration authorities. This often prevents a victim from seeking help, in addition to the fear and further possible abuse by the perpetrator. **Ms. Matos** pointed out another problem relating to perpetrators who sell their wife's sexual favors to friends or family members for financial gain.

**Senator Darrington** asked what the purpose was in perpetrators crossing borders to marry young girls, *i.e.* what did they hope to accomplish by that? **Ms. Matos** responded that the victims are usually very young, naive, and are not Americanized. They don't understand that in the United States individuals have rights and are free to choose. Being naive, and perhaps not fluent in English, the victims to remain docile and they won't fight since they are not aware of their rights. **Ms. Matos** said her goal is to educate the victims with whom she works. **Senator Darrington** asked if there was a profit motive for these perpetrators. **Ms. Matos** answered that these men usually pay a modest sum to a family for the purchase of the young daughter with the intent to use that girl as a sex slave and general domestic services.

**Senator Darrington** said he thought that **Ms. Matos** had alluded to some men bringing young girls into the country for purposes of prostitution. **Ms. Matos** confirmed that this sometimes does occur. **Senator Darrington** asked **Ms. Matos** how often she thought this occurred. **Ms. Matos** answered that she believes it occurs a lot more than anyone knows. Personally, **Ms. Matos** meets with several of these young ladies each year, but she believes there are many more unidentified cases. Her involvement usually originates by word of mouth; a friend of a friend, or a family member that **Ms. Matos** may assist, passes on information to her about a victim.

**Senator Compton** expressed his appreciation to **Ms. Matos** and asked her how long she has worked

in her counseling career and how many examples of problems she has actually, personally, seen. **Ms. Matos** answered that she has worked in this field for twenty years and in Idaho for eight of those years. **Senator Compton** asked **Ms. Matos** if she believes there has been an increase or a decrease in traffic. **Ms. Matos** responded that she suspects there is more going on as Idaho grows and the population increases; she believes that the amount of human trafficking is on the rise. The problem is that many of the women that she works with do not speak English and do not understand their rights or what may be available in the system to assist them. Many are also afraid of being deported. **Ms. Matos** has personally gotten phone calls from women, having no idea how they got her number; and one woman was unable to tell **Ms. Matos** the street address where she was living. She only knew that she was in Homedale, so **Ms. Matos** drove around Homedale looking for her. One of the things victims tell **Ms. Matos** is that the husband or the man who has brought the victim into Idaho tells her that she has no rights and that the only rights she has are the ones he gives her. They further intimidate and control the victim by saying that if they speak to law enforcement, they won't be believed. They cause fear by telling the victim that they will be sent back to their native country by immigration officials.

**Senator Compton** asked if these young females are generally married or unmarried. **Ms. Matos** answered that, in most cases that she has seen, the girls are married, and often that makes the situation more complicated. **Senator Compton** asked if they were Mexican marriages or U.S. marriages. **Ms. Matos** answered that about 50% were Mexican marriages.

**Representative Bilbao** asked **Ms. Matos** about women coming into the U.S. as illegal immigrants. He said that he had heard about women being brought into the U.S. illegally for slavery. **Ms. Matos** answered that she had not worked with any victims in that realm; most of her contact with victims comes from domestic violence incidents. **Ms. Matos** said she has had contact with women in Idaho who are working as prostitutes who have encountered domestic violence; they come into the shelter temporarily, stay a few days and then leave. **Senator Darrington** asked if the women **Ms. Matos** had referenced, who worked in the sex trade, were being controlled by someone or if they worked independently. **Ms. Matos** replied that, for the most part, the women work for someone. Someone had brought them into the country and kept them, having paid for the cost of their transportation.

**Senator Darrington** stated that if men go to Mexico or another country, and marry young girls, and if that country's laws are different than U.S. laws, then those marriages may very well be considered legal. **Ms. Matos** stated that was correct; some of these couples are legally married and that is one of the loopholes. If a man brings his wife to the U.S. and they were legally married somewhere else, in order to prosecute the husband, domestic violence is often the avenue taken by law enforcement. Many women fear signing formal complaints or getting deported, so getting a man charged with domestic battery or some other crime may not help the victim.

**Representative Boe** asked if law enforcement officers usually view these situations as domestic violence cases, and if **Ms. Matos** could envision some type of education or training program for law enforcement, both at the local and state level, that might enable them to prosecute some of these situations as human trafficking cases. **Ms. Matos** responded that officers normally do see only the

domestic violence, which may not be the underlying cause of the incident. **Ms. Matos** is certified as a federal law enforcement trainer, and she has put together a five-day program on domestic violence which has been presented in Idaho on several occasions for law enforcement across the state. When **Ms. Matos** conducts that particular training, she does include some of these issues about basic rights and about performing a thorough investigation. Law enforcement has been very open to the training but has not been educated as to human trafficking situations. In order to identify a situation as such, they need to know what to look for and what questions to ask. **Ms. Matos** said she believes that a statewide training program would be welcomed by law enforcement. They want to understand what the issue is, what law enforcement can do to better identify these situations, to help the victim, and to prosecute the perpetrator.

**Representative Field** asked if **Ms. Matos** had worked with POST and whether POST instructors understood the problems surrounding human trafficking. **Ms. Matos** responded that law enforcement agencies do not recognize human trafficking incidents as such, but they are eager for more information. **Ms. Matos** has been at POST to discuss this issue, but not in-depth, and believes that training programs at POST should include human trafficking.

**Senator Compton** asked **Ms. Matos** what additional dimension of training law enforcement would need in order to better recognize a human trafficking situation when these young girls are legally married and get into a domestic violence situation. **Ms. Matos** stated that law enforcement needs to ask questions such as how the girl got into the U.S., *i.e.* whether by choice or by force. What, exactly, has this girl been doing since she was brought into the U.S.? Many times, the victim may be afraid to tell law enforcement, but if she receives victims' services, she might be more apt to admit that. Some women, even though married, have husbands who sell her sexual favors to friends and family. Facts may then come out as to the girl's age, when she was married, and exactly how the man acquired his young bride.

**Senator Compton** asked whether it was legal in other countries to marry at age 14. **Ms. Matos** did not know. **Senator Darrington** suggested that other attendees at the meeting may be able to answer that question during their testimony. He asked whether it would be considered human trafficking if a young girl was being used for the sale of sexual favors and said he thought that situation may fit into the definition of human trafficking as set forth in HCR 18.

**Representative Field** asked **Ms. Matos** if perpetrators were being prosecuted for domestic violence to the full extent of the law or whether there are weaknesses in the prosecution of these cases. **Ms. Matos** answered that it depends entirely upon whether an investigation is done well; if it is a strong case, some are being prosecuted, but there are still cases that do not get prosecuted due to a lack of evidence or a victim who doesn't want to testify due to fear. **Ms. Matos** reiterated that these cases are complicated to identify and then to prosecute.

**Senator Darrington** asked what happens to young girls who come to the Crisis Center who are in the U.S. illegally, *i.e.*, do they stay here, do they go back, what happens to them? **Ms. Matos** responded that many want to stay in the U.S. They have created some sort of life here and they know that if they go back home, they will have no life. **Ms. Matos** stated that she tries to encourage

these young women to become legal U.S. citizens and assists them in becoming self-sufficient.

**Michael Kane** was the next speaker, representing the Idaho Sheriffs' Association. **Mr. Kane** stated that he had been involved with law enforcement, in one aspect or another, for 25 years. He commented that he had attended several meetings during the last legislative session to discuss a potential bill on human trafficking based upon the model act. The decision made in those meetings was that more information was needed before an actual bill was drafted and brought to one of the committees. Thus, this interim committee was formed to gather further information.

**Mr. Kane** continued by stating that he and many sheriffs have spoken about whether they encountered cases of human trafficking in Idaho. The answers were anecdotal. Obviously, sheriffs' deputies have domestic violence cases for which they gather information, sometimes from couples such as **Ms. Matos** described. Those sheriffs have not had any cases where they could specifically identify that a young woman had been brought into Idaho for the purpose of engaging in prostitution. **Mr. Kane** had heard that several cases were perhaps being prosecuted in the U.S. Attorney's office.

**Mr. Kane** commented that there is a very conservative religious group in Canada who cross over the border into Boundary County, Idaho. This group tends to marry very young girls, sometimes to much older men; so child brides may be coming into Idaho, but they actually reside in Canada. **Mr. Kane** stated that this situation is becoming somewhat of a problem, as far as the cultural acceptance of this situation, in Boundary County. He noted that a national news station recently featured a story on this group.

**Mr. Kane** pointed out that there were several things for the committee to consider as they gathered information, one being that there are many criminal justice laws already in place that will handle many of the situations being discussed by this committee. If an underage person is married in Mexico, and it is a legal marriage, that marriage will be recognized as legal here in Idaho even though the girl would be too young to be legally married here in the U.S. The marriage itself is not illegal; however, a criminal offense by a perpetrator in a legal marriage could be prosecuted. For example, marital rape and forcible rape situations can be prosecuted as well as domestic violence and other kinds of violence can be prosecuted. The selling of sexual favors can be prosecuted under the prostitution laws. **Mr. Kane** said he was not suggesting that the laws in place would totally cover the subject of human trafficking, but many situations are covered by current law and the committee should consider the laws already in place.

**Mr. Kane** referred to a situation where a person is being held against her will; Idaho's kidnaping law calls for a life prison sentence if convicted. The committee may want to change the wording in current laws in order to better incorporate potential human trafficking incidents; a new law may not be necessary, but **Mr. Kane** stated that such a decision is obviously up to the committee to decide.

**Mr. Kane** mentioned that the committee might want to think about the Religious Freedom Restoration Act that Idaho passed a few years ago. This law basically says that a bona fide exercise of religion will trump many other laws in the state of Idaho. **Mr. Kane** suggested that the

committee should be very sensitive when dealing with cultural and religious issues, such as those applicable to the situation in Boundary County. **Senator Darrington** added that the attorneys general of Utah and Arizona may have files and information with regard to polygamy situations in those states. **Mr. Kane** affirmed that was probably true.

**Representative Boe** asked **Mr. Kane** if special legal problems could be the result of child brides coming over the Canadian border into Boundary County or from other countries into Idaho. **Mr. Kane** replied: "Yes; obviously Canada is a sovereign nation and their laws are definitely not the same as ours. If a Canadian citizen is in the United States and commits a crime, they can be prosecuted just like any American could be. There are certain ramifications that I think states go through with Canada, as far as making sure they have access to counsel, but they can be prosecuted. If they marry underage, or it's a polygamy situation, it is very problematic if they come across the border, whether anything can be done about it or not. The answer, probably, is no, in my opinion."

**Representative Boe** asked if those people who are marrying underage or participating in a polygamy situation could apply for Idaho Health and Welfare services, and, if so, would that give Idaho a legal right to take action. **Mr. Kane** responded that if they were Canadians, he did not think they would be eligible for certain services in Idaho. If, however, they break laws or fraudulently obtain those services, they certainly could be prosecuted under current law. **Representative Boe** clarified that she was referring to the possible situation that is a real worry in Boundary County. If a child bride came from Utah, married an older man in Canada, then moved over the border to Idaho, would they be considered U.S. citizens or Canadian citizens at that point and could they apply for welfare or some other public health service in Idaho? **Mr. Kane** answered that if they are living in Idaho and they commit a crime in Idaho, they can be prosecuted in Idaho. **Mr. Kane** continued by stating that the question was to an underage bride and that answer was not clear. If it were a legal marriage and consensual, Idaho's criminal laws probably would not cover those situations based upon Supreme Court rulings starting with *Griswald v. Connecticut* that basically say that marital relationships based upon consensual acts are not subject to criminal laws in the states. **Mr. Kane** added that if other criminal activities occur, the criminal can be prosecuted.

**Representative Boe** pointed out that she was thinking of the situation in Utah where they have sued one of the polygamist groups for fraudulent use of welfare. **Representative Boe** said she did not know if that was a potential situation in Idaho, but expressed hope that this committee could be proactive in trying to think of any possible situation that might occur and how they might deal with it. **Mr. Kane** confirmed that welfare fraud could certainly be prosecuted.

**Senator Compton** commented that with regard to a potential problem in Boundary County, he wondered if it was based more upon suspicion than fact. He stated that perhaps local government was worrying about a misuse of services or indigent funds, and asked if **Mr. Kane** agreed with that assessment. **Mr. Kane** answered that he did agree with that. He said it was not simply suspicion, however, since it is known that there are cases out there like this. He suspects there are probably a lot more, but they are not often identified. **Mr. Kane** agreed with **Ms. Matos** that human trafficking incidents are taking place but they are difficult to identify and prosecute. **Mr. Kane** added that if there are prostitution rings operating using underage girls, that is a criminal offense.

**Senator Compton** stated that he has heard that these underage brides and polygamy situations are difficult to locate because they are not residing in communal compound settings, but rather are scattered all over the various counties. **Mr. Kane** agreed that this would be part of the difficulty, and that unless a crime is reported, law enforcement cannot do much. **Senator Compton** commented that Mayor Darrell Kirby of Bonners Ferry had contacted this committee, but he was away on vacation at the time of this meeting. **Senator Compton** suggested that the committee may want to hear from the mayor as well as the border patrol, who witness migration across borders. **Senator Compton** stated that the regional director of the border patrol expressed his willingness to testify before this committee.

**Senator Darrington** asked Mr. Kane if he thought prostitution and kidnaping laws should be changed in any specific way. **Mr. Kane** answered that he had not thought about that, adding that kidnaping laws are based upon holding someone against their will, and the law covers virtually every situation one could think of and carries a life sentence.

**Colonel Dan Charboneau**, Director, Idaho State Police (ISP), was the next speaker. **Mr. Charboneau** thanked the committee for the opportunity to address them and stated that he, as well as **Mike Kane**, had been part of the group that met last session to discuss human trafficking. He first commented about **Ms. Matos'** testimony from a law enforcement perspective, and the difficulty of building a human trafficking case if legislation is passed. Such cases involve a fairly intense investigative effort, particularly if there are unwilling witnesses. Some victims will admit to domestic violence, and usually there is physical evidence, but to put together a human trafficking case under the federal statute is going to require services beyond the current capabilities of ISP and other law enforcement agencies because that means dealing with immigration. Immigration law has a fairly complex set of regulations at the federal level, which causes state and local law enforcement to usually step away, simply because all the ins and outs of federal immigration law are not well known at the state and local levels. That became very evident in the last 18 months when ISP had a request from Immigration and Naturalization Services (INS) for both state and local law enforcement to enter into a Memorandum of Understanding (MOU) with them to enforce immigration laws in the state of Idaho. ISP stepped back, stating they could not do that. If ISP is labeled as an enforcer of immigration law, ISP is going to have an even harder time getting information out of these victims. ISP has politely declined the offer from federal government to become involved in immigration issues because of the complexity of the immigration laws. Trying to find out if the marriage was legal, how the people came into the country, usually with language barriers (for which interpreters or INS people would have to be brought in), makes putting a case together very difficult.

**Mr. Charboneau** agreed that training law enforcement to look for certain indicators or pointing out what questions need to be asked might have merit. The federal government might need to get more involved since they have statutes already on the books; those federal resources could be used, and there is a way to adopt federal cases into the U.S. court system.

**Mr. Charboneau** referred back to the meetings that were held on human trafficking at the end of the last session, stating that they were told about certain cases in Idaho that were reported and also

about non-reported situations. **Mr. Charboneau** contacted the Police Chiefs Association and the Sheriffs' Association and asked for their responses on any cases known to them, and the response was that there were none known. **Mr. Charboneau** said he didn't stop there; he went to INS, who reported that they had one pending case in the federal system which involved some money being owed to a shepherd; this was an indentured servitude type of case. He then went to the National Association of Chiefs of Police website and posted a message; he had only one message returned from all state or local law enforcement, which recommended that he contact the federal government. So, **Mr. Charboneau** stated he has had difficulty trying to run down the magnitude of any incidents of human trafficking here in Idaho. He thinks that it would require federal resources to bring a human trafficking case before the courts due to the complexity of the investigation.

**Representative Boe** reiterated that one of the reasons that human trafficking was brought up in the first place was the federal effort of the Victims of Trafficking Act in 2000; four years later the states were asked to pass backup legislation because most victims were not showing up at the door of a federal marshal to say they were a victim and asking for help. Most human trafficking situations take place secretly and the victims seldom come forward unless confidence and trust are gained through centers similar to where **Ms. Matos** works. **Representative Boe** asked **Mr. Charboneau** if federal legislation that offers the temporary visa would give a victim the right to stay in this country at least for three years and whether that would help in the prosecution of traffickers. **Representative Boe** thought that would be some protection for the victim, and immigration would not have to automatically deport them if it were found they were a human trafficking victim. **Representative Boe** asked **Mr. Charboneau** if he felt that type of federal help would make it easier to work with the federal government.

**Mr. Charboneau** responded that the temporary visa was a federal offering, and that right now there is no authority for any state agency to issue such a document. He did not know if there was constitutionality to allow that to happen; however, he said that anything that would allow victims to tell their story with some degree of confidence would obviously be a positive thing. So, if a temporary visa were the instrument whereby a victim would have some assurances for not being deported, despite what happens to their husband or whoever brought them into the country, that would be a benefit to law enforcement. He pointed out that law enforcement would have to invoke the assistance of federal authorities; the state could not do it alone, as it is currently set up. The state would have to have the authority of the federal government, and they would probably have to adopt the case to bring it into the federal system.

**Representative Bilbao** stated that he may have more insight into incidents of human trafficking since he moves among his constituents in Canyon County more than some social workers do. He emphasized that human trafficking is very secretive. Human beings, as well as drugs, are being brought into this part of the country, and he believes that law enforcement is not going to recognize human trafficking situations as such unless they are on "the inside." There are problems locally, not as great as perhaps in California, but human trafficking exists. Victims come from places other than just Mexico, such as the Philippines and Thailand, and whether people come in on a temporary visa or on vacation, they get lost in the system unless they are identified from "the inside."

**Representative Bilbao** recommended that instead of starting at the top, law enforcement should start at the bottom by having people within the community who have the victims' trust, to identify such victims, and also to be there to inform victims of their rights and to alleviate any fears of coming forward with information. **Senator Darrington** asked what **Representative Bilbao** envisioned as the role of law enforcement. **Representative Bilbao** stated that law enforcement would continue to do what they do now, but the difference would be that the information would be coming from "the inside." **Senator Darrington** asked if **Representative Bilbao** were requesting more manpower for law enforcement to hire investigators. **Representative Bilbao** answered: "Absolutely. An undercover law enforcement officer who is proficient in Spanish and has the trust of the people is the type of person who should be walking among the people to get the information on what is happening."

**Representative Bilbao** stated that he did not want to get involved in the politics of the following situation, but added that NAFTA allowed a Mexican truck driver, eligible to pick up produce in Mexico, to drive that truck and trailer all the way to Idaho. Before the law was changed, that trailer would have to be dropped at the border, American truck drivers would pick up the trailer, and they would drive it to Idaho. Due to these NAFTA changes, a truck can be loaded in Mexico, can cross the border with 10-15 people inside the refrigerated trailer, with produce stacked sky-high. When dogs come in to sniff, all they are able to smell is the produce. The people are then brought into Idaho, to places such as Canyon County, where secretive arrangements are made to sell these people or their services. According to **Representative Bilbao**, there is a market for human trafficking victims right now, and he wanted this committee to try to find a solution to these types of situations. In his opinion, human trafficking is not taking place with people who are walking across the borders as much as it is with those who are being brought in by organized business people.

**Mr. Charboneau** asked a question that he had also brought up with the group who chose this interim committee, which was: "How far do you want to take this?" He had read federal statutes and referred to an example of a migrant farm worker who comes into this country to work on a farm; if, at the end of the harvest, the farm owner says he is not paying that migrant farm worker, that could fall under the broad application of this statute. **Mr. Charboneau** said he knows for a fact this happens because he has worked on the harvest in the Raft River area and has seen some unscrupulous farmers treat migrant labor in that way. Because they are here illegally, the farm owner could threaten turning that migrant worker into immigration for deportation. So, under the broad application of this statute, he asked the committee how far down they want law enforcement to regulate and enforce, emphasizing that he was not making light of such problems, but asked: "Where do we want to be as a state?" He pointed out that undercover law enforcement works in communities in the drug world. Hiring more officers to deal with human trafficking as **Representative Bilbao** suggested would be a very difficult proposition and would not be easily accomplished. He does not have many undercover officers that could be inserted into a community to do that kind of work. ISP works under very tight guidelines. Situations such as this also sometimes cross over into the federal realm as well.

**Senator Compton** commented that he had heard **Mr. Charboneau** speak at the State Employee Compensation interim committee meeting the day before, talking about the budget that ISP had to

work with and about the shortage of troopers, detectives and forensic specialists. Hiring undercover officers would obviously be an additional burden on ISP, especially in light of salary increases which are not being funded for current employees. For these reasons, hiring undercover officers would be a very serious financial consideration. **Mr. Charboneau** stated that whatever ISP does, they have to now prioritize and this becomes very complex. His main concerns at ISP are homicide and child abduction, followed by meth labs and meth traffickers. The list goes on and on. Every law enforcement agency in the state is being forced to pick and choose priorities, and there is not funding or manpower for everything on their lists.

**Senator Compton** referred back to **Ms. Matos'** suggestion for a law enforcement training awareness program at the local level. He asked if neighborhood and community education would also be helpful to identify victims living among people who could become informants. **Mr. Charboneau** agreed that some awareness program could possibly be included in a "tool kit" for law enforcement training if they knew what agreements there are between state, federal and local law enforcement agencies when a potential human trafficking case arises. Law enforcement would then be better prepared to know who to call, where to get assistance, and would be better informed in a preliminary investigation to get pertinent information as evidence for a strong case. He emphasized, however, that the state/federal partnership would have to be in place if law enforcement agrees to immerse themselves in these potential human trafficking incidents. With regard to Idaho law, **Mr. Charboneau** affirmed that kidnaping and prostitution statutes are in place, but they may need slight revisions in order to encompass human trafficking cases when identified as such since human trafficking is a very complex issue.

**Senator Darrington** introduced **Kevin Maloney** from the United States Attorney's office. **Mr. Maloney** began by stating that his office would be very hesitant to give any advice to any state legislature, but he was willing to provide factual information. It was his understanding that the committee was interested in knowing how big of a problem there is with regard to human trafficking in Idaho. In order to put that in context, he started on the international scale and worked his way down to Idaho, sharing with the committee what the Department of Justice (DOJ) statistics show, and what the cases filed with the United States Attorney's office show. DOJ estimates that 600,000 to 800,000 people are trafficked annually on an international basis. Most of that trafficking occurs in Asia and Eastern Europe. It is estimated that in the United States annually, between 14,500 to 17,500 people come into the U.S. as a result of some type of human trafficking crime. Most of those people are from Asia; probably the second largest groups are Eastern Europeans and Latin Americans. In Idaho, **Mr. Maloney** said he did his best to identify cases in his office that would relate to human trafficking, pointing out that there haven't been many at all. There was one case that was already mentioned here in the Southwest Idaho that involved indentured servitude of some Latin American agriculture workers. Whether that case is a human trafficking case or an immigration violation remains undecided, but **Mr. Maloney** thought it fell into the general realm of human trafficking. **Mr. Maloney** stated that his office also had two cases from the north Idaho office in Coeur d'Alene that involved the importation of Asian women for prostitution. It was **Mr. Maloney's** understanding that those women merely passed through Idaho and were put into the prostitution business in other areas.

**Mr. Maloney** continued, adding that there have been other cases in the immigration context that look like they could be related to human trafficking, but either the evidence was not there, the victim was not cooperative, or the cases were resolved on some other basis. So, while this does appear to be a national problem, certainly if there are 15,000 human trafficking incidents nationally, some of them may be ending up in Idaho. However, there have not been a significant amount of cases for the U.S. Attorney's office. According to DOJ statistics, in fiscal year 2003, there were only 26 convictions in human trafficking cases nationally. If there are 14,000-15,000 people being trafficked into the country, and only 26 convictions, **Mr. Maloney** thinks the reason for that relates to some of the factors identified by the other people who spoke. These are extraordinarily difficult cases. Human trafficking today resembles domestic violence cases 20 or 30 years ago, when there weren't resources available, people were afraid to report, and many victims do not speak English. It is very difficult for victims of human trafficking crimes to report the crime and get in touch with law enforcement so it can be brought to the attention of the prosecuting authorities. **Mr. Maloney** thinks that this is one of the reasons there are so few convictions and filings under a crime that seems to be, at least nationally, on the increase.

**Senator Darrington** asked if the incident about the refrigerated truck full of vegetables (plus humans) referred to by **Representative Bilboa** would qualify for a federal prosecution case in Idaho if that were indeed discovered and found out, or would that be a border case for the immigration people? **Mr. Maloney** answered that it would be a federal case under immigration law, and that it also could be a human trafficking case if those people were brought into the U.S. for the purpose of exploitation, such as prostitution or indentured servitude. If they were merely brought here illegally, as many people are, that would be an immigration violation.

**Mr. Bill Von Tagen**, Idaho Attorney General's office, was introduced to the committee and stated that at the close of every legislative session, he and others go around the state and talk to law enforcement officers about the new laws that have passed. **Mr. Von Tagen** specifically mentioned this interim committee during that time, and invited law enforcement officers to contact him if they had any information on human trafficking. He also asked them if they had any information. In all of the areas he visited, he was told of only one instance of possible human trafficking. This was based upon a suspicion about an indentured servant working in a restaurant in the Magic Valley. Other than that, **Mr. Von Tagen** said he heard nothing on this subject, but he was given the impression that possible human trafficking cases did not necessarily involve prostitution.

Regarding human trafficking, **Mr. Von Tagen** did state that, as he looked at Idaho's statutes very quickly, regarding the subject of foreign marriages, Idaho does not automatically recognize foreign or out-of-state marriages. If a foreign marriage or any out-of-state marriage is so contrary to the public policy of this state, it is not recognized. Section 32-209, Idaho Code, does not really define all of the types of marriages that would be contrary to public policy. However, in that statute, as well as in others, it looks like those marriages specifically addressed are polygamist and same-sex marriages. With regard to underage marriages, **Mr. Von Tagen** stated that a child who marries at a very young age and comes to this country would be regarded as being in a marriage that is against public policy and it would not be treated as valid. However, maybe ten years later, when that same girl is 24 years old and seems happily married, then the state would recognize that marriage. That

was **Mr. Von Tagen's** recollection from doing research on this subject about eight years ago. Marriages that take place outside of the state, for purposes of evading the marriage laws of this state, are marriages against public policy. If someone went to a foreign country, Mexico perhaps, to intentionally marry there because they knew the marriage would not be valid in Idaho, then it would not be regarded as a valid marriage in Idaho. **Mr. Von Tagen** was not familiar with marriage laws in Mexico. He suggested that the committee look at Sections 32-209 and 32-202, Idaho Code, to decide if there were other areas where the committee wanted further definition. Sections 32-205, 32-206 and 32-207, Idaho Code, also include definitions of marriages that would not automatically be recognized.

**Representative Boe** asked if, in the case of a baby bride, polygamist, or incestuous marriage, even though that marriage might be valid in the country where that marriage took place, would it be valid in Idaho? **Mr. Von Tagen** answered that, in his opinion, it would not be considered to be a valid marriage in Idaho. If someone were from the Middle East or some country that recognized polygamist marriages and came here with 3 or 4 wives, **Mr. Von Tagen** guessed that they probably would have to choose which wife they wanted. **Representative Boe** asked if they came to Idaho from another state if that would apply as well? **Mr. Von Tagen** replied that it would, but added that he didn't know of any state that recognizes polygamist marriages.

**Senator Darrington** mentioned that polygamy is a sensitive issue, especially in Utah and Arizona. **Mr. Von Tagen** agreed that some state or local officials hesitate to get involved in polygamy situations and it becomes a question of enforcement and cooperation. **Senator Darrington** added that there were some political ramifications from getting involved in such situations as well.

The next speaker was **Meri Kay Jost**, legislative representative for the Idaho Council of Catholic Women. **Ms. Jost** explained that one year ago she attended a federally-funded educational meeting on human trafficking, and she returned to Idaho to work on developing state law on this subject and to also increase awareness about human trafficking. **Ms. Jost** emphasized that local, state and federal entities, as well as non-governmental organizations (NGOs), need to work together. **Ms. Jost** emphasized that NGOs need to be involved to effectively identify these cases so they can be prosecuted. She suggested that development be done from her level and said she is spearheading a statewide campaign within the Catholic community this year to address human trafficking that she hopes will inform communities.

**Ms. Jost** then spoke on behalf of **Anna Almerico**, who is an accredited immigration caseworker at Catholic Charities of Idaho (ICI). **Ms. Almerico** created a family-based immigration program at ICI 3½ years ago for victims of domestic violence. In the past year, **Ms. Almerico** has developed a vital immigration program and she believes that she has personally identified three certified human trafficking victims in Idaho who were victims of labor servitude, having come to the U.S. from South America. **Ms. Almerico** believes that victims of human trafficking are pushed into extreme isolation caused by the bureaucratic system. In order to prove that they are "victims" they become overwhelmed. **Ms. Almerico** thinks the immigration process requires that the burden of proof be on the individual; when a victim flees from an enslaved situation, often there are not witnesses and it becomes one person's word against another.

**Ms. Almerico** thinks that exploitation by employers is not even recognized initially by the victim because they may not be aware of the norms in the U.S., and have often endured abuse in their home country which went unnoticed. Immigration officials may question why a victim does not flee the abuse, but often victims do not realize that it is illegal to be treated in that way. More often, they are afraid that the authorities in the U.S. would also torture them since employers often threaten that. **Ms. Almerico** has witnessed victims fleeing economic strife and political persecution and they have accepted that such crime is not prosecuted. These victims will endure almost anything in order to eventually have a better life for their families. **Ms. Almerico** believes that there is a lack of trust for police and government authorities in many developing countries where organized crime occurs.

**Ms. Jost** gave some examples of actual cases in Idaho such as agricultural worker visa recipients who are exploited, abused, and whose wages and documents are withheld. Domestic servitude was given as another example, where women who have been courted in their home country by male U.S. citizens with the promise of marriage are later enslaved, isolated, raped, denied medical attention, proper food, or forced to care for elderly parents. Underage women called "baby brides" are another example where a family receives money to force their daughter to marry an older American man in her home country and she is then brought to the U.S. to live and serve as a man's spouse, but is enslaved, raped, beaten, and sometimes her sexual favors are sold to others.

**Ms. Jost** pointed out that a victim may be eligible for immigration benefits in the U.S. and become classified similarly to refugee status. There are many areas of proof that the victim must demonstrate. "A severe form of trafficking in persons must involve both a particular means (force, fraud, or coercion) and a particular end (sex trafficking, involuntary servitude, peonage, debt bondage, or slavery). It is the applicant's burden to make this showing." They must also show they would be inflicted with extreme hardship if they were to be returned to their home country.

**Ms. Jost** emphasized that it is almost impossible to identify and document human trafficking cases at this stage; that is why she thinks it is vital to educate people in the community. Traveling pornographers or traveling prostitution rings, which relocate often, are difficult to recognize.

**Senator Darrington** asked what **Ms. Jost** views as the role of law enforcement with regard to this problem. **Ms. Jost** answered that this is a national problem. Education of the public is vital, and informing law enforcement about what to look for could also be beneficial.

**Representative Field** asked what **Ms. Jost** and ICI were doing to educate the public about human trafficking. **Ms. Jost** answered that she was not involved with ICI, but **Ms. Almerico** was. ICI is very receptive to educating the public. There are plans to develop a power point presentation and posters and pamphlets will be distributed. **Ms. Jost** hopes that Idaho law on prosecution of traffickers and "johns" in prostitution will be tightened and enforced and that all of this information will filter into every church in the nation and will be distributed among the people. **Ms. Jost** hopes there will also be training done in communities to more readily identify victims and report their plight. **Ms. Jost** stated that it would be her hope to develop a system to provide social services or health care to these victims.

**Representative Field** asked **Ms. Jost** if she could specifically identify any loopholes in current statutes. **Ms. Jost** said that she does believe there are loopholes; for instance, she thinks that "johns" who promote and profit from prostitution should be prosecuted and fined to the full extent of the law, rather than just going after prostitutes (who may be victims of human trafficking).

**Senator Compton** stated that after talking with the Sheriffs' Association, he has no evidence that human trafficking is being identified by law enforcement in Idaho, and law enforcement does infiltrate communities. Even though they are very anxious to enforce the law and to get people off the street that are breaking laws, they are not aware of human trafficking incidents. **Ms. Jost** was not surprised by this because she thinks that victims do not seek help from law enforcement due to fear and language barriers; victims usually remain behind closed doors, in her opinion.

**Representative Boe** asked **Ms. Jost** about her vision for faith-based organizations getting more involved in the subject of human trafficking and how they could work with the public and law enforcement to possibly encourage more victims to come forward without fear. **Ms. Jost** answered that it has become very clear to her that without grassroots efforts by faith-based organizations, changes may not come. Victims of human trafficking will not receive the help they need unless local, state and federal entities all work together to solve this problem.

**Senator Darrington** asked **Ms. Jost** if she had any argument with Idaho's current prostitution laws, which are very specific. **Ms. Jost** admitted that she was not an expert with regard to laws already in place, but she thinks that perpetrators should be prosecuted rather than the victims (prostitutes, in some cases) and that the "johns" should have to work rather than go to prison in order to pay huge amounts of restitution to the community since they have profited financially from exploitation of their victims. **Ms. Jost** mentioned that some human trafficking victims have died while being transported across borders. **Senator Darrington** stated that if someone were convicted of murder (of a human trafficking victim) in Idaho, that would be covered under the murder statutes.

**Representative Field** suggested that **Ms. Jost** might want to take a look at Chapter 55, Title 18, Idaho Code, which provides that if a person is convicted of prostitution, the punishment could be up to 20 years in prison. If a brochure for educational purposes was printed, that may be a critical point to publicize so that this subject will be taken more seriously.

**Senator Malepeai** asked **Ms. Jost** how long they have documented cases referred to as human trafficking incidents. **Ms. Jost** answered that she became aware of these cases when they were discussed at a seminar she had attended, but that specific information was difficult to obtain. **Ms. Jost** said that the Catholic Church had become involved in programs for possible victims by offering help and counseling.

**Ms. Charlotte Mallet**, American Association of University Women (AAUW), was the next speaker. She stated that she was attending this meeting more as a constituent than as a state representative of AAUW. **Ms. Mallet** asked specifically about cases in the Coeur d'Alene area, where five people were arrested at a casino in Worley, Idaho, according to the press. She asked who decided that 13 North Korean women were victims when they were first put in jail in Coeur d'Alene

and what happened to these women? **Ms. Mallet** also asked whether, if the human trafficking prostitutes included girls, instead of women, the state would have focused more attention on them. **Ms. Mallet** asked why the two men possibly involved with the North Korean women were transferred from the Coeur d'Alene jail to Spokane, Washington, and stated that she thought that our Idaho federal district court operates between the boundaries of the state of Idaho and wondered why the two men who were arrested were taken to Spokane and then freed. **Ms. Mallet** said she did not understand what the process was and was asking if Idaho was afraid to work with immigration cases.

**Senator Darrington** asked **Ms. Mallet** if she was talking about federal court or state court, since it makes a big difference. He stated that this particular situation may well be a federal case, and asked **Mr. Maloney** if he knew anything about it. **Mr. Maloney** responded that he was not familiar with the details of this case. It sounded to him like that would be consistent with transferring federal prisoners. The federal courts typically have contracts with various jails around the counties, depending on how many people they have in one jail, and they may have to transfer individuals to another jail. There could also have been security issues in Coeur d'Alene. **Mr. Maloney** suggested that **Ms. Mallet** contact the federal attorney in Coeur d'Alene, since they might have more information. **Senator Compton** volunteered to help **Ms. Mallet** get further information after the meeting.

**Ms. Mallet** continued, stating that at their AAUW national convention a few weeks ago, it was pointed out that prostitution is the second most profitable criminal activity presently in the U.S. **Ms. Mallet** stated that if human trafficking of prostitutes is so profitable, then great effort is probably taken to elude authorities as to its actual existence. **Ms. Mallet** offered to help legislators draft legislation dealing with human trafficking. She said that the AAUW has several areas of legislation they wanted to address. One is that the criminal statutes should apply to each individual who profits from human trafficking. In other words, people who transport, purchase, benefit from, rent the motel or house from which to conduct illegal business, would be punished if convicted. **Ms. Mallet** emphasized that the system needs to have a process by which victims are helped since they sometimes do not speak the language and do not know whom to trust. Victims have been coerced to mistrust law enforcement, so there needs to be legislation in place to benefit the victims.

**Ms. Mallet** continued by stating that she appreciated that there is a rescue and restore program that is being administered in the U.S. **Ms. Mallet** suggested that the DOJ could help Idaho with legislation to meet the needs of these human trafficking victims. These women need more education and **Ms. Mallet** strongly encouraged the Legislature to become proactive as a leader in our country and to take a stand against what she called "this great scourge" (human trafficking). **Ms. Mallet** suggested educating not just law enforcement to ask the correct questions in investigations, but also educating crisis centers and other groups such as the Salvation Army as to the proper ways of identifying criminal activity in our country. **Ms. Mallet** thinks we should not overlook professional organizations such as electricians, plumbers, and mail carriers who go door-to-door in communities or who provide services inside homes. These individuals can tell where there may be a meth lab in a neighborhood or notice that someone may be being held against their will. **Ms. Mallet** thinks that education can bring the subject of human trafficking out into the open and she invited everyone to take a proactive approach to this subject in Idaho.

**Representative Field** asked **Mr. Maloney** whether he was familiar with Idaho's laws with regard to human trafficking types of issues. **Mr. Maloney** stated that he was an Ada County Prosecuting Attorney for six years and he never prosecuted a case dealing with human trafficking. He was not sure how current Idaho laws would work when dealing specifically with a human trafficking case. **Mr. Maloney** offered to put the committee in contact with parties who could evaluate current Idaho statutes with regard to human trafficking and possible suggestions. **Mr. Maloney** also referred the committee to the following websites: [www.acf.hhs.gov/trafficking](http://www.acf.hhs.gov/trafficking) and [www.doj.gov](http://www.doj.gov).

**Senator Darrington** suggested that the committee discuss whether Idaho has an identifiable problem requiring a change in Idaho's criminal laws. **Representative Boe** commented that even though there is not a lot of documented evidence on human trafficking, enough testimony had been given for her to feel confident that there is a problem and suggested the committee ask a different question, *i.e.* could legislation be developed to enable the state to act if and when human trafficking cases are identified? **Representative Boe** asked how current legislation would deal with a human trafficking case and whether model legislation could be used by the committee if new legislation is appropriate. She said she wants the state to be proactive by having legislation in place in order to prosecute possible human trafficking cases effectively, similar to having disaster preparedness programs in place. **Senator Darrington** asked whether Idaho's laws are adequate should human trafficking occur. The current kidnaping and prostitution laws in Idaho had been mentioned several times during this meeting, and domestic violence laws have been strengthened over many years.

**Senator Malepeai** asked if Idaho had a definition of human trafficking in statute. **Senator Darrington** replied that he thought the only definition of human trafficking appears in HCR 18. **Caralee Lambert**, Principal Legal Analyst, Legislative Services Office, explained that one of the questions that arose in drafting both HCR 18 and the draft legislation was whether some of the crimes defined within the new term "human trafficking," such as prostitution or crimes against minors, were already covered in Idaho's criminal statutes. If it is an indentured servitude situation, there are currently labor laws to address this. If there is going to be a separate section defining human trafficking that has different penalties, the committee will need to review that carefully. **Ms. Lambert** suggested that the committee look at the statutes currently in place to determine what, if any, changes needed to be made.

**Representative Bilbao** commented that he has studied this human trafficking subject for months, adding that about five states have or are creating human trafficking legislation. California just passed a bill in their last session, Assembly Bill No. 22, a copy of which is available in the Legislative Services Office. **Representative Bilbao** stated that he thought it was the most comprehensive bill passed thus far by any state on human trafficking.

**Senator Compton** stated that, based upon the testimony presented by law enforcement agencies and through his own efforts of gathering evidence, actual human trafficking problems have not yet been proven, in his opinion. **Senator Compton** did not think that it was necessary at this time for the committee to spend more time on human trafficking legislation. He said he respected **Representative Boe's** suggestion to be proactive with legislation in place, in the eventuality that cases were brought to light, and thought that the committee could examine what other states are

doing. He added that he thinks current statutes would cover most situations and suggested that something could be drafted to tie human trafficking to current statutes.

**Senator Malepeai** pointed out that when there are cases of human trafficking of prostitutes or labor workers, usually these situations are surrounded by secrecy, which makes them very difficult to identify. So, even though there are very few documented cases, this industry (prostitution) is the 3<sup>rd</sup> most profitable scheme in the U.S., behind guns and drugs, and prostitution is occurring more and more in middle-class communities. **Senator Malepeai** stated that he would support having human trafficking legislation in place, hoping that faith-based organizations could provide the trust element necessary for more victims to come forward.

**Senator Darrington** reiterated that educational awareness and training of law enforcement agencies had been brought up several times during this meeting, and he said he recognized the value of working with POST. He asked the committee for direction on how to proceed, noting specifically that the committee should be addressing any weaknesses in Idaho's criminal statutes for purposes of adequately covering incidents of possible human trafficking.

**Representative Boe** stated that she would like an opportunity for the committee to look at the proposed draft, drawn up during the last legislative session, and the model statute that came from the DOJ.

**Ms. Lambert** pointed out that the draft legislation from the last session was based upon information provided by **Representative Boe** and **Ms. Jost**, as well as the model legislation. **Representative Boe** added that the information was gathered from a group of individuals comprised of law enforcement, government agencies and others. A copy of this draft legislation dated February 7, 2005, is available in the Legislative Services Office. **Representative Boe** commented that this draft legislation was based on model federal legislation with some changes. **Representative Field** agreed that the committee should go through this draft legislation and also identify what is currently in place in Idaho's criminal statutes.

**Mr. Kane** was asked by **Senator Darrington** to go over certain areas of Idaho's criminal laws. **Mr. Kane** stated that blackmail is covered by grand theft laws with a 14 year penalty. **Representative Boe** went over items in the draft legislation beginning with involuntary servitude. **Mr. Kane** stated that there is not a specific crime in Idaho called involuntary servitude, which covers many circumstances; there are crimes, grand theft and kidnaping for example, that may define this term somewhat differently. The draft covers blackmail, grand theft, and kidnaping or false imprisonment, which is a misdemeanor with a 20 year felony conviction. **Mr. Kane** said he thought that this cast a wider net than some of Idaho's criminal laws, suggesting that the committee might want to consider using this and calling it "human trafficking" or calling it "involuntary servitude."

**Ms. Lambert** asked if there was anything in the draft, within the definition of involuntary servitude, that could not currently be prosecuted otherwise under Idaho law. **Mr. Kane** replied that the some of these actions could constitute assault, battery, aggravated assault or aggravated battery, either misdemeanor or felony offenses. He advised the committee that any new legislation should be

reviewed carefully to ensure that, given the criminal laws already in place, the legislation would not provide for a lesser penalty for the same actions.

**Senator Compton** asked if there was anything in the proposed draft that was not covered in Idaho law currently. **Mr. Kane** stated that current statutes do not link certain situations, such as involuntary servitude, to a specific crime and subsequent penalty. In some cases, there would be higher penalties for certain crimes in the draft legislation than current statutes allow.

**Representative Boe** asked if current laws cover the situation of an agricultural or restaurant worker who is brought into the U.S., promised payment, and then is told that his wages are being withheld for transportation or food. **Mr. Kane** stated that he thought that current statutes would cover this type of situation in the theft laws, specifically labor or services, which could be a 14 year penalty for grand theft. There is a second component to the situation described, and that is if someone is being held against their will, through deception, that could be a 14 year penalty.

**Representative Field** asked whether the lesser penalties in some cases in the proposed draft could cause conflicts within current statutes which could lead to more plea bargaining in some cases. **Mr. Kane** pointed out that the Sheriffs' Association would oppose any legislation that would lower the current criminal penalties. If a law was in place that was similar, a prosecutor would normally go for the higher penalty and then there would be a plea bargaining tool.

**Senator Compton** asked about the section in the draft legislation referring to sexual servitude of a minor. **Mr. Kane** stated that there are laws in place that deal with sex with minors under 16 years old. This crime carries a penalty of up to life in prison; the draft legislation calls for a 20 year penalty. It could fall into the statutory rape category, carrying a possible life in prison penalty, or it could be sexual abuse, which could carry a 20 year penalty. A minor cannot consent to sexual conduct under the age of 18 under current Idaho law. Prostitution laws in Idaho are very clear and carry penalties of up to 20 years; so in the draft legislation, punishment would actually be lowered.

**Mr. Kane** added that if the committee was going to work on a human trafficking statute, he would recommend that the committee first examine carefully all current laws and penalties. Another option would be to consider raising the penalty for a human trafficking offense; *i.e.* taking the current laws with regard to kidnaping, lewd and lascivious conduct, sexual abuse, prostitution and grand theft and adding an enhanced penalty for a human trafficking situation that meets the definition of human trafficking. **Senator Darrington** asked **Ms. Lambert** to look into this for the committee. **Ms. Lambert** stated the committee would need to craft a definition for the crime of "human trafficking" such that it would be separate from each of the aforementioned offenses; otherwise, it would be the same offense, and for kidnaping, there is already life in prison as a penalty.

**Mr. Kane** suggested extending the penalty for grand theft from 14 to 20 years if human trafficking were involved. He explained that grand theft covers stealing \$1,000 in goods or services; if a law was passed with regard to human trafficking for an incident such as a person being brought into the country and forced to work, then the penalty would be greater than that for simple grand theft.

**Ms. Lambert** asked about the committee's discussion of enhancing penalties and whether the committee could agree upon the terms of such enhancement. **Mr. Kane** pointed out that a thirty-year penalty would be considered life. Fourteen to twenty years would only be a six-year enhancement. The committee agreed that an enhancement totaling twenty-five years should be drafted.

**Senator Darrington** commented that the biggest challenge may be defining human trafficking and noted that there may be some guidance in the language of the resolution. **Representative Boe** added that she thought the term had been defined by the DOJ. **Senator Darrington** confirmed that enhancing penalties, rather than lessening such penalties, is the direction that he would prefer to take with regard to human trafficking. **Representative Boe** said she thought that restitution to the victim is important and should be included in any possible legislation, especially since trafficking can be a very profitable crime. In response to a question from **Senator Darrington Michael Henderson** said that he did not currently have information as to how successful the court system has been with regard to restitution being paid when ordered by the court, but he could get that information.

**Representative Bilbao** distributed Assembly Bill No. 22 from the California Legislature and referred to the restitution provisions of that bill. **Representative Boe** pointed out that in the draft legislation prepared for the 2005 Session, there were similar words. She noted that adding this type of restitution would be different from the situation where a released prisoner is paying back money for his incarceration. She said a perpetrator's restitution for running a human trafficking ring of prostitution should be addressed differently.

**Mr. Kane** suggested that the committee also consider Idaho's Racketeering Act, which encompasses many of the crimes discussed in the realm of human trafficking, including kidnaping and prostitution. A prosecutor could prosecute under the criminal act but would also have civil penalties available as well. This would include not only civil restitution, but also the divestiture of real or personal property as a result of the criminal activity.

**Representative Boe** commented that the difference between the draft and the model legislation is the addition of victim protection, which appears in the draft on page 3. She said there could be a fiscal impact to the Department of Health and Welfare for the provision of their services to potential victims. **Representative Boe** stated that one of the objectives of this human trafficking effort is to see how state and local agencies in Idaho can work together to identify victims and prevent human trafficking. **Senator Darrington** queried how the fiscal impact of providing services to a human trafficking victim would be determined.

**Representative Field** suggested that the committee may consider POST education in potential legislation. **Senator Darrington** stated that he thought that needed to be done, exclusive of legislation. He said he had some reservations with regard to the Legislature getting involved in asking POST to include in their curriculum education about human trafficking. **Representative Boe** asked how much time it would take to train officers on this subject. **Mr. Charboneau** said that if something were included in the basic police training academy, that would be looked at very judiciously because time is very precious. POST has developed CD training packages, at a cost of

\$10,000-\$15,000 per CD, and this was sent to attendees of POST prior to their training program. This was done with domestic violence training; however, time training officers with CDs is time away from the street where they are so needed. If federal grants were available, perhaps the grants would allow for in-service training. Recognition of a human trafficking crime is one thing; investigation is another segment which becomes very complex and could stretch into one or two training days. **Senator Compton** said he thought that bringing human trafficking awareness to POST attendees could be very effective.

**Mr. Kane** added that the Sheriffs' Association would probably echo what ISP has said about training law enforcement. Once it is determined what human trafficking is and what the law on it is, that probably could be addressed in less than an hour to law enforcement. Investigations would be done by officers higher in rank and **Mr. Kane** suggested that perhaps specialized training courses could be done through in-service.

**Senator Darrington** suggested including a statement of legislative intent in the proposed draft that would suggest that it may be appropriate for law enforcement agencies to receive some training on human trafficking. **Representative Boe** said she hoped that all law enforcement officials would receive education to enhance their awareness of human trafficking situations. She did not think that would involve a big time commitment.

**Senator Compton** suggested that there should be a timeline set out for the Department of Health and Welfare and the Attorney General's Office to report on the potential fiscal impact of providing human trafficking victim services. He asked whether one year would be sufficient time for the agencies to come back to report to the Legislature as to the effect of the proposed new laws. **Senator Darrington** asked **Ms. Lambert** to prepare a draft based on the committee's discussions and requested that the committee members communicate with **Ms. Lambert** as to their opinions on the draft legislation. He stated that after the proposed draft is ready, the co-chairs will determine if a future meeting is necessary.

**Representative Boe** asked the committee to look at the four activities that the resolution called for and not only the draft legislation. She asked if there was any way to further gather data as to federal, state and local programs that provide services, suggesting that NGOs could possibly help with that. **Representative Boe** also suggested that contact be made with Mayor Kirby in Boundary County regarding his concerns about human trafficking there. **Senator Darrington** assured the committee that contact would be made with the mayor, the sheriff's department, the Boundary County prosecuting attorney, as well as the border patrol.

**Senator Darrington** stated that criminal laws for sex offenders are in place that carry serious penalties, and the pardons and parole board is very cautious. There is a Sex Offender Registration Act in place and sex offenders must go before a board to determine if they are violent sexual predators (VSPs) who would be given a higher level of supervision. Idaho also has an interstate compact for the supervision of adult offenders, so that any probationer or parolee in the U.S. (except for Massachusetts) who crosses a state line must apply to the Department of Corrections and be received by the receiving state. That receiving state has the duty to supervise that probationer or

parolee. This applies to all offenders, not just sex offenders. This compact will play a very key role in what is done to sex offenders, such as lifetime probation for sex offenders in Idaho.

**Senator Compton** asked whether the penalty for sex offenders from other states who come to Idaho and do not report is severe enough. **Senator Darrington** suggested that the law might be strengthened in that area. **Senator Compton** commented that if Idaho passed legislation with stricter penalties for sex offenders, perhaps it would deter offenders from wanting to reside in Idaho.

The meeting was adjourned at 12:15 p.m.