

HUMAN TRAFFICKING

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting (5-4-105, MCA; [Chapter 309, Laws of 2017](#)). The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex, and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: Montana has the following laws regarding human trafficking, which is defined as the commission of the criminal offenses of trafficking of persons, involuntary servitude, sexual servitude, or patronizing a victim of sexual servitude:

- establishing the criminal offenses of trafficking of persons, involuntary servitude, sexual servitude, and patronizing a victim of sexual servitude;
- providing for the forfeiture of property used in the commission of human trafficking offenses;
- providing immunities to persons who committed certain crimes as children as a direct result of being a victim of human trafficking;
- creating an affirmative defense that a person was a victim of human trafficking;
- creating a civil action for victims of human trafficking;
- providing victims with eligibility for state services and benefits, regardless of immigration status;
- establishing law enforcement protocol for providing victims of human trafficking with citizen and immigration services; and
- allowing persons who were victims of human trafficking to move to vacate their conviction for certain offenses.

Legislative Services Division Materials:

None.

Other Materials:

[Uniform Act on Prevention of and Remedies for Human Trafficking](#) (approved and recommended for enactment by the National Conference of Commissioners on Uniform State Laws, July 2013)

Introduced Legislation

*Chapter number assigned means bill was passed and approved.

2019

[SB 147](#) Chapter Number Assigned. AN ACT GENERALLY REVISING LAWS RELATED TO HUMAN TRAFFICKING AND SEX CRIMES TO PROTECT VICTIMS; REVISING THE OFFENSE OF PROSTITUTION TO INCLUDE DIRECT SEXUAL CONTACT; REVISING PENALTIES FOR PROSTITUTION OFFENSES TO ALLOW FOR AGGRAVATED PENALTIES FOR PERSONS WHO PROMOTE PROSTITUTION AND TO ALLOW FOR AGGRAVATED PENALTIES WHEN THE OFFENDER KNEW OR SHOULD HAVE KNOWN THAT THE VICTIM WAS A HUMAN TRAFFICKING VICTIM OR SUBJECTED TO FORCE, FRAUD, OR COERCION; REVISING THE DEFINITION OF A CRIME OF VIOLENCE TO INCLUDE AGGRAVATED PROMOTION OF PROSTITUTION AND HUMAN TRAFFICKING OFFENSES; PROVIDING THAT A PERSON'S CONSENT IS NOT A DEFENSE TO HUMAN TRAFFICKING AND SEX CRIMES IF THE ACCUSED KNEW OR REASONABLY SHOULD HAVE KNOWN THE PERSON WAS A VICTIM OF HUMAN TRAFFICKING OR WAS SUBJECTED TO FORCE, FRAUD, OR COERCION; REFORMING LAWS RELATED TO HUMAN TRAFFICKING TO CONFORM PENALTIES AND LANGUAGE TO LAWS RELATED TO SEX CRIMES; AMENDING SECTIONS 45-2-211, 45-5-601, 45-5-602, 45-5-603, 45-5-702, 45-5-704, 45-5-705, 45-5-709, 46-18-104, 46-18-111, 46-18-207, 46-18-219, 46-18-231, AND 46-23-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

[HB 549](#) Chapter Number Assigned. AN ACT REVISING CHILD SEX TRAFFICKING LAWS; REVISING THE DEFINITION OF "CHILD ABUSE AND NEGLECT" TO INCLUDE CHILD SEX TRAFFICKING; ENSURING THAT VICTIMS OF CHILD SEX TRAFFICKING RECEIVE ACCESS TO SPECIALIZED SERVICES; AND AMENDING SECTIONS 41-3-102 AND 45-5-709, MCA.

[HB 749](#) Chapter Number Assigned. AN ACT GENERALLY REVISING HUMAN TRAFFICKING LAWS; PROVIDING REQUIREMENTS FOR MASSAGE THERAPY BUSINESSES; PROVIDING AN APPROPRIATION; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

2017

[HB 379](#) Died in Standing Committee. AN ACT GENERALLY REVISING LAWS RELATED TO HUMAN TRAFFICKING; REQUIRING PERSONS SELLING, COMMERCIALY PROMOTING, PLACING, OR MAINTAINING INTERNET ADVERTISEMENTS OFFERING COMPANIONSHIP OR ESCORT SERVICES FOR SALE IN THIS STATE TO VERIFY THE IDENTITIES OF CERTAIN PERSONS AND MAINTAIN AND STORE RECORDS; PROVIDING A PENALTY; PROVIDING DEFINITIONS; REVISING THE PENALTY FOR THE OFFENSE OF TRAFFICKING OF PERSONS; AND AMENDING SECTIONS 45-5-702, 46-18-201, 46-18-203, 46-18-205, 46-18-207, 46-18-222, 46-18-231, AND 46-23-1011, MCA.

[HB 441](#) Died in Standing Committee. AN ACT REQUIRING EDUCATION AND TRAINING ON HUMAN TRAFFICKING FOR CERTAIN PROFESSIONALS; REQUIRING CONTINUING EDUCATION ON HUMAN TRAFFICKING FOR NURSES, EMERGENCY CARE PROVIDERS, AND LAW ENFORCEMENT OFFICERS; REQUIRING THAT THE CURRICULUM AT THE MONTANA LAW ENFORCEMENT ACADEMY INCLUDE INSTRUCTION ON HUMAN TRAFFICKING; AMENDING SECTIONS 37-8-202, 44-4-403, 44-10-202, 46-24-102, AND 50-6-203, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

[SB 197](#) Chapter Number Assigned. AN ACT ENCOURAGING THE OFFICE OF PUBLIC INSTRUCTION TO UNDERTAKE EFFORTS TO PREVENT CHILD SEX TRAFFICKING.

2015

[HB 89](#) Chapter Number Assigned. AN ACT GENERALLY REVISING HUMAN TRAFFICKING LAWS; PROVIDING FOR TRAFFICKING-RELATED OFFENSES; PROVIDING PENALTIES; PROVIDING EVIDENTIARY STANDARDS FOR TRAFFICKING PROSECUTIONS; PROVIDING IMMUNITY FOR CHILD TRAFFICKING VICTIMS; PROVIDING AN AFFIRMATIVE DEFENSE; PROVIDING FOR TRAFFICKING VICTIM CONFIDENTIALITY; ESTABLISHING A CIVIL CAUSE OF ACTION FOR TRAFFICKING VICTIMS; ESTABLISHING PROTOCOL FOR ASSISTING TRAFFICKING VICTIMS IN ACCESSING CERTAIN SERVICES OR BENEFITS; CREATING A HUMAN TRAFFICKING EDUCATION SPECIAL REVENUE ACCOUNT; EXTENDING THE TERMINATION DATE OF THE CRIME VICTIMS COMPENSATION ACCOUNT; AMENDING SECTIONS 1-1-411, 44-5-311, 46-18-111, 46-18-201, 46-18-203, 46-18-205, 46-18-207, 46-18-222, 46-18-231, 46-18-608, 46-23-502, AND 46-23-1011, MCA; REPEALING SECTIONS 45-5-305, 45-5-306, 45-5-310, AND 45-5-311, MCA; AMENDING SECTION 14, CHAPTER 374, LAWS OF 2009; AND PROVIDING AN EFFECTIVE DATE.

2013

[HB 478](#) Chapter Number Assigned. AN ACT REVISING LAWS REGARDING TRAFFICKING OF PERSONS FOR COMMERCIAL SEXUAL ACTIVITY; REVISING PROSTITUTION LAWS; REVISING CERTAIN PENALTIES; ESTABLISHING THE OFFENSES OF SEXUAL SERVITUDE OF A CHILD AND PATRONIZING A CHILD; AMENDING SECTIONS 45-5-305, 45-5-306, 45-5-601, 45-5-602, 45-5-603, 46-18-111, 46-18-201, 46-18-203, 46-18-205, 46-18-207, 46-18-222, 46-18-231, 46-23-502, AND 46-23-1011, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

[SB 259](#) Chapter Number Assigned. AN ACT ALLOWING A COURT TO VACATE CERTAIN CONVICTIONS WHEN THE OFFENDER WAS A VICTIM OF TRAFFICKING FOR COMMERCIAL SEXUAL ACTIVITY.

2011

None.

2009

None.

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