

Approved: 11-23-05 Date

MINUTES OF THE HOUSE CORRECTIONS & JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 1:30 P.M. on February 17, 2005 in Room 241-N of the Capitol.

All members were present except:

Kathe Decker- excused
Jim Ward- excused

Committee staff present:

Jill Wolters, Revisor of Statutes Office
Diana Lee, Revisor of Statutes Office
Jerry Ann Donaldson, Kansas Legislative Research
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Pat Scalia, State Bd. Indigents' Defense Services
Chief Judge Tracy Klinginsmith, 2nd Judicial District
Ed Collister
Jim Clark, KS Bar Association
Representative Judy Morrison
Chad Bettes, US State Department
Kris Kobach, UMKC Law Professor
Dr. Janice Crouse, Concerned Women for America
Phill Kline, Attorney General
Sandy Barnett, KS Coalition Against Sexual & Domestic Violence
Melinda Lewis, El Centro
Kyle Smith, KBI
Judge Stephen Tatum, 10th Judicial District
Paul Morrison, Johnson County District Attorney

Others attending:

See attached list.

HB 2129 – Compensation for attorneys representing indigent defendants, \$80 per hour

Chairman Loyd opened the hearing on **HB 2129**.

Pat Scalia, State Board of Indigents' Defense Services, appeared in support of the bill. (Attachment 1) The Sixth Amendment requires the appointment of counsel for poor persons who stand accused. It must be the public policy of this state to provide competent counsel by paying an appropriate amount for a professional service.

Chief Judge Tracy Klinginsmith, 2nd Judicial District, spoke in favor of the bill. (Attachment 2) Because of the State's failure to adjust the hourly rate paid to counsel in indigent defense matters, the Judges in 2nd Judicial District are facing a shrinking pool of qualified attorneys willing to accept appointments. Sentencing guidelines and the severity levels assigned to drug offenses, enhanced penalties for DUI convictions, new crimes created by the legislature since 1987, particularly sexual offender and domestic related crimes, are crimes that consume significant attorney time to defend and represent a large portion of criminal cases throughout the state, further impacting the willingness of lawyers to volunteer for appointments.

Ed Collister, Attorney, presented testimony in support of the bill. (Attachment 3) If the defense counsel, and the tools to defend, are not provided in felony defense the ultimate result to the State is delay, reversals on appeal with consequent retrials, or lack of action, impacts that are costly and foster delay.

Jim Clark, Kansas Bar Association, appeared in support of the bill. (Attachment 4) Because the rate for assigned counsel remains frozen at the 1988 level, more than a few attorneys will continue to refuse indigent defendant cases, and ultimately indigent defendants will suffer from either inadequate representation, or in a worst-case scenario, have their cases dismissed for lack of representation. Neither is acceptable.

Representative Paul Davis, appeared as proponent of the bill. (Attachment 5) These attorneys are compensated at a rate of \$50.00 per hour for representing criminal defendants; this rate has been in existence since 1987 and has not been modified upward during such time. The result of this compensation level is that many attorneys are not interested in representing criminal defendants and the problem exists in both rural and urban areas.

Chairman Loyd closed the hearing on HB 2129.

HB 2004 – Crimes of trafficking in the first degree and trafficking in the second degree

Chairman Loyd opened the hearing on HB 2004.

Representative Judy Morrison, provided introductory remarks in support of the bill. (Attachment 6)

Attorney General Phill Kline, provided a power point presentation in support of the bill. (Attachment 7) This bill criminalizes the trafficking in human beings and provides severe repercussions to those who engage in and support human trafficking. Human trafficking is a form of modern-day slavery, victims of trafficking exploited for commercial sex or labor purposes, and traffickers use force, fraud or coercion to achieve exploitation.

Chad Bettes, Office to Monitor and Combat Trafficking in Persons, spoke in favor of the bill. (Attachment 8) This bill deals with people trafficked from freedom into nothing less than modern-day slavery, by force, fraud and coercion.

A substitute bill was presented by Representative Judy Morrison. (Attachment 9)

Kris Kobach, Professor of Law, University of Missouri, appeared in support of the bill. (Attachment 10) The U.S. Department of Justice estimates the 600,000 to 800,000 people are trafficked across international borders each year having been bought, sold, transported or held in slavery-like conditions for sex and labor exploitation. Trafficking is typically linked to other criminal activities such as document fraud, money laundering, and migrant smuggling. This is an important role for states to play, and the U.S. Department of Justice is encouraging states to pass statutes criminalizing human trafficking. The overlap of state and federal crimes allows for more prosecutions to be brought, and as state prosecutorial resources can be mobilized to fight human trafficking where appropriate, defining the law serves to give guidance to state law enforcement, and human trafficking offenses are part of a larger set of crimes.

Dr. Janice Shaw Crouse, Concerned Women for America, spoke in favor of the bill. (Attachment 11) Dr. Crouse serves on two national task forces and is working to pass national legislation on human trafficking. Human beings lured into being trafficked end up in prostitution, sweatshops, farms, domestic work or other forms of involuntary servitude and most are treated brutally and repeatedly degraded. Over half of the victims end up trafficked for sexual exploitation; some are forced to serve up to 30 men a day. Millions are trafficked within their home countries.

Sandy Barnett, KS Coalition Against Sexual & Domestic Violence, appeared as a proponent of the bill. (Attachment 12) Victims of trafficking may in fact be “hiding in plain sight,” forced to work in bars, in massage parlors, as household help, in factories, or in the street. An amendment was requested that deals with juveniles under age 18.

Melinda Lewis, El Centro, Inc., spoke in favor of the bill. (Attachment 13) The bill which defines the crime of trafficking and would hope reduce incidences of sexual violence and forced labor associated with the smuggling of human beings. Criminals seeking to exploit desperate and vulnerable people who are trying to get to the United States for a chance to build a better life for themselves and their families

have discovered the great profit potential in this illicit activity.

Written testimony was provided by U.S. Senator Sam Brownback, ([Attachment 14](#)) Kyle Smith, KBI, ([Attachment 15](#)) Mike Farmer, Kansas Catholic Conference, ([Attachment 16](#)) and Jennifer Rosen, National Foundation for Women Legislators, Inc. ([Attachment 17](#)) in support of the bill.

Chairman Loyd closed the hearing on **HB 2004**.

HB 2418 – Magistrate may order person to pay for any costs of the supervision of the conditions of release of the appearance bond in an amount not to exceed \$10 per week; increased from \$5

Chairman Loyd opened the hearing on **HB 2418**.

Chief Judge Stephen Tatum, 10th Judicial District, appeared in favor of the bill. ([Attachment 18](#)) This fee increase is a realistic fee to assist in meeting the actual costs of the program. In most cases where bond supervision is ordered, either a PR bond or a lower cash or surety bond is set.

Chairman Loyd closed the hearing on **HB 2418**.

HB 2387 – Death of inmate, prisoner or juvenile in custody; investigation by KBI unless natural cause of death.

Chairman Loyd opened the hearing on **HB 2387**.

Kyle Smith, KBI, appeared as a proponent of the bill. ([Attachment 19](#)) The 2004 Legislature passed two provisions which require the KBI to conduct an investigation whenever a person dies while in custody of local authorities or the state. The 31 deaths from July 1, 2004 to January 1, 2005 have been from natural causes and do not believe that this was the intent of the legislature and would ask that, where the cause of death is determined by an autopsy to be natural, no investigation by the KBI is required.

Tim Madden, Chief Legal Counsel, KDOC, provided an amendment in support of the bill. ([Attachment 20](#)) The Department recommends the bill be amended to include findings in preliminary autopsy reports or death certificates. This amendment does not preclude the KBI from conducting or resuming an investigation at any time.

Chairman Loyd opened the hearing on **HB 2387**.

HB 2384 – Consensual sex in a public restroom considered lewd and lascivious behavior

Chairman Loyd opened the hearing on **HB 2384**.

Paul Morrison, Johnson County District Attorney, appeared in support of the bill. ([Attachment 21](#)) This bill will add to KSA 21-3508, the misdemeanor Lewd and Lascivious Behavior statute, making it illegal to engage in sexual intercourse or sodomy in a public restroom.

Kyle Smith, KPOA, stated that there is a need for this and to look at “stalls vs. public restrooms”.

Chairman Loyd opened the hearing on **HB 2384**.

The meeting was adjourned at 3:15 pm. The next meeting is February 21, 2005.

HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

GUEST LIST

DATE 2-17-05

| NAME | REPRESENTING |
|---------------------|-------------------------------|
| Kyle Smith | KBI |
| Janice Cramer | CWA |
| Judy Smith | OWA of KS |
| Cheryl Ryan | CWA |
| Joyce Beard | CWA of KS |
| PAT SCALIA | BIDS |
| Tracy Kingsworth | 2d Judicial District Judge |
| Melinda Lewis | El Centro, Inc. |
| Dylira Chapman | CWA |
| Shar Hoffman | CWA |
| Marsha Strubm | CWA of KS. |
| Jan Koback | |
| Paul Lee | AB |
| Caryn Carter Gomar | Intern. Rep. Pauls |
| Tim Madden | KDOC |
| Paul Morrison | Jo. Co. D.A. |
| MARK WEAVER | Finnery County |
| Ron R. Schuber, MLA | Province of Manitoba, Canada. |
| Fisher Kline | SNDOC |
| Ruski Kwotice | JA |
| P Briggs | KSC |
| B Harmon | KSC |
| J Butler | KSC |
| KAITLYN CONNER | PAGE - SENATOR NICK JORDAN |

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KATHLEEN SEBELIUS, GOVERNOR

PATRICIA A. SCALIA, EXECUTIVE DIRECTOR

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

Testimony in support of Senate Bill 2129

Chairman Loyd and members of the committee, thank you for the opportunity to offer testimony in support of this bill. This is a matter of Constitutional law and public policy. The Sixth Amendment requires the appointment of counsel for poor persons who stand accused. It must be the public policy of this state to provide competent counsel by paying an appropriate amount for a professional service. This can only be accomplished by increasing the hourly fee paid to counsel assigned to defend poor persons accused of felonies.

The State Board of Indigents' Defense Services provides the Sixth Amendment right to counsel through the work of public defenders and assigned counsel. Assigned counsel are used in geographic areas where it is more cost effective than opening a public defender office. However, it has been necessary to open three public defender offices due to the lack of local attorneys who were willing to perform services as assigned counsel at the low hourly rate. These cities are Liberal, Chanute and Independence.

It will be necessary to open additional public defender offices as fewer attorneys are willing to accept appointments at the \$50 per hour rate currently paid. Without the assistance of assigned counsel, we would be forced to open public defender offices in Kansas City, Leavenworth, Westmoreland, Ottawa, Pittsburg, El Dorado, Concordia, Smith Center, Norton, Colby, Hays, Larned and Dodge City. A low estimate of the cost of establishing those offices is \$6,000,000. The cost of this bill is \$3,200,000. The agency budget mirrors that amount, \$3,200,000, in our request for supplemental funds. It is vital that we maintain a panel of assigned counsel.

To maintain a panel of assigned counsel, it is necessary to increase the hourly rate paid. Assigned counsel have been paid \$50.00 per hour since 1987. The hourly rate was raised to \$50.00 from the previous \$35 per hour rate as a result of the Stephans case. In its decision on that case, the Kansas Supreme Court suggests that the Board of Indigents' Defense consider the overhead cost of attorneys to determine a payment rate that would not be confiscatory. We followed the Supreme Court's suggestion by conducting a survey of our assigned counsel in 2003.

The survey determined that the median overhead cost statewide is \$40 per hour. At that overhead rate, our assigned counsel receive only \$10 per hour for a professional service. To avoid the wholesale resignation of our assigned counsel throughout the state, we request an hourly rate increase to \$80 per hour.

To: Juvenile Justice and Corrections Committee

From: Tracy D. Klinginsmith, District Judge

Re: H.B. 2129

I appear before you this afternoon in support of H.B. 2129. I have been a district judge for 28 years and the administrative or chief judge of my district since 1982. When I became a judge in 1977, I believe that attorney's appointed to represent indigent defendants were paid at the rate of \$35.00 per hour. In 1987, as a result of the decision of the Kansas Supreme Court in State ex rel. Stephan vs. Smith, 242 Kan. 336, the hourly rate was raised to \$50.00, where it has remained ever since.

At the time the Smith decision was rendered there were three schemes in existence throughout the State of Kansas for insuring the availability of counsel to represent indigent defendants: public defender systems which serve some counties and relieve the private bar of the responsibility, systems in which participation on the panel is voluntary, and systems in which participation on the panel was mandatory. Smith resulted in the elimination of mandatory attorney participation on such panels but it also allowed the argument to develop that since participation on indigent appointment panels is now voluntary, an attorney does not have to accept appointments by the court if they are not satisfied with the rate the State agrees to pay. Unfortunately, for the past 18 years the State has arbitrarily maintained the hourly rate paid for such services at \$50.00 without consideration of adjustment for increased overhead costs that every law office has incurred during that time frame. The result is that today we have again reached the point that attorneys who serve on indigent panels are barely, if at all, paying their overhead

costs for the time they spend defending indigents and are realizing nothing for their personal services. The State requires no other profession to subsidize the state's obligations. It is the State's obligation by virtue of the Fourteenth Amendment to provide counsel to indigent criminal defendants as guaranteed by the Sixth Amendment. Gideon v. Wainwright, 372 U.S. 335, 9 L.Ed.2d 799, 83 S. Ct. 792 (1963). Gideon does not impose that duty on the private bar but because of the State's inaction, the effect is that the bar, rather than the State, is again bearing that duty just as it was in 1987 when the Kansas Supreme Court was faced with the facts that gave rise to the Smith decision.

Because of the State's failure to adjust the hourly rate paid to counsel in indigent defense matters, the judges in my judicial district are facing a shrinking pool of qualified attorneys willing to accept appointments. This should not come as a surprise when the state pays them at or less than it costs them to keep their offices open. I have not conducted a survey of other judicial districts that rely upon volunteer panels but my experience tells me they face the same problem. To compound the problem, criminal case loads continue to increase statewide. In my judicial district the felony caseload has increased nearly 20% since 1995. Sentencing guidelines and the severity levels assigned in them to drug offenses, enhanced penalties for DUI convictions, new crimes created by the legislature since 1987, particularly sexual offender and domestic related crimes, are crimes that consume significant attorney time to defend and represent a large portion of criminal cases throughout the state, further impacting the willingness of lawyers to volunteer for appointments when they are so grossly underpaid. In 2002, Congress

amended Criminal Justice Act to allow \$90.00 per hour to attorneys representing indigent defendants in the federal courts.

We have reached a crisis stage in the criminal justice system in Kansas. The legislature has provided significant resources and increased manpower to all arms of the criminal justice system the past 18 years, except to those willing to volunteer defense services to the indigent. That failure threatens the ability of the courts to protect constitutional rights of those charged with crimes because of an insufficient pool of available attorneys qualified to represent them. If this issue is not addressed by the legislature soon, the fundamental right to effective assistance of counsel for everyone accused of a crime may effectively become non-existent for countless people in our state. The long-term costs of underfunding defense counsel is difficult to see in face of a budget crises but it has the potential to be staggering. According to a recent ABA article, "more than 150 people who were convicted in 31 states and DC served a total of 1800 years in prison for crimes they did not commit. All were exonerated due to DNA evidence." The ABA study "points to people like Brandon Moon of Kansas City, Mo. who served nearly 17 years for a rape he did not commit and Ryan Matthews, a Louisiana man who sat on death row for five years before he was exonerated." Certainly, the criminal justice system is not infallible and many reasons other than ineffective assistance of counsel can lead to the wrongful conviction of a person. However, the legislature's willingness to meet its constitutional obligation by adequately funding defense counsel will greatly reduce the risk of wrongful convictions in the courts of this state. The court understands that

accused criminals do not as a group generate sympathy for sparse tax dollars. However, as stated in State ex rel. Stephan v. Smith:

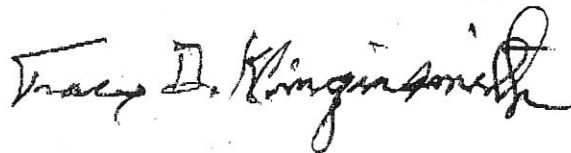
“The State of Kansas has the obligation to furnish counsel for indigents charged with felonies, for indigents charged with misdemeanors when imprisonment upon conviction is a real possibility, and for other persons upon certain circumstances. The State also has the obligation to pay appointed counsel such sums as will fairly compensate the attorney, not at the top rate an attorney might charge, but at a rate which is not confiscatory, considering overhead and expenses.”

Attorneys in private practice in my judicial district share a sense of responsibility to provide services for indigents in legal matters. They understand their ethical obligation to do so. However, as further stated in Smith, “No one attorney must be saddled with appointments which unreasonably interfere with the attorney’s right to make a living. . .”

Attorneys who serve on voluntary panels ask only that they be fairly compensated for their services. I am satisfied that the hourly rate of \$80.00 as provided for in H.B. 2129 meets that criteria at this time and respectfully urge this committee’s approval of the bill.

Dated: February 17, 2005

Respectfully submitted,



Tracy D. Klinginsmith
Chief District Judge
Second Judicial District
State of Kansas

(3)

**Testimony for House Judiciary Committee
House Bill 2129**

House Bill 2129 proposes to amend the hourly rate paid to court appointed counsel in felony cases to \$80 from its present \$50.

The United States Supreme Court and the Kansas Supreme Court have repeatedly held that the United States Constitution requires that all those charged with felony crimes who cannot afford counsel must be furnished defense counsel by the State before the State can deprive them of their freedom. The State cannot deprive one of his or her liberty without a court proceeding and an attorney on both sides of the dispute. Prosecutors are provided by the State. The defense lawyers are provided either by appointed or retained private counsel or public defenders. If defense counsel, and the tools to defend, are not provided in felony defense the ultimate result to the State is delay, reversals on appeal with consequent retrials, or lack of action, impacts that are costly and foster delay.

In 1988 the current system of State provided indigent defense counsel was adopted following the Kansas Supreme Court decision in *State ex rel Stephan v. Smith*, 747 P.2d 816, 242 Kan. 336 (1987). Although there were a number of issues considered in that case the one that is relevant for today's hearing relates to the requirement of reasonable compensation for defense counsel.

The rate that emerged after the Stephan case and the companion case of *Board of County Commissioners of Osage County v. Burns*, 242 Kan. 544, 747 P.2d 1338 (1988), was \$50 per hour.

17 years have passed. Unfortunately, as we are all aware dollars in 1988 were worth considerably more than dollars today.

I sought out information that would address the effect passage of time has had on this pay rate. A CPA provided information. His letter is attached. It is short and succinct. Considering inflation and the general cost of doing business \$50 an hour pay in 1988 would be worth \$31.66 in 2003. Relatively speaking appointed attorneys are getting paid roughly the same as pre-Stephan rates today. Looked at another way, \$50 purchase power in 1988 would require \$78.96 in 2004. It is simply time to increase the pay rate.

The Board of Indigents' Defense Services conducted a statewide survey of appointed counsel and reached a conclusion that \$40 per hour was the overhead figure for law offices currently. That figure does not consider actual pay to the attorney. That means that to open an office and operate it without income to the lawyer \$40 each hour is required. Currently the income to the average lawyer in these cases would thus be \$10 an hour. The BIDS request is to raise the rate paid attorneys to \$80 per hour. We respectfully request that you favorably support the request. Thank you.

Yours very truly,

By: 
Edward G. Collister, Jr.

EGC/ers

DEAN O. RADCLIFFE
CERTIFIED PUBLIC ACCOUNTANT
3311 CLINTON PARKWAY COURT
LAWRENCE, KANSAS 66047
PHONE (785) 842-7269

February 16, 2005

Mr. Edward G. Collister
3311 Clinton Parkway Court
Lawrence, Ks. 66047

Dear Ed:

Per your request I have researched the Consumer Price Index-All Urban Consumers. The index stood at 120.5 on December 31, 1988 and at 190.3 on December 31, 2004.

To put this in laymen's terms:

It would take \$78.96 to buy the same basket of goods in 2004 that you could get for \$50.00 in 1988.

\$50 pay in 1988 would be worth \$31.66 in 2004

I hope this give you the information you needed.

Sincerely,



Dean O. Radcliffe

NARRATIVE INFORMATION - DA 400

DIVISION OF THE BUDGET
STATE OF KANSAS

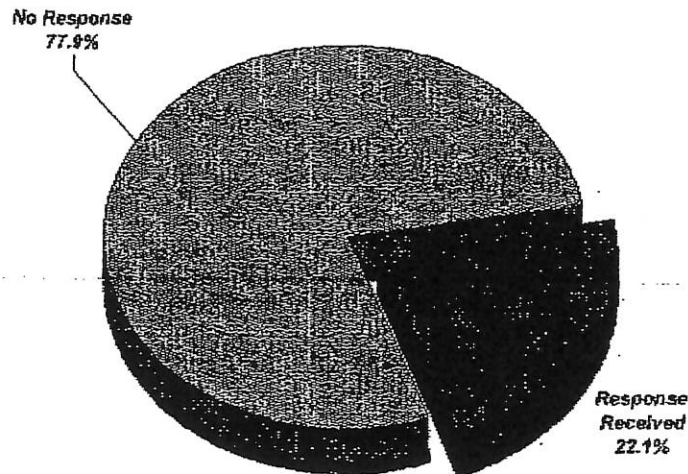
AGENCY NAME: Kansas State Board of Indigents' Defense Service
AGENCY NUMBER: 328-00 FUNCTION NO. 01
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
SUBPROGRAM TITLE AND NUMBER: AGENCY SUMMARY - 42000

The results are compiled in the charts below. Following the median, overhead for assigned counsel is \$40 per hour. Therefore, the current hourly payment of \$50 per hour allows them only \$10 per hour compensation for a professional service. This is not a fair rate of compensation and is arguably confiscatory.

To avoid the wholesale resignation of our assigned counsel throughout the state and to avoid a lawsuit for fair compensation, we request an increase in the hourly rate to \$80 per hour. This hourly rate would allow \$40 per hour compensation after overhead. This reflects a yearly increase over the past 16 years of 3.88%. The rate paid to assigned counsel in federal court is \$90 per hour.

The cost of this enhancement is substantial - \$4,000,000. Compared to the cost of the alternative, however, this is cost effective.

Survey Responses





KANSAS BAR
ASSOCIATION

Testimony in Support of

House Bill No. 2129

Presented to House Corrections and Juvenile Justice Committee

February 17, 2005

The Kansas Bar Association supports the provisions of House **Bill 2129** that establish a statutory rate of \$80 per hour for attorneys assigned to provide legal services for indigent defendants.

Not only is the current hourly rate inadequate, especially when compared with appointments to criminal cases in federal court, currently \$90/hour; but the rate does not reflect any increase since 1988. In comparison, salaries for staff public defenders, while not adequate, have at least reflected some kind of increase over the same period of time, as have salaries for prosecutors, judges, legislators and other state government employees. For a true comparison of those employees with the plight of attorneys assigned to indigent defense cases, we should imagine a scenario where all state government employees and officials are

paid at the level they were in 1988. While such a scenario might solve the current fiscal problems facing our state, I would suggest that at such compensation levels many of those currently in the service of state government, including legislators, would not be here today. To complete the scenario, we should then imagine that all expenses, including employee salaries, utilities, office equipment, and even malpractice premiums of those attorneys who will accept court appointments in criminal cases have been rolled back to the 1988 level. In such scenario, **HB 2129** would not be before this Committee today.

However, as vivid as our imaginations might be, the reality is that payment for court appointed attorneys has not kept pace with the rate of inflation, including compensation rates of other state-funded services. Because the rate for assigned counsel remains frozen at the 1988 level, more than a few attorneys will continue to refuse indigent defendant cases, and ultimately, indigent defendants will suffer from either inadequate representation, or, in a worst-case scenario, have their cases dismissed for lack of representation. Neither option is acceptable.

The Kansas Bar Association urges this committee to report the bill favorably.

Thank you.

James W. Clark
KBA Legislative Counsel

PAUL DAVIS
REPRESENTATIVE, 46TH DISTRICT
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HOUSE OF
REPRESENTATIVES

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February 17, 2005

**TESTIMONY ON HOUSE BILL 2129
REPRESENTATIVE PAUL DAVIS**

TO: CHAIRMAN WARD LOYD AND MEMBERS OF THE HOUSE
CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

FROM: REPRESENTATIVE PAUL DAVIS

RE: HOUSE BILL 2129

Mr. Chairman and Members of the committee:

House bill 2129 aims to address a serious problem in the Kansas court system. This problem is the inability to attract and retain attorneys to represent indigent criminal defendants.

The 6th Amendment of the United States Constitution grants the right to counsel for criminal defendants. The Kansas board of Indigents' Defense Services administers the funding of court appointed attorneys for Kansas criminal defendants. Typically, when a defendant is charged with a misdemeanor or felony crime, an attorney is appointed by a judge to represent that defendant if the defendant does not have the means to hire an attorney.

These attorneys are compensated at a rate of \$50.00 per hour for representing criminal defendants. This rate has been in existence since 1987 and has not been modified upward during such time. The \$50.00 per hour rate is simply not enough to fairly compensate attorneys. Many attorneys will tell yo u that they can barely cover their overhead expenses for \$50.00 per hour. Hourly rates for most Kansas attorneys range from \$100.00 to \$200.00 per hour. Additionally, attorneys who represent criminal defendants in the federal system are compensated at an hourly rate of over \$100.00 per hour.

The result of this compensation level is that many attorneys are not interested in representing criminal defendants. This problem exists in both rural and urban areas. Many judges will tell you that they have to beg and plead with attorneys to represent indigent criminal defendants. Many of these defendants are charged with serious crimes that could result in long

terms of incarceration. It is essential that they are provided with an experienced, qualified attorney who can adequately represent them. If this does occur, we run into constitutional issues revolving around the competency of some attorneys to represent certain defendants.

By raising the hourly rate of compensation for court appointed attorneys to \$80.00 per hour, we will be able to retain the good attorneys that are currently representing indigent criminal defendants and hopefully attract other competent attorneys into the system. I respectfully ask for your favorable consideration of this bill.

JUDY MORRISON
 REPRESENTATIVE, 23RD DISTRICT
 REPRESENTING MERRIAM
 AND PART OF SHAWNEE
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 SHAWNEE, KANSAS 66203
 TOPEKA: (785) 296-7646
 SHAWNEE: (913) 631-4817



TOPEKA
 HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 VICE-CHAIR: TOURISM & PARKS
 MEMBER: FEDERAL & STATE AFFAIRS
 UTILITIES

Introductory Remarks of Rep. Judy Morrison

Thank you, Mr. Chairman, for holding this hearing today on the emerging human-rights challenge of the 21st century: fighting the scourge known as trafficking in persons.

In July, President Bush and his Department of Justice brought police, prosecutors, investigators, non-governmental organizations, federal officials, and a number of state legislators from across the country to Florida for the first-ever national law enforcement conference on human trafficking.

While the topic of the gathering was obviously grim – we were strategizing about how to free victims of modern-day slavery – I came back to Kansas with a firm sense of hope and resolve. I felt hope because the crime is clearly in our sights, and people from across the spectrum are coming together to address it. Faith-based organizations are joining with feminist groups, police are working with social services providers, and federal officials are reaching out to those of us at the local level. The goal: rescue and restore victims and throw traffickers in jail.

The President, the U.S. attorney general, the under secretary of State for Global Affairs, Senator Brownback and others are doing all they can to end human trafficking, and they are asking us to do the same.

To educate us on this complex and compelling issue, we are fortunate to have a talented group of experts with us here. In the spirit of all sectors of our society aligning in a way that is worthy of this challenge, we have Attorney General Phill Kline, a State Department representative, a former Justice Department official, KBI special agent Kyle Smith, a former Kansas county sheriff, Melinda Lewis, El Centro, Mike Farmer, Catholic Charities,

Sandy Barnett, Kansas Coalition Against Sexual and Domestic Violence and even a scholar from one of the leading NGOs in Washington.

I look forward to hearing from these experts and working with each of my colleagues in the House to ensure Kansas does all it can in this fight.

I'd like to begin with the global perspective presented by my former constituent and fellow Kansan, Chad Bettes, who now serves in the Office to Monitor and Combat Trafficking in Persons at the U.S. Department of State.



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

PHILL KLINE
ATTORNEY GENERAL

120 SW 10TH AVE., 2ND FLOOR
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WWW.KSAG.ORG

Dear Mr. Chairman and Members of the Committee:

Thank you for the honor of presenting testimony in support of H.B. 2004 that criminalizes the trafficking in human beings and provides severe repercussions to those who engage in and support human trafficking.

Inez, a teenage girl from Veracruz, Mexico and Jill a Midwest teenage, have never met but their lives have taken a parallel path as they fell into the hands of predators.

Inez was part of an economically struggling family in Mexico when she was approached by Maria Elena who promised her good work at a restaurant in the United States. Inez was hopeful that her income in the work would allow her to mail cash back to her family and also allow her to begin a life in the United States. Inez was not aware that Ms. Elena was a recruiter for Abel Cadena-Sosa and Patricio Sosa who trafficked in human beings.

Maria Elena arranged a meeting between Inez and the Sosa's wherein Inez was promised a good job and legal immigration status in the United States. In 1997 Inez entered the US through Brownsville, Texas and transported to Houston where she was locked inside a trailer and through physical force was required to enter a life of prostitution. Inez was forced to turn 30-35 tricks a day, for which the men paid \$15 to people Inez refers to as her bosses. Inez was paid \$3 a day but all of her monies were allocated to her debt for shelter, food and transportation.

Jill, on the other hand, was a Midwest teen who fled sexual and physical abuse in her home, only to enter a life of sexual exploitation and physical brutality. After a few weeks of finding meals in dumpsters and washing in the rest rooms of various shopping malls, Jill was approached by a well dressed man who called himself Bruce. Bruce identified with Jill and told her what she wanted to her. He then informed Jill that he liked to help out teens in her circumstances to give her a fresh start by offering good pay from some simply work. Jill asked if the work was prostitution to which Bruce feigned a deep offense and began to leave. Jill, thinking her only hope was walking out the door, apologized and agreed to leave the mall with Bruce. She was convinced she needed to blindfolded as they drove to Bruce's office as Bruce did not want to reveal his location to his competition and he wasn't convinced that Jill really did not work for the competition. At the "office" Jill was led to an area, her hands raised above her head and secured in leather straps. She protested, but a gag was placed in her mouth. Her clothes were then removed and a box she was standing on was kicked from underneath her and she was left suspended from the straps, nude in what was an abandoned warehouse.

Jill was then filmed as she was beaten and told that she would never be let down until she signed a contract to participate in prostitution with S and M clients. Jill had entered her training period as an S and M prostitute. Later she would be sold to men who were allowed to rape her and harm her in any way that

House C & JJ
2-17-05
Attachment 7

did not result in death. She was fully submerged in water, beaten, shocked with electrical current, hung and whipped. Jill, like Inez, turned to drugs and alcohol to lessen the physical and emotional pain but which only served to enhance their dependency on their exploiters.

These stories are true and they are occurring at this moment.

The actions of these exploiters strikes at the very heart of the promise of America - that all persons are deserving of fundamental rights and that this government will act to protect the rights of the most vulnerable. This requires a firm commitment in law and deed. H.B. 2004 is a step in that direction.

The predator population is sophisticated, organized and monied. Please let me elaborate by sharing with you the following power-point presentation.

POWER POINT PRESENTATION

I would also like to take a moment to share with you the efforts of our office regarding this issue; to detail other proposals before you that will help in the fight against human trafficking and also, some other issues you may consider.

First, our office is committed to preventing exploitation against all persons regardless of their immigration status. To that end, we will prosecute those who exploit others within our jurisdictional bounders without concern of whether the victims are illegally in this country. We, therefore, do not inquire as to the status of the victim when pursuing prosecution. If the status is known to immigration officials, rather than deportation, we seek to obtain T immigration status. T status allows the immigrant to remain in America for three years and then petition for legal status.

Our office is already engaged in aggressive action against those who have exploited illegals in our state.

Additionally, you have a bill before you this session that enhances the penalties for the solicitation of a child and aggravated solicitation of a child. Currently the penalty is probation and this is unacceptable. Furthermore, you will consider a bill that provides that the possession of each single image of child pornography is an individual crime. A third bill will increase the statute of limitations on many crimes from 2 to 5 years. A criminal should not escape justice simply because he was able to successfully conceal his criminal conduct.


Finally, you may wish to follow the lead of the Bush Administration in the recognition that prostitution is inherently dehumanizing. A US government study of prostitutes in nine foreign nations that have legalized prostitution finds that 70-95% of the prostitutes have suffered assault; 60-75% have been raped; 89% desire to escape the lifestyle and 68% suffer from post dramatic stress syndrome.

Kansas, unfortunately, follows the example of many states in imposing more severe penalties on the women in prostitution than the men who exploit them. In Kansas it is a B misdemeanor to engage in prostitution but a C misdemeanor to visit a prostitute. Furthermore, it is only an A misdemeanor to promote the prostitution of a person 16 years of age or older.

I would urge you to strengthen the penalties on those who profit from the exploitation of those engage in prostitution - on the johns and the pimps. Our jails should not be full of exploited women and children, but rather those who exploit them.

I would be glad to stand for any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Phill Kline".

Phill Kline
Kansas Attorney General

HB 2004

HUMAN TRAFFICKING

Human Trafficking: What Is It?

- Human trafficking is a form of modern-day slavery
- Victims of trafficking exploited for commercial sex or labor purposes
- Traffickers use force, fraud or coercion to achieve exploitation

After drug dealing, human trafficking is tied with the illegal arms trade as the second largest criminal industry in the world, and it is the fastest growing.

Who Are Victims of Human Trafficking?

- Approximately 800,000 to 900,000 victims annually trafficked across international borders worldwide; between 18,000 and 20,000 victims trafficked into United States annually.
- More than half of victims trafficked into United States are children; victims are probably about equally women and men.
- Victims can be trafficked into the U.S. from anywhere in the world. Victims have come from, among other places, Africa, Asia, India, Latin America, Eastern Europe, Russia and Canada.
- Many victims in the U.S. do not speak English and are unable to communicate with service providers, police, or others who might be able to help them.
- Within the U.S., both citizens and non-citizens fall prey to traffickers.

Identifying Crime of Human Trafficking

- Evidence of control and lack of ability to move freely or leave job
- Bruises or other signs of physical abuse
- Intense fear or depression
- Non-English speaking
- Recent arrival from Asia, Latin America, Eastern Europe, Canada, Africa, India
- Lack of ID or immigration documents

Victims of Trafficking and Their Needs

There are four general areas of victim needs:

- **Immediate assistance**
 - *Housing, food, medical, safety and security, language interpretation and legal services*
- **Mental health assistance**
 - *Counseling*
- **Income assistance**
 - *Cash, living assistance*
- **Legal status**
 - *T visa, immigration, certification*

Who are the offenders who engage in this crime?

- Often they are the same pedophiles that are attempting to prey on Kansas children as well.
- Make no mistake: These are intelligent, organized, dangerous criminals.

Transient Offenders



Graydon Comstock, 52-years-old

Status: Federal Bureau of Prisons

Kansas Offenses:

2000- Aggravated Indecent Liberties
(Child < 14 y-o)

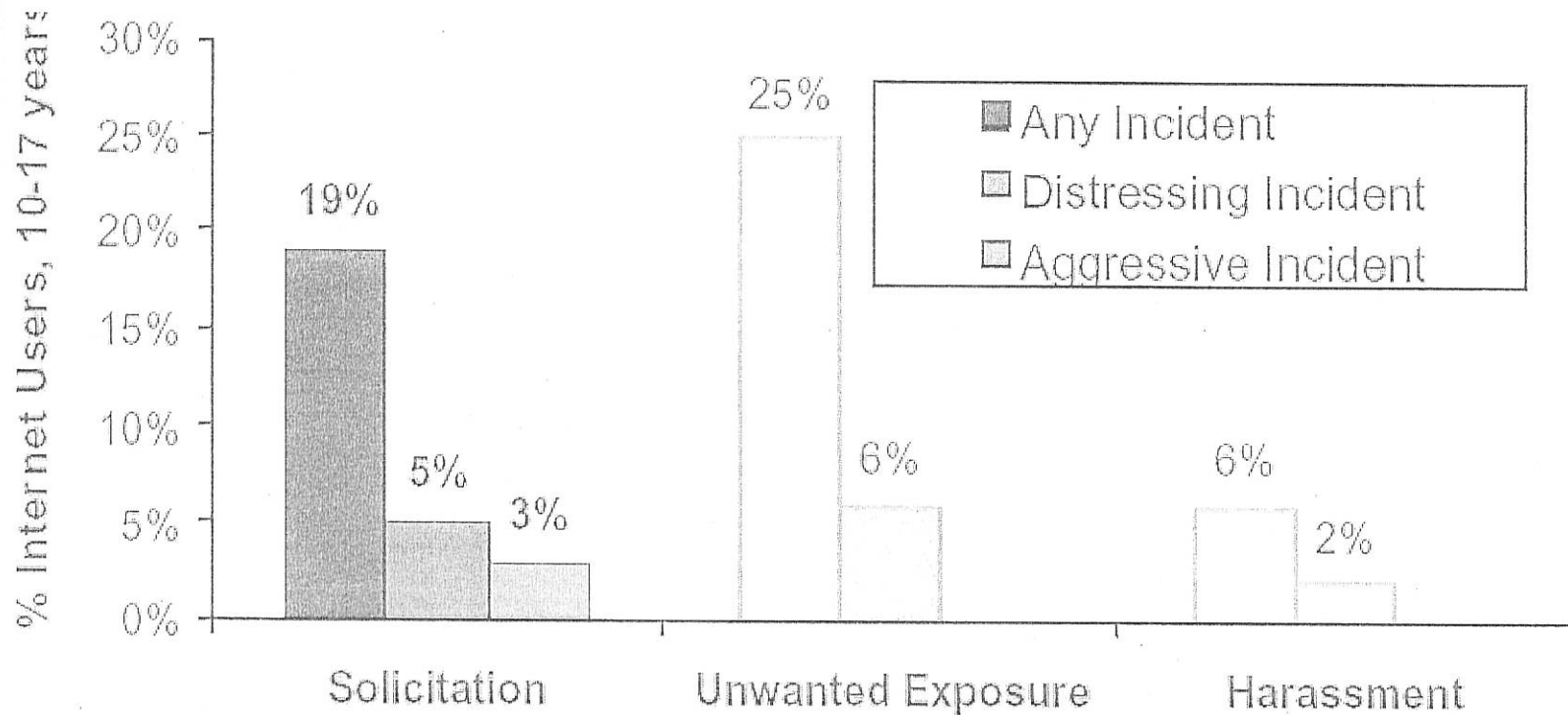
2000- Aggravated Indecent Liberties
(Child < 14 y-o)

Pre-Sentencing Report:

Employed as elementary school teacher.
Raped more than 100 boys in Arkansas,
Oklahoma, Missouri and Kansas. Text
book example of 'pass the trash'
mentality.

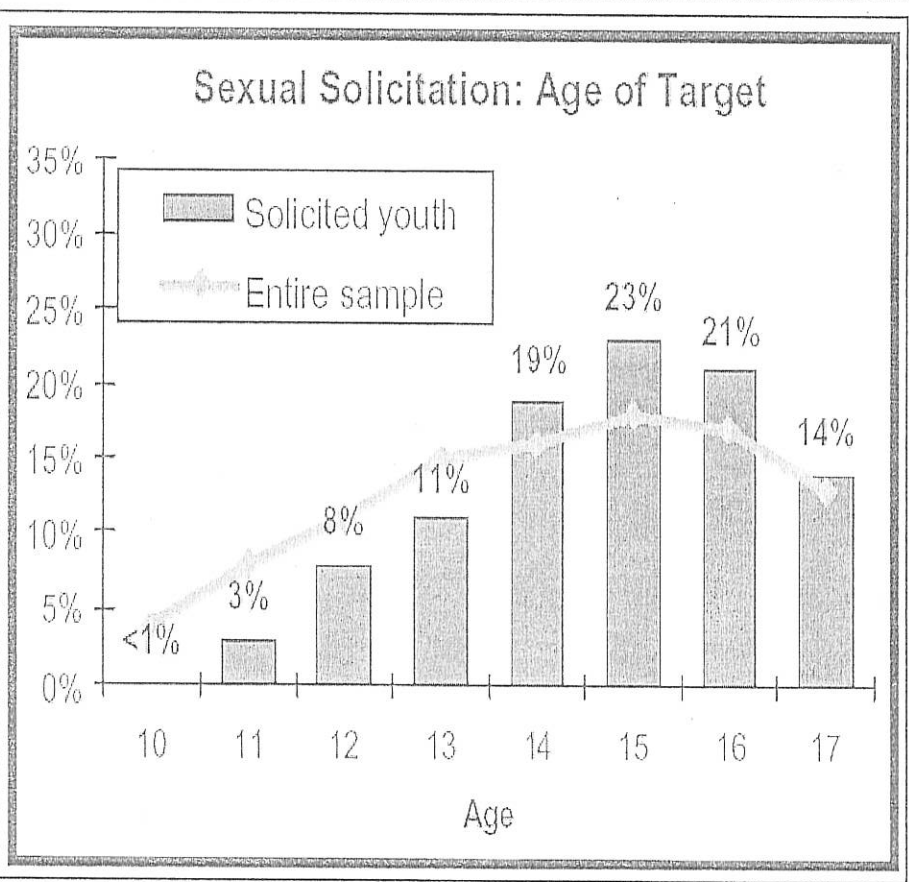
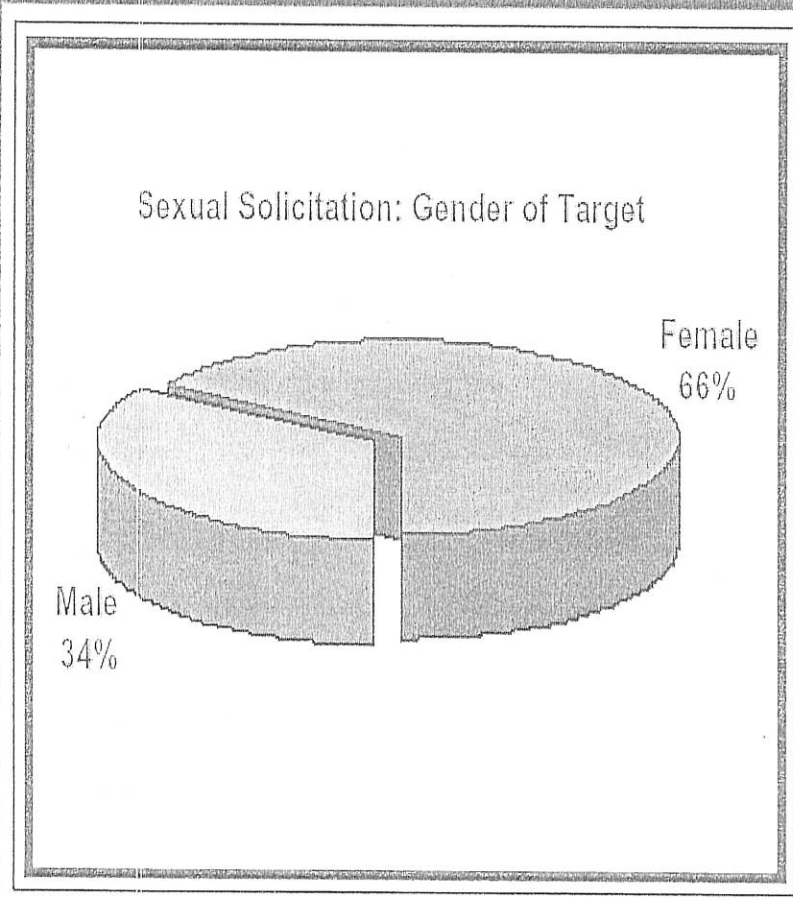
Online Advances Toward Children

Online Victimization in Last Year



Source: National Center for Missing & Exploited Children

Online Advances Toward Children



Note: Adds to less than 100% due to rounding and/or missing data

Source: National Center for Missing & Exploited Children

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Legal Age of Consent

Age du consentement à l'acte sexuel
 Edad de consentimiento para actividad sexual
 Age du consentement à l'activité sexuelle
 Mayoría de edad sexual
 Edad de consentimiento para actividades sexuales
 ALSO CALLED LEGAL AGE OF SEXUAL CONSENT
 [RETURN TO MAIN MENU FOR MORE OPTIONS]

This is *not* an official guide. We do not guarantee the accuracy of any of the information contained herein. Please help me keep this as correct as possible by sending any corrections that are needed as well as the SOURCE or site where we can verify the corrections. We derive our information mostly from the published laws of the various states and governments. **BUT YOU WON'T FIND A MORE ACCURATE GUIDE ON THE WEB.**

This table lists the age when people of various sexualities can legally have sex right around the world. Some areas call this the age of sexual consent; others the age of consent; and even others, the age at which one cannot be convicted for "statutory rape" (also age of protection and age of sexual maturity). Read the DEFINITIONS page. Do **NOT** send us email until you have read the definitions and the documentation pages!

Where two ages are shown it is because sexual activity is legal at the lower age unless the younger person subsequently complains, or we cannot confirm a codified age. In certain countries, persons below the minimum age shown here can participate in sexual acts under certain conditions without either them or their partners necessarily committing a criminal offence. We suggest that you read the accompanying notes to any particular state or country if you are really interested.

STATE OR COUNTRY NAME LINK-HIGHLIGHTED HAS AN EXPLANATION PAGE.

AGES IN RED HAVE BEEN VERIFIED -- DOCUMENTATION ATTACHED

[DEFINITIONS](#) [COMMENTS](#) [EMAILS](#)

(This chart is left-justified for ease of printing)

| Country | Male-Female Sex | Male-Male Sex | Female-Female Sex |
|--|-----------------|---------------|-------------------|
| Albania | 14 | 14/18?? | 14 |
| Algeria <small>Rev 01/2000</small> | 16 | illegal | illegal |
| Andorra <small>Rev 01/2001</small> | 16 | 16 | 16 |
| Antigua (Barbuda) <small>Rev 01/2001</small> | 16 | 18 | 16 |
| Argentina <small>Rev 01/2001</small> | 12/15/16 | 12/15/16 | 12/15/16 |
| Armenia <small>Rev 01/2001</small> | 16 | illegal | unknown |
| Aruba <small>Rev 01/2001</small> | 16 | 16 | 16 |
| Australia <small>AUT Rev 01/2001</small> | 16 | 16 | 16 |
| Australia <small>NSW Rev 01/2001</small> | 16 | 18 * | no laws |

Download pictures <http://i3.extreme-dn.com/?tag=loveworks&http://www.ageofconsent.com/ageofconsent.htm>

Internet Explorer status bar: 93.64

LEGAL AGE OF CONSENT (Ageofconsent.com) Age of consent information for all 50 states - Microsoft Internet Explorer

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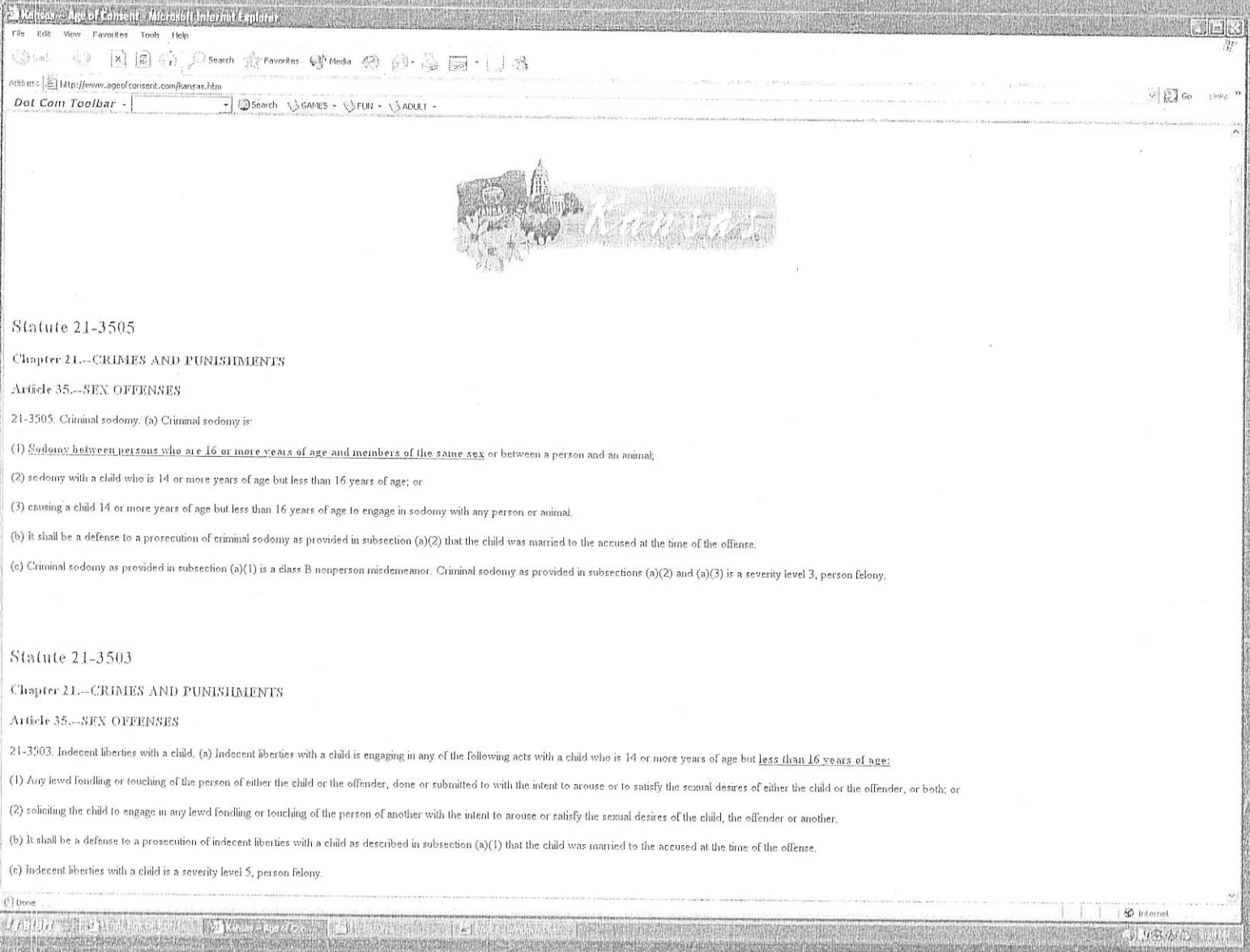
Address http://www.ageofconsent.com/ageofconsent.htm

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| | | | | |
|-----|--|------------------------------|------------------------|------------------------|
| USA | <u>Connecticut</u> Rev 04/2001 | 16 | 16 | 16 |
| USA | <u>D.C.</u> Rev 01/2000 | 16 | Law Repealed | Law Repealed |
| USA | <u>Delaware</u> Rev 03/2001 | 16/18 | Law Repealed | Law Repealed |
| USA | <u>Florida</u> Rev 06/2001 | 16/18 | Illegal | Illegal |
| USA | <u>Georgia</u> Rev 07/2002 MUST READ! | 16 | 16 | 16 |
| USA | <u>Hawaii</u> Rev 01/2001 | 16 | Law Repealed | Law Repealed |
| USA | <u>Idaho</u> Rev 04/2001 | 16/18 | Illegal | Illegal |
| USA | <u>Illinois</u> | 17 | 17 | 17 |
| USA | <u>Indiana</u> | 16 | 16 | 16 |
| USA | <u>Iowa</u> Rev 03/2001 | 14/16 | Law Repealed | Law Repealed |
| USA | <u>Kansas</u> Rev 06/2001 | 16 | Illegal | Illegal |
| USA | <u>Kentucky</u> | 16 | Law Inhabilitated | Law Inhabilitated |
| USA | <u>Louisiana</u> Rev 03/2001 | 17 | Illegal | Illegal |
| USA | <u>Maine</u> | 16 | 16 | 16 |
| USA | <u>Maryland</u> Rev 04/2001 | 16 | Law Inhabilitated | Law Inhabilitated |
| USA | <u>Massachusetts</u> Rev 07/2001 | 16/18 | PEAD-Law Inhabilitated | PEAD-Law Inhabilitated |
| USA | <u>Michigan</u> Rev 04/2001 | 16 | Illegal | Illegal |
| USA | <u>Minnesota</u> Rev 03/2001 | 16 | Law Inhabilitated | Law Inhabilitated |
| USA | <u>Mississippi</u> Rev 03/2001 | 16 (law passed June 1, 1992) | Illegal | Illegal |
| USA | <u>Missouri</u> Rev 03/2001 | 14/17 | Illegal | Illegal |
| USA | <u>Montana</u> Rev 10/02 | 16/18 | 18 | 18 |
| USA | <u>Nebraska</u> | 17 | Law Repealed | Law Repealed |
| USA | <u>Nevada</u> Rev 12/2000 | 16 | 18 | 18 |
| USA | <u>New Hampshire</u> Rev 03/2001 | 16 | 18 | 18 |
| USA | <u>New Jersey</u> | 16 | 16 | 16 |
| USA | <u>New Mexico</u> | 17 | 13 | 13 |
| USA | <u>New York</u> Rev 03/2001 | 17 | 17 | 17 |
| USA | <u>North Carolina</u> Rev 03/2001 | 16 | Illegal | Illegal |
| USA | <u>North Dakota</u> | 18 | Law Repealed | Law Repealed |
| USA | <u>Ohio</u> Rev 11/2000 | 16 | Law Repealed | Law Repealed |
| USA | <u>Oklahoma</u> Rev 03/2001 | 16 | 16 illegal??? | 16 illegal??? |
| USA | <u>Oregon</u> | 18 | 18 | 18 |
| USA | <u>Pennsylvania</u> | 16 | 16 | 16 |
| USA | <u>Rhode Island</u> Rev 06/2001 | 16 | Law Repealed | Law Repealed |
| USA | <u>South Carolina</u> Rev 03/2001 | 14/16-bill pending | Illegal | Illegal |

Internet





Statute 21-3505

Chapter 21.--CRIMES AND PUNISHMENTS

Article 35.--SEX OFFENSES

21-3505. Criminal sodomy. (a) Criminal sodomy is:

- (1) sodomy between persons who are 16 or more years of age and members of the same sex or between a person and an animal;
 - (2) sodomy with a child who is 14 or more years of age but less than 16 years of age; or
 - (3) causing a child 14 or more years of age but less than 16 years of age to engage in sodomy with any person or animal.
- (b) It shall be a defense to a prosecution of criminal sodomy as provided in subsection (a)(2) that the child was married to the accused at the time of the offense.
- (c) Criminal sodomy as provided in subsection (a)(1) is a class B nonperson misdemeanor. Criminal sodomy as provided in subsections (a)(2) and (a)(3) is a severity level 3, person felony.

Statute 21-3503

Chapter 21.--CRIMES AND PUNISHMENTS

Article 35.--SEX OFFENSES

21-3503. Indecent liberties with a child. (a) Indecent liberties with a child is engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age:

- (1) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or
 - (2) soliciting the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another.
- (b) It shall be a defense to a prosecution of indecent liberties with a child as described in subsection (a)(1) that the child was married to the accused at the time of the offense.
- (c) Indecent liberties with a child is a severity level 5, person felony.

Update 06-23-01:
 From Scott Curry, Attorney at Law
 316-265-1220

I've included below the Titles, numbers and texts of laws dealing with consent in the state of Kansas. It's important to note that in Kansas, Marriage can be a defense to statutory rape, K.S.A. 21-3502; indecent liberties with a child, K.S.A. 21-3503; aggravated indecent liberties with a child, K.S.A. 21-3504; criminal sodomy, K.S.A. 21-3505; and aggravated criminal sodomy, K.S.A. 21-3506. (see text of statutes below) K.S.A. 23-106 states, in part, that "No clerk or judge shall issue a license authorizing the marriage of any person under the age of 18 years without the express consent of such person's father, mother or legal guardian and the consent of the judge unless consent of both the mother and father and any legal guardian or all then living parents and any legal guardian is given in which case the consent of the judge shall not be required."

In addition to statutory law, Kansas is one of the few states in the union that recognizes Common Law Marriages. The age required for Common Law Marriage in Kansas is lower than that required for a statutory marriage by K.S.A. 23-106, above. For Common Law Marriage, the female must only be 12 years old, the male 14. (See In re Pace, 26 Kan. App. 2d 538, 989 P.2d 297 (1999), State v. Sedlack, 246 Kan. 305, 787 P.2d 709 (1990), State v. Johnson, 216 Kan. 445, 523 P.2d 1325 (1975). (A bill introduced in the 2000 Kansas legislative session would have limited the age for contracting a common law marriage to persons 18 years or older. In addition, the bill provided that persons 16 and 17 years of age could contract a common law marriage with parental or judicial consent. This bill did not become law. House Bill No. 2876.)

Because marriage is a defense to the above crimes, a valid Common Law Marriage would therefore lower the age of consent to 12 for a female spouse and 14 for a male spouse. Check with a local attorney as to the requirements for a valid Common Law Marriage in Kansas

 Statutes:

21-3502. Rape. (a) Rape is:
 (1) Sexual intercourse with a person who does not consent to the sexual intercourse, under any of the following circumstances:
 (A) When the victim is overcome by force or fear;
 (B) when the victim is unconscious or physically powerless; or
 (C) when the victim is incapable of giving consent because of mental deficiency or disease, or when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by the offender or was reasonably apparent to the offender;
 (2) sexual intercourse with a child who is under 14 years of age;
 (3) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a medically or therapeutically necessary procedure; or
 (4) sexual intercourse with a victim when the victim's consent was obtained through a knowing misrepresentation made by the offender that the sexual intercourse was a legally required procedure within the scope of the offender's authority.
 (b) It shall be a defense to a prosecution of rape under subsection (a)(2) that the child was married to the accused at the time of the offense. (c) Rape as described in subsection (a)(1) or (2) is a severity level 1, person felony. Rape as described in subsection (a)(3) or (4) is a severity level 2, person felony.

21-3503. Indecent liberties with a child.
 (a) Indecent liberties with a child is engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age:
 (1) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or
 (2) soliciting the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another.
 (b) It shall be a defense to a prosecution of indecent liberties with a child as described in subsection (a)(1) that the child was married to the accused at the time of the offense. (c) Indecent liberties with a child is a severity level 5, person felony.

21-3504. Aggravated indecent liberties with a child.
 (a) Aggravated indecent liberties with a child is:
 (1) Sexual intercourse with a child who is 14 or more years of age but less than 16 years of age;
 (2) engaging in any of the following acts with a child who is 14 or more years of age and who does not consent thereto:
 (A) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or satisfy the sexual desires of either the child or the offender, or both; or
 (B) causing the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another; or
 (3) engaging in any of the following acts with a child who is under 14 years of age:
 (A) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or
 (B) soliciting the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another.
 (b) It shall be a defense to a prosecution of aggravated indecent liberties with a child as provided in subsection (a)(1), (a)(2)(A) and (a)(3)(A) that the child was married to the accused at the time of the offense.
 (c) Aggravated indecent liberties with a child as described in subsections (a)(1) and (a)(3) is a severity level 3, person felony. Aggravated indecent liberties with a child as described in subsection (a)(2) is a severity level 4, person felony.

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The Human Face of Pedophilia

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- ◉ [our ethics](#)
- ◉ [our creed](#)
- ◉ [faq](#)

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- ◉ [general news](#)
- ◉ [news about us](#)
- ◉ [press releases](#)

Unmasked

- ◉ [lindsay adriana](#)

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- ◉ [testimonials](#)
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Lindsay Adriana





Welcome!

Allow me to remove my mask for you...

This is a site about pedophiles. However, unlike other sites that seek only to provide general information about pedophiles, here I will give you a *specific* view. I am a pedophile, a real live person who has a special sexual orientation which is, unfortunately, so often misunderstood.

I have chosen to take this bold step because I wish to dispel the notion that I am a monster. It is so easy to attribute horrifying characteristics to that which is unseen. By coming forward into the clear light of day, therefore, I will not only demonstrate my humanity, but that pedophiles do not wish to lurk in the shadows, as many would believe.

I am not afraid of who or what I am, because I have nothing to hide. I have always abided by the laws of the countries in which I have resided—even the laws with which I have not agreed. I have no desire to hurt or take advantage of anybody. I invite any others who share my *ethics* and my commitment to refuting the onslaught of disinformation about us to join me on this site.

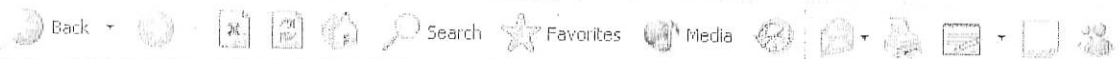
[Ask Cat!](#)

Catherine N.Y. is a 39 year old girl whose girl/boy relationship started at age 8, and continues today to this day. Cat is here to answer your questions about catlove from the perspective of a girl who was and is happy with her relationship. Maybe you're looking for advice. Maybe you'd like a girl's perspective on consent and ethics when catlove is not mutual. Frantically, Cat will answer two of your emailed questions as best she can. Email her your questions at loopholes@catlove.org. Cat won't be able to answer every question in her column, but will respond to as many emails as she can.

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Tom Cruise
Timothy Anderson

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The Human Face of Pedophilia - Main Menu



Address <https://freespirits.org/freedom/messages/102559.htm>

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[Threaded index](#) [Date index](#)

Politics

Posted by Fame on 2004-01-20 20:20:23, Tuesday

I have thought about it and have come up with a checklist of sorts that will help advance our agenda. Please feel free to correct, edit, add, and subtract from this checklist.

- 1) Get the DSM to remove pedophilia as a mental disorder
- 2) Write anonymous articles and propose anonymous studies about pedophiles so that we are seen as normal people.
- 3) Create something like the "anti-defamation league". Basically an organization made up of pedophiles who publicly defend attacks against peds.
- 4) Start coming out. Much like homosexuals today are doing.

I'm sure I am missing something.

Wishing you the very best,
Fame

7-18

Support HB 2004

- Encourage the House Corrections and Juvenile Justice Committee to recommend HB 2004 favorable for passage.
- Strengthen Kansas law and protect vulnerable victims of these terrible crimes.

(8)

**Trafficking in Persons:
Modern-day Slavery's Threat to Human Rights, Health, and Safety**

Testimony by Chad Bettes
Office to Monitor and Combat Trafficking in Persons
U.S. Department of State

House Committee on Corrections and Juvenile Justice
February 17, 2005

Thank you, Mr. Chairman, and special thanks to Sen. Nick Jordan and Rep. Judy Morrison for your leadership in introducing this bill to combat trafficking in persons.

It is an honor to be in my home state to talk about American leadership in the global effort to eradicate trafficking in persons. I am particularly proud to see us living up to our state's abolitionist roots in taking the lead in addressing such a despicable crime.

When we discuss trafficking in persons, it is important that we be clear about what we are talking about. We are talking about people trafficked from freedom into nothing less than modern-day slavery — by force, fraud and coercion.

It is nearly impossible for me to begin this discussion without presenting the human face of the issue, because it is, after all, real women, real children, and real men we are fighting for.

When you see, as I have, young girls and boys like Khan, who have been trafficked into forced labor, subjected to inhumane working conditions, brutally abused, even scarred by industrial chemicals deliberately poured on them, you must speak out on their behalf.

When you see, as I have, teenage girls and young women like Srey Po, who have been trafficked into commercial sexual exploitation, threatened with their lives and the lives of their children, forced to service unthinkable numbers of men day after day, and cruelly treated, you are compelled to oppose this crime.

When you see, as I have, people from all corners of the globe, trafficked — bought and sold — forced into domestic servitude, child soldiering, camel jockeying, and other devastating situations, you become nothing less than a 21st century abolitionist.

This is not a crime only foreign countries must face. It is a crime we all must face because an estimated 600,000 to 800,000 people each year are trafficked across international borders, and 14,500 to 17,500 are trafficked into the United States. Many more are trafficked within country borders, including our own. This is a crime that knows no borders — indeed there have even been troubling allegations of human trafficking right here in our own state in recent months.

President Bush has eloquently set the tone for U.S. action on this issue. At the United Nations General Assembly in September, he said to the world, "We must show new energy in fighting back an old evil. Nearly two centuries after the abolition of the transatlantic slave trade, and more than a century after slavery was officially ended in its last strongholds, the trade in human beings for any purpose must not be allowed to thrive in our time."

I would like to give you a brief overview of U.S. Government efforts to fight back this old evil, and then what might be done to address this evil in Kansas.

In the State Department's Office to Monitor and Combat Trafficking in Persons, which was created by Congress in the Trafficking Victims Protection Act of 2000, we are monitoring worldwide human trafficking patterns and issuing an annual report in order to stimulate increased action by foreign governments and regional coordination. The report has become an invaluable diplomatic tool the State Department uses to accelerate progress abroad. For instance, in the months leading up to and directly following our last two *Trafficking in Persons Reports*, we have seen a surge in government activity around the world: the passage of new anti-trafficking laws, increased prosecutions of traffickers, national public service announcements and much more. We don't think it is a coincidence that increased anti-trafficking efforts coincided with a sanctions clause coming into effect in 2003: Countries that do not make minimal efforts to confront slavery face the threat of losing certain U.S. assistance.

In addition to the report, a second core function of our office is coordinating U.S. financial assistance to support anti-trafficking programs around the world. With fiscal year 2003 funding, U.S. taxpayers provided more than \$70 million to anti-trafficking in persons efforts, boosting our total to more than \$150 million over two years. USAID and the Departments of State, Labor, Justice, and Homeland Security are involved in these efforts in foreign countries. In fact, 11 U.S. government agencies involved in anti-trafficking in persons efforts have developed a strategic plan to guide our government's anti-TIP efforts. We are investing in prevention, protection, and prosecution to stop the flow of new people into trafficking, to ensure they are safe once rescued from slavery, and to ensure justice is served by putting traffickers in jail for significant amounts of time.

Finally, we take our mandate to increase public outreach very seriously. We are reaching millions of people around the world through media, public speaking engagements, and other communications efforts. This public outreach is leveraged to increase the effectiveness of the report and assistance programs. It is shining a bright light on this problem, accelerating our momentum.

The reason for our vigorous federal action is the multidimensional threat human trafficking poses. Not only is it a grave threat to human rights, it is a threat to the public health through the spread of disease and our safety and security due to the huge profits generated for organized crime.

This threat is real in Kansas. As I mentioned a moment ago, recent reports of shocking human trafficking allegations have surfaced here, including charges of a 20-year-old man and his father luring 13- to 16-year-old girls from Wichita to Oklahoma and forcing them to become truck-stop prostitutes.

The Department of Justice has taken the lead to date in aggressively investigating and prosecuting human trafficking cases in the U.S., and I will let law enforcement experts primarily speak to the prosecution aspects of this issue. But, according to our law enforcement colleagues at the local, state, and national levels, as we learn more about the human trafficking phenomenon, as we arrest more traffickers, we realize how important it is to have comprehensive anti-TIP state laws.

Current state statutes do not always cover the range of activities traffickers engage in. For example, a trafficking crime can involve kidnapping and prostitution, but these might be in unrelated parts of the state code. State laws specific to human trafficking help ensure there are no legal gaps in our efforts to confront trafficking at home.

The reality is that the bulk of law enforcement is done at the state level. Each county or district has a prosecutor enforcing state law. Consider murder, rape, prostitution — typical crimes handled at the local and state levels.

Federal crimes typically involve interstate commerce and constitutional rights, for example. There is no way for federal prosecutorial resources to catch all the trafficking cases in Kansas.

Local police officers don't necessarily focus on the breadth of federal law and may not be fully trained in federal law. Understandably, these officers won't necessarily ask the kind of questions that would be necessary to indicate the violation of a federal law such as the Trafficking Victims Protection Act.

The U.S. Department of Health and Human Services is in the midst of an anti-TIP pilot program targeting audiences such as local law enforcement and health care workers. One of the themes of the program is "Look Beneath the Surface" because, to identify victims of modern-day slavery, you have to probe the conditions in which, for example, a woman being used in prostitution got there, how she is being controlled or coerced, what are the conditions of her potential servitude.

Imagine a woman used in prostitution being picked up in a vice bust. If it seems she is in this country illegally, she will probably be treated like a criminal. But if she was deceived, forced, or coerced into prostitution, chances are she is a victim of human trafficking.

Untrained, or unaware of the Trafficking Victims Protection Act, local law enforcement can easily miss the true nature of the crime.

By passing comprehensive state laws, we close legal gaps, we create the need for comprehensive local training regarding the many faces of the trafficking crime, we increase the penalties traffickers face, and we bundle disparate legal elements that must be brought to bear in the dual functions of identifying/prosecuting criminals while protecting victims.

Historian Allan Nevins said, "That Kansas has had a special character and peculiar destiny most of her citizens have always believed." It is my hope Kansas will live up to her special character and peculiar destiny — indeed her free-state legacy — by joining Washington, Texas, Missouri, and Florida in enacting state anti-trafficking laws as recommended by the Department of Justice.

The importance of this action cannot be underestimated because of the serious multidimensional threat human trafficking poses to human rights, public health, and the safety and security of our communities. It is a crime that has troubling implications, not just to Khan and Srey Po and the alleged teenage victims in the Wichita case, but to us all.



Department of Justice

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BUSH ADMINISTRATION HOSTS FIRST NATIONAL TRAINING CONFERENCE TO COMBAT HUMAN TRAFFICKING

President George W. Bush And Attorney General John Ashcroft Address Conference

TAMPA - Today, President Bush joined Attorney General Ashcroft and other senior Bush Administration officials at the first-ever national training conference on human trafficking: *Human Trafficking into the United States: Rescuing Women and Children from Slavery*. Hosted by the Justice Department, the conference brought together over 500 attendees, comprised of the hundreds of state, local and federal officials who work together to combat human trafficking in communities across America. Trafficking in persons, a modern day form of slavery, is a serious problem in the United States and throughout the world. Each year, an estimated 600,000-800,000 men, women, and children are trafficked against their will across international borders. Of those, 14,500-17,500 are trafficked into America. Victims are forced into prostitution, or to work in sweatshops, quarries, as domestic labor, or child soldiers, and in many forms of involuntary servitude.

Throughout the past three years, the Bush Administration has taken strong steps to combat trafficking at home and abroad. Today at the conference, the Bush Administration announced new steps and resources to combat human trafficking. These initiatives include \$14 million to law enforcement to help human trafficking victims, \$4.5 million for organizations to assist victims, new interagency cooperation to ensure the timely delivery of benefits and services to victims, a model state law criminalizing human trafficking, new training resources, new task forces, as well as greatly increased investigations and prosecutions of human trafficking.

"From the very beginning of his Administration, President Bush has spoken forcefully and eloquently about the brutal crime of human trafficking," said Attorney General John Ashcroft. "We will protect the victims, prosecute the perpetrators, and build partnerships to address, attack and prevent human trafficking. These steps send a clear message that America will repel aggressively assaults on our core values of freedom and respect for human dignity. We have had success in the past three years, but we understand that these efforts are only the beginning. It is critical that we work together to track down those who hide their barbaric businesses in the shadows, and to help their victims."

- **\$14 Million for Law Enforcement Agencies and Service Providers To Help Trafficking Victims:** The Bush Administration today announced Department of Justice funding to support and implement local efforts to identify, rescue, and restore victims of trafficking. The Justice Department will make available \$14 million to law enforcement agencies and service providers.

and as many as 25 communities across the country will be eligible to receive this funding. This money will support anti-trafficking efforts to identify, rescue and restore victims of trafficking in communities across the country. The Office of Justice Programs' Bureau of Justice Assistance and the Office for Victims of Crime (OVC) will administer the new grant program.

- **\$4.5 Million for Organizations To Help Trafficking Victims:** Today, the Justice Department awarded \$4.5 million to nine local organizations that provide shelter where victims of trafficking can find refuge in the interval between rescue and the determination of eligibility for public assistance and other benefits. The grant program provides comprehensive services for victims of trafficking by building on existing community resources, to strengthen the collaboration and cooperation among existing agencies and organizations that serve trafficking victims; to provide training to criminal justice personnel, social service providers and the public of the rights and needs of trafficking victims; and to support the ability of trafficking victims to cooperate with law enforcement and prosecutors in the investigation and prosecution of trafficking cases. The Office of Justice Programs' Bureau of Justice Assistance and the Office for Victims of Crime (OVC) is administering this grant program. Grant recipients include:

Bilateral Safety Corridor Coalition, CA: \$500,696

Safe Horizon: \$500,000
(For work in the five boroughs of NYC)

New York State Office of Temporary and Disability Assistance: \$500,000
(For work in the state of NY, minus NYC's five boroughs)

International Institute of Boston, MA: \$500,000

International Rescue Committee, NY: \$499,999
(For work in the state of WA)

World Relief Corporation, Baltimore, MD \$499,998
(For work in AL, FL, KY, MD, MS, NC, LA, TN, TX, SC, OK)

U.S. Conference on Catholic Bishops, Washington, DC: \$413,298
(For work in MD, DE, PA and NJ)

U.S. Conference on Catholic Bishops, Washington, DC: \$372,237
(For work in OR)

Refugee Women's Network, Inc.: \$311,708
(For work in GA)

- **Cooperation to Combat Trafficking:** To ensure the smooth and timely delivery of benefits and services to trafficking victims as well as comprehensive investigations and prosecutions, the Departments of Justice, Health and Human Services, and Homeland Security are working together to share information and provide benefits to victims most in need. In addition, the charter for the Human Smuggling and Trafficking Center went into effect July 2004 and brings together representatives from law enforcement, intelligence, and diplomacy to combat alien smuggling, trafficking in persons, and terrorist travel networks.
- **Comprehensive Anti-Trafficking State Laws:** While many states have laws that address various aspects of the crime of trafficking in persons, comprehensive anti-trafficking statutes are needed

X to deter and punish the wide range of coercive tactics used by traffickers. To meet this need, the Justice Department has drafted a model anti-trafficking statute for states. Texas, Washington, Minnesota, Missouri, and Florida already have comprehensive state trafficking laws.

- **Increased Investigations and Prosecutions of Human Traffickers:** The Bush Administration has greatly increased human trafficking prosecutions. From FY 2001-2003, the Justice Department initiated prosecutions of 110 persons, nearly a three-fold increase compared to the previous three years. Of those, 78 involved allegations of sex trafficking. From FY 2001 to now, the Department obtained convictions and guilty pleas from 107 individuals. From FY 2001-2003, the Department opened 210 new investigations, more than double the number opened in the previous three years. At present, the Department has 168 open investigations into possible human trafficking crimes, more than twice as many as were open in January 2001.
- **Anti-Trafficking Training for Law Enforcement and Organizations that Help Victims:** The Department of Justice provides anti-trafficking training to federal, state and local prosecutors, as well as law enforcement agents and officers, to non-governmental organizations and to officials of foreign governments. The training program will be made available to trafficking response teams attending the conference to enhance their efforts. The Justice Department is also developing a model curriculum for the victim-centered approach to identifying and rescuing trafficking victims and investigating and prosecuting their traffickers and abusers.
- **Anti-Trafficking Task Forces:** To combat trafficking, the Bush Administration has convened anti-trafficking task force coalitions in Philadelphia, Phoenix, Atlanta, and Tampa and will create a dozen additional task forces this year. These task forces bring together federal, state, local, and non-governmental sectors to combat trafficking and provide comprehensive assistance to victims. Additionally, public service announcements have been issued in Spanish, Russian, Polish, Chinese, and Korean to inform victims of their rights.

These new efforts will support the Bush Administration's ongoing initiatives to combat human trafficking and provide assistance to trafficking victims. Since 2001, President Bush has provided more than \$35 million to 36 faith-based and community organizations across the country to aid victims of trafficking with services such as emergency shelter, legal, mental, and health services, as well as English-proficiency instruction. In addition, the Department of Health and Human Services has launched a referral hotline to help victims. The Administration has also worked to provide immigration relief for trafficking victims through a new class of visa (T-visas) that allows trafficking victims to remain in the U.S. for three years with work authorization and access to benefits and services. Additionally, on an international level, President Bush's budget has provided more than \$295 million to support anti-trafficking programs in more than 120 countries since 2001.

The conference was attended by trafficking response teams made up of federal, state and local law enforcement, prosecutors and victim service providers from at least twenty-one cities with known concentration of trafficking victims. Teams came from communities including Atlanta, GA; Charlotte, NC; Chicago, IL; El Paso, TX; Houston, TX; Las Vegas, NV; Long Island, NY; Los Angeles, CA; Miami, FL; Newark, NJ; New Orleans, LA; New York, NY; Metropolitan Washington, DC; Philadelphia, PA; Phoenix, AZ; Richmond, VA; San Diego, CA; San Francisco, CA; St. Louis, MO; Seattle, WA and Tampa, FL. These teams learned how to uncover and investigate cases, as well as how to provide services to trafficking victims. The conference emphasized the importance of combating trafficking using a victim-centered approach. Rescuing victims requires proactive law enforcement strategies and an understanding of the collaborative approach to human trafficking that includes community members, first responders, restorative care service providers, victim advocates, as well as state, local, and federal law enforcement.

The latest U.S. government interagency report on human trafficking, *Assessment of U.S.*

Government Activities to Combat Trafficking in Persons can be found at www.usdoj.gov/trafficking.htm <<http://www.usdoj.gov/trafficking.htm>>.

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04-489

Section 1. (a) Trafficking is:

(1) Recruiting, harboring, transporting, providing or obtaining, by any means, another person knowing that force, fraud, threat or coercion will be used to cause the person to engage in forced labor or involuntary servitude; or

(2) benefitting, financially or by receiving anything of value, from participation in a venture that has engaged in acts set forth in subsection (a)(1).

(b) Trafficking is a severity level 2, person felony.

(c) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 2. (a) Aggravated trafficking is trafficking, as defined in section 1, and amendments thereto:

(1) Involving the commission or the attempted commission of kidnapping, as defined in K.S.A. 21-3420, and amendments thereto;

(2) committed in whole or in part for the purpose of the sexual gratification of the defendant or another; or

(3) resulting in a death.

(b) Aggravated trafficking is a severity level 1, person felony.

(c) This section shall be part of and supplemental to the Kansas criminal code

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

10

**Statement of
Kris W. Kobach
Professor of Law
University of Missouri (Kansas City)**

Before the Kansas House of Representatives

Regarding Proposed Human Trafficking Legislation

February 17, 2005

Introduction

Mr. Chairman and Members of the Committee, I come before you today in my capacity as a Professor of Constitutional Law and Legislation at the University of Missouri (Kansas City). During 2001-2003, I served as Counsel to U.S. Attorney General John Ashcroft at the U.S. Department of Justice.

The Scope and Nature of Human Trafficking

It is estimated by the U.S. Department of Justice that 600,000 to 800,000 people are trafficked across international borders each year having been bought, sold, transported or held in slavery-like conditions for sex and labor exploitation. Between 14,500 and 17,500 people are trafficked annually into the United States. The nature of this crime – underground, with severe and coercive pressure on victims to remain silent – contributes to an inability to determine the precise number of trafficking victims. The typical human trafficking scenario involves victims entrapped in commercial sexual exploitation such as prostitution, labor exploitation in sweatshops, domestic servitude, forced construction work or forced agricultural work.

The victims come from every region of the world. However, certain countries dominate the list of known victims' nationalities. In FY 2002, according to U.S. Government figures, two nationalities were especially prevalent: Honduras (36%) and Mexico (35%). In FY 2003, the top nationalities were India (38%), Vietnam (11%), Mexico (9%), Indonesia (5%), Tongo (5%), Zambia (5%), and Thailand (4%). Approximately 80 percent of the victims are female.

The destinations of trafficking victims in the United States are spread throughout the country. The Department of Justice has initiated human trafficking investigations in 45 of the 50 states, including Kansas. The largest concentrations of victims are found in the California, New York, Florida, Texas, and Oklahoma. The existence of frequent

human trafficking into the states of Texas and Oklahoma, so close to Kansas's southern border, certainly raises the urgency of the issue for the state of Kansas.

The Federal Legal Framework

Trafficking is typically linked to other criminal activities such as document fraud, money laundering, and migrant smuggling. And of course slavery and involuntary servitude have been outlawed in the United States since 1865 with the adoption of the 13th Amendment to the U.S. Constitution. Although these crimes allowed the U.S. government to punish human trafficking to a degree, the U.S. Government dramatically improved our prosecutorial and relief efforts with Congress's passage of the Trafficking Victims Protection Act of 2000 ("TVPA"), signed into law on October 28, 2000. The TVPA enhanced three aspects of federal government activity to combat trafficking in persons:

- (1) **Victim Assistance.** The TVPA made trafficking victims eligible for the same federally-funded health and other benefits available to refugees; created the T nonimmigrant status ("T Visa") for certain trafficking victims who cooperate with law enforcement in the investigation and prosecution of trafficking; and allowed T nonimmigrant status holders to adjust to permanent resident status.
- (2) **Criminal Penalties.** The TVPA defined new crimes and enhanced penalties for existing crimes. Such crimes include forced labor; trafficking with respect to peonage, slavery, involuntary servitude, or forced labor; sex trafficking of children or by force, fraud or coercion. Importantly, the TVPA provided for mandatory restitution and forfeiture.
- (3) **Foreign Assistance.** The TVPA provided for assistance to foreign countries in drafting laws to prohibit human trafficking, and to strengthen investigation and prosecution of traffickers.

The Trafficking Victims Protection Re-authorization Act of 2003 ("TVPRA"), signed into law by President Bush on December 19, 2003, reauthorized some provisions

of the TVPA. It also mandated new information campaigns to combat sex tourism, modified the federal criminal law, and created a new civil action provision that allows trafficking victims to sue their traffickers in federal district court. In addition, the TVPRA's section 6(a) required a report from the Attorney General to Congress to be submitted to Congress every year beginning on May 1, 2004.

Enforcement Statistics

Since the passage of the TVPA, and with the considerable attention devoted to this issue by the Justice Department under the leadership of Attorney General Ashcroft, there has been a marked increase in the Department's human trafficking caseload. In FY 1993, only 12 trafficking investigations were initiated. In contrast, in 2003, there were 82 investigations initiated. The number of defendants recently charged by the U.S. government in trafficking prosecutions was 38 in FY 2001, 41 in FY 2002, and 31 in FY 2003. Although these numbers are a significant increase over earlier years, they also illustrate just how far we have to go, when 14,500-17,500 people are trafficked into the United States each year.

Another measure of human trafficking and U.S. Government efforts to deal with it, may be seen in applications for benefits. One is the T visa, which allows a recipient victim who complies with reasonable requests for assistance in investigation and prosecution of the crime to remain lawfully in the United States for three years. After that time, the victim may seek to adjust his immigration status to lawful permanent resident. In FY 2003, the U.S. Government received 601 applications for T nonimmigrant status, approved 297, and denied 30.

Case Examples

United States v. Soto-Huarta. In February 2003, law enforcement official in Texas encountered two women who were stripped, gang-raped, and dropped off near a roadway. U.S. Immigration and Customs Enforcement (ICE) then launched an

investigation and identified two additional female victims and rescued them. Further investigation by ICE, the FBI, and federal prosecutors revealed that, from January through March 2003, alien smugglers had brought unsuspecting illegal aliens across the U.S.-Mexico border to trailer "safehouses" where women were kept and forced to cook, clean, and submit to rapes at the hands of the smugglers. Seven defendants pled guilty, one of whom fled after entering his plea and is a fugitive. The sentencing for the other six defendants ranged from 23 years to four months in prison. The ringleaders were also required to pay restitution to the victims.

United States v. Juan and Jose Rojas. In this case, two defendants were charged with importing a young Mexican female into the United States (Georgia) with the intention of forcing her into prostitution. The defendants allegedly persuaded her and possibly other young women to come to the United States to work in a restaurant. The defendants then denied the victims food and threatened them with harm and abandonment if they indicated any unwillingness to work as prostitutes.

United States v. Kil Soo Lee. This is the largest trafficking prosecution ever brought by the Department of Justice. In 2003, a 22-count indictment was brought against five defendants charged with subjecting workers to involuntary servitude in a garment factory in American Samoa. Specifically, the indictment, filed in federal court in Hawaii, charged that the defendants brought over 250 Vietnamese and Chinese nationals, mostly young women, to work as sewing machine operators in a Daewoosa garment factory. The victims, some of whom were held for up to two years, were forced to work through extreme food deprivation, beatings, and physical restraint. The victims were held in barracks on a guarded company compound. One victim had an eye gouged out by a defendant who struck her with a jagged pipe in order to punish her for refusing to comply with the defendants' orders.

The Need for a State Statute Criminalizing Human Trafficking

One might reasonably ask why the state of Kansas should pass a state statute criminalizing human trafficking, when so much enforcement activity is going on at the federal level, and when by definition the crime involves interstate and international travel. However there is an important role for states to play, and the U.S. Department of Justice is encouraging states to pass statutes criminalizing human trafficking. First and foremost, this overlap of state and federal crimes allows for more prosecutions to be brought, as state prosecutorial resources can be mobilized to fight human trafficking where appropriate. Second, a state law serves to define the crime clearly and gives guidance to state and local law enforcement, whose efforts are often the first step in uncovering human trafficking. Third, cases may arise in which human trafficking offenses are part of a larger set of crimes. Prosecution of the defendants for these state crimes, along with the trafficking crimes, in a single state jurisdiction may offer the best prosecution strategy.

(11)

WRITTEN TESTIMONY KANSAS LEGISLATURE

*Corrections and Juvenile Justice Committee
Representative Ward Loyd, Chairman
House Bill 2004*

Dr. Janice Shaw Crouse, Ph.D.
Senior Fellow, Concerned Women for America

Dr. Crouse has spent over a decade working to combat sex trafficking by serving in two national task forces and working to pass national legislation [the 2000 Trafficking Victims Protection Act (TVPA) and its 2003 reauthorization] that would increase efforts worldwide. She also works as a nongovernmental organization representative with the State Department in its efforts. In addition, she conducts research and analyses, writes articles, conducts media interviews, and provides commentary. She has twice been an official U.S. delegate to the United Nations where sex trafficking has been at the top of the agenda. She is currently director of a federal grant to provide training to Mexican leaders to combat trafficking into the United States through its Southern borders.

Every year by estimates of the United States State Department, between 14,000 -17,000 children and women are brought into the United States for what the President has called “modern-day slavery.” Some estimates run as high as 50,000 per year. Sex trafficking is a scourge that is little known among most Americans because it happens under the “radar” of public scrutiny and off the beaten pathways of polite society — primarily in the sleazy parts of our cities, on the side streets of our towns, in trailers off seldom-traveled rural roads, and in shacks located in isolated areas of the nation’s countryside.

We cannot combat this terrible crime unless we recognize that it is happening and learn about its victims who are primarily vulnerable children and women who are preyed upon by very sophisticated networks of evil criminals who are making nearly \$10 billion a year — much of it used to finance organized crime — and there are documented ties to terrorism. The United Nations estimates that trafficking in persons is one of the top three sources of revenue for organized crime (behind drugs and weapons). The human beings lured into being trafficked end up in prostitution, sweatshops, farms, domestic work or other forms of involuntary servitude. Most are treated brutally and repeatedly degraded. Over half of the victims end up trafficked for sexual exploitation; some are forced to serve up to 30 men a day. Millions are trafficked within their home countries.

The toll on individuals caught in this tragedy is terrible enough; that toll is compounded by the broader impact — the human and social toll — disease, drug addiction, physical and emotional damage, sexually transmitted diseases, including HIV/AIDS, social breakdown, loss of educational

opportunity, productivity and earning power. Plus, the nature of the crime — preying on the most vulnerable, the world's poorest and most hopeless children and women — is unconscionable and despicable.

It is important to note that the fight against sex trafficking heated up only four years ago when President Bush established an office in the State Department to address the problem and the U.S. government got serious about the “three P’s”— prosecution, protection and prevention. We also address the “three R’s” of compassion for victims — rescue, removal and reintegration. For the first time, there is a record of convictions for perpetrators as well as hotline, shelters and rehabilitation programs for victims. Last year (2004), there were 153 on-going trafficking investigations being conducted in the Criminal Section of the Civil Rights Division (two times more than three years earlier). Since 2001, the U.S. Department of Justice has charged more than 150 human traffickers and secured convictions for 109 defendants; that is twice the number of those convicted during the previous four years. With more than 240 anti-trafficking programs in over 75 countries (2003 figures), at a cost of nearly \$150 million, the United States is providing training, educational and awareness programs, equipment for law enforcement, shelters, crisis centers, safe houses, counseling and rehabilitation programs.

Currently in the United States, there is an interagency cooperative effort — called the Senior Policy Operating Group on Trafficking in Persons (SPROG) — where cabinet-level personnel work together to coordinate efforts to be maximally effective in ending trafficking in persons. The group includes: Federal Law Enforcement, the Attorney General, the Federal Bureau of Investigation (FBI), Immigration and Customs Enforcement Bureau (ICE), the Department of Health and Human Services (HHS), the Department of Justice (DOJ), the Department of Labor (DOL), the Department of Defense (DOD), the Central Intelligence Agency (CIA), the Department of Homeland Security (DHS), the U.S. Agency for International Development (USAID) and the Office of Management and Budget (OMB).

The United States has also passed the PROTECT Act making it a crime for any person to enter the U.S., or for any citizen to travel abroad, for the purpose of sex tourism involving children. Such crimes can result in 30-year prison terms and the act has already jailed pedophiles. Our government has committed \$50 million to end sex trafficking and is leading international efforts.

We have learned much about the problem over the past four years. One tragic lesson we have learned is that our efforts are not always keeping up with the growth of the problem.

That is why House Bill 2004 is so important.

Trafficking in persons is a human rights violation and every major city in America is affected. Many states have experienced problems similar to the two recent well-publicized incidents in Kansas.

The U.S. gets victims through both Canada and Mexico as well as through immigration at major airports. Canadian officials estimate that around 1,500 to 2,200 persons are trafficking through Canada into the U.S. every year, though observers think that these numbers significantly understate the problem.

We know that, at the present time, there are 25 distinct Russian organized-crime groups operating in the U.S., with 250 pending investigations targeting Russian gangs in 27 states.¹

Five people have been accused of planning to traffic two Chinese women to Arkansas.² In Pennsylvania, a lawyer was charged with imprisoning two Honduran women that he met through magazine ads. He is also accused of abusing the women's children in his home as well as imprisoning other foreign women. His home had bars on the windows and deadbolts on the doors.³

At least five Latvian women were trafficked to Chicago; they were held in slavery-like conditions and forced to strip in nightclubs. The women would earn as much as \$600 per night, but were forced to give all but \$20 to the traffickers. The State Attorney General in Ohio reported that in the more than 2,500 youths reported missing in that state; more than 60 percent are considered "endangered" and usually end up as prostitutes.⁴

The much smaller city Minneapolis has more strip clubs than larger-city Chicago, and the city has at least 200 escort services, including street dwellings called "chicken shacks" where quick prostitution activity is conducted. Social workers report that Korean-run massage parlors and saunas and Vietnamese- and Spanish-speaking sex industries are more underground, but are located even in rural southwestern Minnesota towns. There is known pimp pressure on the migrant farm workers from Mexico and large domestic trafficking rings. Both Georgia and Florida are known areas where women trafficked from abroad are set up in brothels and where sex industries are dependent upon trafficked women.

In early February 2005, a Michigan couple was indicted for keeping a 14-year-old Cameroonian girl in involuntary servitude. Frequently, such criminals promise the American dream to vulnerable girls and women and then, when the victims are under their control, the perpetrators abuse and degrade them. In New Jersey, five teens from Mexico were forced into prostitution after being lured into the U.S. with expressions of love, promises of marriage and a good life in America. Instead, the girls were given false birth certificates, were not allowed to leave the premises, and were abused and forced to work as prostitutes.

Clearly, trafficking in persons is, as President Bush stated at the opening of the United Nations General Assembly in September 2003, "a special kind of evil in the abuse and exploitation of the most innocent and vulnerable."

Through House Bill 2004, the Kansas Legislature is leading the way in the United States to increased awareness of the evil phenomenon of modern-day slavery and, through its legislation, is making it possible to bring an end to this crime that is causing so much tragedy for so many vulnerable children and women.

¹ Barbara Starr, "Former Soviet Union a Playground for Organized Crime: A Gangster's Paradise," *ABC News*, 14 September 1998.

² Associated Press, 8 July 1998.

³ Associated Press, 16 August 1997.

⁴ "Danger for Prostitutes Increasing, Most Starting Younger," *Beacon Journal* (Akron, Ohio), 21 September 1997.

JANICE CROUSE

Janice Shaw Crouse, Ph.D., Senior Fellow at the Beverly LaHaye Institute, the think tank for Concerned Women for America, is a recognized authority on domestic issues, the United Nations, cultural and women's concerns. In May, 2002, she was appointed as a U.S. delegate to the United Nations Children's Summit. Subsequently, she was appointed by the President to the U.S. delegation to the 2003 United Nations Commission on the Status of Women. The Heritage Foundation nominated her for the 2003 Bradley Prize for her influence on contemporary issues. During the first Bush Administration, she was a Presidential Speech Writer, authoring major presidential policy addresses as well as drafting and editing the Presidential White Paper on Welfare Reform.

She is frequently a guest lecturer on college campuses — including most recently Princeton, Harvard, Tulane, Erskine, Asbury, and Georgetown — and at United Nations related conventions like the World Congress of Families III in Mexico City and the commemoration of the International Year of the Family in Kuala Lumpur. She is author of "*Gaining Ground: A Profile of American Women in the Twentieth Century*." The book that she co-authored, "*A Different Kind of Strength*," was a Conservative Book of the Month selection in 2000 and has been printed in two foreign editions. Her paperback, *The Strength of a Godly Woman*, is one of Harvest House Publishers top-five picks.

Her opinion editorials and columns have appeared in major newspapers across the nation as well as in journals and magazines — including the *Washington Post*, *The Washington Times*, *Insight*, *First Things*, *Touchstone*, *USA Today*, *Christianity Today*, *Marriage Partnership*, *Family Voice*, *Citizen*. She has been featured in many of those same publications and others, including *Congressional Quarterly*. She has been interviewed on numerous national radio and television programs including the major television networks as well as C-Span, Fox, MSNBC and CNN. She has authored scholarly and think-tank publications and Congressional Testimony. Prior to the White House, Dr. Crouse wrote for the Honorable Louis W. Sullivan, Secretary of Health and Human Services (HHS) where she coined the phrase, "Healthy Start."

Dr. Crouse was selected to launch CWA's think tank in May 1999 in recognition of the need for a conservative organization solely devoted to conducting quality research on issues of concern to women. Believing in the unity of truth, the Institute recognizes the power of good data and analysis to inform and substantiate policy positions. Before coming to BLI, Dr. Crouse was President of Crouse Communications, a public relations and political analysis firm serving organizations in the United States and throughout the world. Dr. Crouse directed the work of the Ecumenical Coalition on Women and Society, a project of the Institute on Religion and Democracy. Through ECWS, she drafted, edited and produced the *Christian Women's Declaration* and spearheaded the development and execution of IRD's Washington Summit, a conference for women leaders. Previously she was the Project Director for the ECWS team attending the 1995 Fourth United Nations World Conference on Women in Beijing. In addition, she produced the *Beijing Bulletin*, an analysis of the events of the conference that was faxed daily to over 1250 opinion leaders in the United States. In addition to her work in preparation for the conference, analyzing the issues related to the Platform and planning strategy for influencing the conference, Dr. Crouse served as the stateside contact person and spokesperson. She also helped lead team to the 1998 World United Methodist Women's Assembly. Dr. Crouse co-lead a six-member team to the World Council of Churches Eighth Assembly in Harare, Zimbabwe. She attends and writes daily commentaries on United Nations meetings and national political conventions.

Previously, Dr. Crouse was Associate Vice President for Academic Affairs at Taylor University where, among other duties, she was responsible for faculty development and academic programs for a 94-member faculty. She was formerly Professor and Debate Coach at Asbury College and at Ball State University where she was selected as a mentor teacher and her debate team was ranked in the top ten nationally. She received a National Community Leadership Award from the United States Chamber of Commerce. She is a former Woman of the Year and is listed in Who's Who Among American Women. She is a member of the Board of Trustees of Asbury College. She is a member of the Board of Directors for Good News. She serves on four national Task Forces and Coalitions on national and international issues: Against Sexual Trafficking, Against Abuse of Women, Promoting Human Rights, and Promoting Religious Freedom.

Through her speaking and writing, Dr. Crouse addresses the need to strengthen those cultural institutions that instill values in our nation's citizens — family, church, school and community. The National Press Club's compendium of experts describes Dr. Crouse as having "brought insight, keen perception and wisdom to domestic, family, political and women's issues since the early 1990s as a Presidential speechwriter for Bush 41, United Nations delegate, think tank fellow, television commentator, speaker, author and columnist. Her common sense, refreshing honesty and intriguing perspective on cultural and political issues expose spin to reveal truth in a way that has earned respect and made her a popular cultural analyst. Known for applying her strong intellect and articulating her solid faith with candor and humor, she is a conservative leader who appeals across ideological and religious barriers."

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America's Other War and Its Coalition of Willing Combatants

With attention focused on the war in Iraq and the impressive victory for U.S. forces in that arena, another war has not received the attention that it deserves – the war for abolition of sex slaves. Trafficking in human beings is an atrocious crime — one that offends all human sensibilities and is an affront to human dignity and human rights. A U.S. led war, another “coalition of the willing,” is on its way to an equally astonishing victory against an evil regime — the underworld sexual trafficking mafia.

In the war to free women and children from the threat of sexual slavery, two battle victories were won this week.

On April 10, Congress passed legislation (S 151) that includes provisions that will make it easier to prosecute sex offenders and those who exploit children through sex tourism. Amazingly, repeat sex offenders could face life imprisonment. The most recognizable aspect of the legislation is the Amber Alert dimension, but the new provisions related to sex tourism are equally important for children and women. The burdens of proving “intent” related to traveling to engage in sex with a minor and the burden of proving knowledge about the age of the victim have been eased and the penalties have been increased. These new provisions strengthen authorities in their efforts to protect victims and prosecute the criminals who are getting rich off the misery and horrendous exploitation of children and women.

On April 9, the Senate Foreign Relations Subcommittee on East Asian and Pacific Affairs heard testimony reviewing U.S. policy on sexual trafficking of women and children in East Asia and beyond. The underground trade in human beings is largely an under-the-radar-type of endeavor common to world-class evil. Every major city in the world is a battleground where girls as young as 9 years old are forced to serve the depravities of pervers for the profit of pimps and criminals. According to the U.S. State Department more than 700,000 human beings are lured, kidnapped or trapped into the horror that is sexual slavery. The good news, according to John Miller, director of the State Department's Office to Monitor and Combat Trafficking in Persons (TIP), is that almost all governments “are aware of this transnational problem and seek cooperative solutions.” Bilateral and regional teamwork in addressing this transnational crime holds promise, but tremendous challenges remain in the areas of protection and prevention as well as prosecution. There are systemic problems — such as the involvement and cooperation of local law enforcement and public officials — inherent in this multi-billion dollar industry that hamper the war to eradicate sexual trafficking, but for the first time, there is hope for its eradication.

During fiscal year 2002, the United States spent over \$11 million for anti-trafficking programs in the East Asia Pacific region and impressive programmatic successes resulted. The work of Under Secretary of State Paula Dobriansky, the leadership of John

Miller, director of the TIP office, and the advice and expertise of Dr. Laura Lederer are enforcing the provisions of the Trafficking Victims Protection Act and providing the necessary expertise and resolve. Their combined efforts are sending a clear message about the seriousness of TIP legislation: that those countries that fail to make progress in the trafficking war, those countries that remain in Tier 3 of the TIP report, will “face the loss of non-humanitarian and non-trade related aid.”

At the recent United Nations Commission on the Status of Women, Ambassador Ellen Sauerbrey and I, (a private sector delegate appointed by President Bush) worked on one of the Commission’s two focuses: sexual trafficking of girls and women. Several nations wanted to de-link prostitution and sexual trafficking by identifying prostitution as a positive career-option for women and calling prostitute, “sex workers.” There were efforts, too, to minimize the impact of pornography on the demand for prostitution and trafficking. The United States held firmly to President Bush’s policy, stated clearly in his February Presidential Directive, that prostitution and related activities are inherently harmful and dehumanizing and that they contribute to trafficking in persons and sex tourism.

The Departments of Justice, Health and Human Services, the United States Agency for International Development and other government entities and non-governmental organizations (including Concerned Women for America) are joining forces in the war against sexual trafficking. The problem is much broader than the tragedy unleashed on masses of young, innocent girls. As Donna Hughes, Professor of Women’s Studies at the University of Rhode Island, said so effectively in her testimony before the House Subcommittee on April 9, trafficking is inextricably linked to AIDS, a world-wide pandemic where condoms, a Band-Aid solution at best, are offered to the public and in brothels as the only solution for personal and societal safety. Amazingly, many public health workers consider it sufficient to provide condoms and medical services to girls and women in sexual captivity, ignoring the fact that they are in bondage to pimps and criminals. House bill 1298, the so-called Global AIDS bill, has a provision — thanks to Congressman Chris Smith — that will prevent these funds from going to groups that do not oppose prostitution and sexual trafficking.

The “coalition of the willing” in the war against sexual trafficking is building, its forces are getting better informed, better trained and better prepared. The fight is becoming increasingly more sophisticated as implementation strategies are better targeted. The outcome is more hopeful as political resolve is firming up and the coalition is becoming more broad-based and effective. But there are still challenges from those who want to normalize prostitution and fail to see the links to sexual trafficking. There are challenges from those who excuse military and police involvement and remain ignorant of the sex tourism aspect of the problem. There is also a challenge in that the extent of the problem in the United States is virtually unknown among our citizenry, yet 50,000 women and girls are trafficked into America every year.

Gary Hagen, President of the International Justice Mission, calls sexual trafficking the “ugliest and most preventable man-made disaster in our world today.” He tells of going

into a brothel to investigate a sex trafficking ring and promptly being offered for a very modest price, a dozen children between the ages of 6 and 12 for sexual services. Hagen also claims that the industry thrives only because authorities tolerate its presence. We've got to find all those who profit from the scourge of sexual trafficking and we must prosecute and convict them and all those who help them do their ugly work.

While I was in New York recently, a cab driver asked why I was there. When I explained that I was at the United Nations working to combat sexual trafficking, he grunted incredulously and said that if the police really wanted to do something about the problem all they had to do was talk to cab drivers. On any given night, he said, cab drivers could identify dozens of young girls and women who were obviously controlled by pimps; he said that they didn't speak English, didn't know where they were, where they were going and were scared numb and speechless. They were, he said, practically zombies because of the obvious abuse they suffered and the way they were being used. That cab driver was disgusted with the authorities for letting the practice continue.

Several days later, I intentionally brought the subject up with the driver of the cab taking me to the train station for my trip back home. That driver got progressively more angry as I asked questions and finally shouted at me that there was no way to prove anything. He went on and on about how proof is necessary and police ought not to snoop around cab drivers. He was obviously very uncomfortable with my questions, though they were objective, merely curious questions that were asked in a dispassionate tone of voice and in a non-confrontational manner. He stopped two blocks short of my destination, dumped my suitcases out in the street, grinned at me struggling to right my luggage, grabbed his fee, jumped back in his cab and sped off.

We've yet to uncover all the dimensions and the extent of the problem, but we will. We must!

For the past three years, the U.S. Department of State has issued an annual report assessing international sex trafficking and evaluating national efforts to combat trading in persons in countries around the world. The United States has assumed leadership in combating this modern scourge of human slavery. Previously, though, there has been no published assessment of trafficking within the United States. For the first time, the U.S. Department of Justice has issued an "Assessment of U.S. Activities to Combat Trafficking in Persons." Just released this week, the document is a milestone in the effort to stop the underworld of prostitution and forced labor along with the kidnapping, abduction and unbelievable cruelty that is integral to this heinous crime.

The Justice Department report (JD-TIP) acknowledges the difficulties inherent in tracking commercial sexual and labor exploitation because of the nature of the crimes, where and when they take place. Obviously, however, trafficking is fed by organized crime and it is dramatically expanding from its underground, sleazy environment into international arenas of technological and transnational enterprises. The increased sophistication of the crime syndicates, however, poorly conceals the evil activity and the cruel, dehumanizing exploitation that are perpetrating on what President Bush has called "the most vulnerable members of the global society."

The JD-TIP reports a basic fact that is already well-known — the United States is primarily a destination country. This means that the demand for prostitutes in the U.S. feeds the criminal abductions of young girls from other countries. The JD-TIP assesses U.S. efforts to prevent trafficking, to prosecute the criminals and to assist the victims.

The Year 2000 Trafficking Victims Protection Act (TVPA) was a major step forward in acknowledging the trafficking problem in the U.S. and putting into place laws that would make it possible to combat the problem. Previously, there was nothing to give "teeth" to protection and prosecution efforts; nor was there anything substantive that would assist victims. The TVPA has provisions to help victims, specifies penalties for criminal activity, provides assistance to those countries that are working to combat trafficking, and institutes sanctions for those countries that refuse to cooperate in protecting women and children from trafficking. In addition, the law mandates interagency cooperation and a "new, comprehensive approach to the problem."

Significantly, the Executive Branch of the U.S. government has been a driving force behind these new approaches and the President's commitment has been clear in his formal declaration, a National Security Presidential Directive on Trafficking in Persons, as well as in his outspoken advocacy of eradicating trafficking. By establishing an office in the State Department specifically to address sexual trafficking and by appointing former Representative John Miller to head the effort, the United States is making great strides forward and significance progress is being made on numerous fronts. The foundation of these efforts is good information; the State Department's Trafficking in Persons report and the new Justice Department Assessment of sex trafficking in the

United States provide vital information necessary for understanding the extent and nature of the problem and knowing where and how to address the problem.

According to the JD-TIP, approximately 18,000 to 20,000 people are trafficked into the United States annually. With improved methods of data collection and methodology, this figure provides a benchmark from which to track trends and monitor the success of anti-trafficking efforts in the future.

In addition, the President has established a cabinet-level task force to combat and monitor trafficking in persons. Along with a senior policy advisory group that will coordinate and advise on key policy and program issues, efforts should be better coordinated and implemented in the future. Specifically, the United States effort includes:

Protections for and Assistance to Victims of Trafficking

- Victims will have access to benefits and services
- Efforts will be made to provide victims with knowledge about their rights as well as the protections available to them
- Repatriation will be provided for victims who choose to go home
- Immigration relief is available to victims
- Nongovernmental organizations and the public will provide outreach and training

Investigations and Prosecutions of Traffickers

· The JD-TIP provides detailed information about the human trafficking cases under investigation – admittedly labor and time-intensive criminal investigations that face numerous barriers of language and culture. The TVPA has enabled the government to uncover and prosecute cases more effectively.

o In March 2003 there were 128 investigations underway – nearly twice as many as in January 2001.

o The Department of Justice has initiated more than double the number of trafficking prosecutions (20 vs. 9), involving more than three times the number of defendants (79 vs. 24) than prior to TVPA.

o The number of defendants successfully prosecuted increased more than two-fold (51 vs. 23) and more than doubled the number of cases filed (11 vs. 5), quadrupled the number of defendants charged (53 vs. 13), and tripled the number of defendants successfully prosecuted (38 vs. 12) since TVPA.

o While these accomplishments are lauded and mark significant progress, the JD-TIP acknowledges that the number of cases is low in comparison to the estimated magnitude of the problem.

· Sentences in trafficking cases

o The TVPA provides sentencing guidelines, created mandatory restitution and forfeiture provisions — all aspects of the law that will “ensure that defendants convicted of trafficking in persons receive sentences that reflect the seriousness of their crimes.”

o In November 2002, amendments to the TVPA provided increased sentencing for using weapons.

· Training federal and local law enforcement

o This provision is necessary because the new laws and more complete information necessitate different approaches and procedures.

· Prevention of trafficking

o Ideally, prevention of trafficking is the most effective barrier to this cruel human rights violation.

· The United States hosted an international conference in February 2003, “Pathbreaking Strategies in the Global Fight Against Sex Trafficking.” Held in Washington, DC, over 113 countries were represented and more than 400 activists summarized the best practices around the world for combating trafficking in persons.

o Education is necessary for people to understand the scope of the problem and how traffickers work. In Fiscal Year 2002, the United States supported approximately 200 anti-trafficking programs totaling more than \$55.8 million benefiting over 75 countries (compared to 118 programs in 55 countries in 2001).

o In the past two years, the U.S. has invested over \$100 million on anti-trafficking efforts.

Conclusion:

Attorney General John Ashcroft said, “Those who traffic in human lives treat people as easily expendable and highly profitable. But behind each dollar sign is a human tragedy.” The anti-trafficking efforts of the United States are designed to end the human tragedy of trafficking in persons. The Trafficking in Persons office, the TIP report, and now, the assessment published by the Justice Department are all basic elements that are essential in the fight to restore human rights to those vulnerable women and children who are targeted by the basest criminals around the world for the unspeakable crime of abduction for human slavery.

Dr. Janice Shaw Crouse has been active in anti-trafficking efforts for over a decade. She works closely with both U.S. officials and with non-governmental organizations in cooperative efforts. She was an official United States Delegate to the 2003 United Nations Commission on the Status of Women where the major issue confronting that worldwide body was the increase in sexual trafficking of women and girls. Her articles and reports on sexual trafficking and other issues are posted at www.cwfa.org.

We must show new energy in fighting back an old evil.

The first question many people ask when they hear about modern sex slavery and the evil of the sex-trafficking industry is: "What is being done? Somebody has to stop these atrocities!" I am always pleased to say that the United States has stepped up to the plate. I am even more pleased to add that I am on the frontlines of the battle and that our organization, Concerned Women for America (CWA), is firmly committed to the "abolition" effort.

Millions of Americans are like I was almost a decade ago when I was asked to join a national task force to combat sex trafficking; at the time, I had no idea what sex trafficking meant! Since then, the problem has seared my heart. I have spoken about this issue across the country and through a variety of print and broadcast media in an effort to bring awareness, to help the victims and to end this evil.

What is *Trafficking*?

Before looking at the efforts to abolish modern-day slavery, we must answer the question, "What is trafficking?"

Trafficking is modern-day slavery. *The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children*, defines it as: "The recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms, of coercion, of abduction, of frauds, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation."

Sex traffickers lure victims from their poverty-stricken homes with the promise of good jobs, but then force them into slave labor or prostitution. Others are sold by their parents or spouses looking for compensation. Once transported to the destination country, the victims are imprisoned, beaten, raped and convinced they have nowhere to flee. Their passports are confiscated; usually, they don't speak the language and have no idea where they are located.

The United Nations estimates that human trafficking is a \$9.5 billion industry, which is among the top three revenue sources for organized crime.

The effects of trafficking reach beyond the victims' suffering. Trafficking undermines the social order of countries. It results in the breakdown of families, human dignity and public health. It also fuels organized crime and deprives countries of human capital.

In 2003, I was an official United States delegate to the United Nations Commission on the Status of Women, where the major issue confronting that worldwide body was the increase in sexual trafficking of women and girls. There representatives from around the world confronted the fact that millions of women and children are forced into sex slavery by evil criminals who make billions of dollars every year by using human beings as slaves. Sex trafficking is worldwide in scope with nearly a million people - mostly women and children - kidnapped, coerced, cajoled, trapped, seduced into taking a chance with a stranger and going from a poor nation to a more developed one. The victims think that they will work as a waitress, model, actress, nanny or in some other respectable occupation. They end up being prostitutes - beaten and abused repeatedly until they are totally brainwashed and subservient.

Current estimates say that between 14,500 and 17,500 people are trafficked into the United States annually. Up to 600,000 to 800,000 people are transported internationally and forced to work as slaves, and an estimated 2-4 million men, women and children are trafficked within countries. The majority of these victims are women and children. Women compose 80 percent of the victims and 50 percent are children; 70 percent of these women and children are used for sexual exploitation.

Strategies for Abolishing Sex Slavery

The United States is targeting all aspects of trafficking in an effort to end the trade in human beings. Various agencies within the U.S. government are working together to stop the supply, find and prosecute the traffickers, and end the demand for prostitutes, which feeds the whole sex-trafficking industry.

(1) Stop the Supply - Awareness Campaigns

To end the supply, programs are implemented that alert communities to the dangers of trafficking, improve educational opportunities, and educate targeted communities on their legal rights. Public attention drawn to the problem of modern-day slavery is the key to ending the demand of human traffickers. Programs are implemented to bring awareness to the problem, making it harder to conceal or ignore trafficking.

(2) Find and Prosecute the Traffickers

Local, state, national and international cooperation and coordination is forming in an effort to recruit volunteers to fight against slavery. Law enforcement programs identify and prohibit trafficking routes, forcefully prosecute traffickers and those who aid and abet them, and fight public corruption. CWA was at the forefront of enacting the anti-trafficking bills in Congress - bills like the Trafficking Victims Protection Act of 2000 and the Domestic Trafficking Victims Protection Act of 2004.

Each year CWA helps to shape the State Department's *Trafficking in Persons* (TIP) report by offering suggestions for greater effectiveness in presenting the information and in helping to collect it. The TIP document now evaluates nations within three tiers,

depending upon their compliance with the legislation and effectiveness in combating trafficking. The report presents profiles of heroes who help trafficking victims, protecting them or helping them to restore their lives after the abuse and horrific crimes against them.

This year, the Department of Justice is making significant progress in both prosecuting criminals and protecting victims in the United States.

(3) End the Demand for Prostitutes

CWA also works to eliminate federal funding for organizations that claim to be working against human trafficking but then support the legalization of prostitution, a leading cause of trafficking. Now, no nation can get funding from the U.S. government if it promotes prostitution. The Bush administration has committed \$50 million to support organizations that are rescuing women and children from exploitation, and giving them shelter and medical treatment and the hope of the new life. Criminals face up to 30 years in prison and countries face sanctions when they turn a blind eye to sex trafficking. Through the Protect Act of 2003, American pedophiles who prey on foreign children can be prosecuted in the United States.

Secretary of State Colin Powell said, "We intend to ... combat the trafficking of persons around the globe through improved laws, regulation, monitoring, enforcement, and the protection of victims." President Bush called this problem "a special kind of evil in the abuse and exploitation of the most innocent and vulnerable." He added, "We must show new energy in fighting back an old evil. Nearly two centuries after the abolition of the transatlantic slave trade and more than a century after slavery was officially ended in its last strongholds, the trade in human beings for any purpose must not be allowed to thrive in our time."

Unless we care for these precious women and children, no one will do something about their tragedy. Except for us, they will be abused until they are used up - and then they will be discarded - their lives destroyed and their futures hopeless. How can we offer them less than a full rescue - not just a way out, but a way of transcending the evil that has imprisoned them?

Dr. Janice Crouse answers questions on modern-day slavery.

Concerned Women for America's (CWA's) 25th anniversary convention in September 2004 included a panel with Senior Fellow Janice Shaw Crouse of the Beverly LaHaye Institute and Tanya Ditty, CWA's Georgia state director, on the horrors of sex trafficking. At the end of the discussion, the audience submitted questions to the panel. Regrettably, due to the limited time and over whelming audience response, the panel was unable to answer all of the many questions. Therefore, Dr. Crouse agreed to answer the remaining questions on our Web site. Below is a synopsis of the information the panel covered and the remaining questions. (Since more than 40 questions were submitted, we combined similar ones.)

Synopsis

What is trafficking?

Trafficking is modern-day slavery. *The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children*, defines it as: "The recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation."

Sex traffickers lure victims from their poverty-stricken homes with the promise of good jobs, marriage or educational opportunities but then force them into slave labor or prostitution. Others are sold by their parents or spouses looking for compensation. Once transported to the destination country, the victims are imprisoned, beaten, raped and convinced they have nowhere to flee. Their passports are confiscated; usually, they don't speak the language and have no idea where they are located.

It is estimated that 600,000-800,000 men, women and children are trafficked internationally each year; another 2-4 million are transported within countries. Women compose 80 percent of those trafficked, 50 percent are children, and 70 percent of those women and children are used for sexual exploitation. The U.S. State Department estimates that 14,500-17,500 people are trafficked into the United States annually.

Questions From Audience

You say this is big business—why doesn't it get as much attention as drug trafficking and what is the United States doing to prevent sex trafficking?

This issue has gained increasing awareness under the Bush administration, which has established a State Department office to oversee efforts to combat trafficking worldwide,

has increased efforts to prosecute traffickers in the United States, and has designated funding to eradicate sex trafficking. The administration has committed \$50 million to support organizations that are rescuing women and children from exploitation, and giving them shelter and medical treatment and the hope of a new life.

The State Department is releasing the Trafficking in Persons (TIP) report annually and continues to increase the scope of the report. The report now evaluates nations within three tiers, depending upon their compliance with legislation and effectiveness in combating trafficking. Adopting several suggestions from Concerned Women for America, the report now profiles heroes who help trafficking victims, protecting them or helping them to restore their lives after the abuse and horrific crimes against them. It also includes pictures from numerous countries to help personalize the crime for people who knew little about this underworld criminal activity.

Congress enacted bills to fight trafficking, such as the Trafficking Victims Protection Act of 2000, the Domestic Trafficking Victims Protection Act of 2004, and the Protect Act of 2003. CWA actively lobbied for all of these bills.

The U.S. Department of Health and Human Services' Rescue and Restore campaign began with three cities — among them Atlanta, where Tanya Ditty, state director for CWA of Georgia, is the point person. The program has expanded and is now active in Portland, Seattle, Phoenix, Atlanta, Philadelphia, Newark, Tampa, San Francisco and Milwaukee, and actively battles trafficking. They provide shelter, counseling and other services for victims and work to increase awareness of the atrocities of trafficking. The Trafficking Information and Referral Hotline has answered 1,171 calls from worried citizens, social service providers and possible victims.

What stance have President Bush and Democratic Party leaders taken on trafficking?

This issue has unified political parties, conservatives and liberals. Groups from all aspects of the ideological spectrum are working together to end trafficking. Various groups agree on the problem; however, they take different approaches. These approaches are based on different philosophical, ideological, moral or faith-based foundations.

The Bush administration targets all three aspects of trafficking: the supply, the traffickers and the demand. The supply side addresses the conditions that drive trafficking. Programs are implemented that alert communities to the dangers of trafficking, improve educational opportunities and school systems, promote equality of rights, educate targeted communities on their legal rights, and create better and broader life opportunities for possible victims.

At the trafficking level, law enforcement programs identify and interdict trafficking routes, clarify legal definitions and coordinate law enforcement responsibilities, prosecute traffickers and those who aid and abet them, and fight public corruption that facilitates and profits from the trade.

The demand aspect works to identify and prosecute traffickers. Programs are implemented to bring awareness in destination countries to make it harder for trafficking to be concealed or ignored.

The Democratic Party is also committed to ending trafficking; however the two parties differ in their attitudes about prostitution. The Democratic Party supports legalizing prostitution to end trafficking. The Bush administration adamantly opposes this approach; President Bush has stated in several speeches — most notably in one at the United Nations — that “prostitution is inherently harmful to women.” He has stipulated that no grants will be given to groups that support abortion or prostitution. Further, the prosecution of criminals in trafficking has dramatically increased under the Bush administration, as have programs to assist the victims.

What studies are being done to prove that legalized prostitution increases sex trafficking?

The State Department’s TIP report confirms that through research by academic, scientific and nongovernmental organizations (NGOs) there is a “direct link between prostitution and trafficking.” Prostitution “contributes to trafficking in persons by serving as a front behind which traffickers for sexual exploitation operate,” the report states. The International Organization for Migration estimates that 500,000 women are annually sold into prostitution in Europe.

Research shows that legalizing prostitution does not remedy the problem of sex trafficking but rather increases it. Where prostitution is legalized, the price for sexual services includes medical examinations, brothel rent and registration fees. In efforts to circumvent these fees, a black market for prostitution emerges. The black market provides cheaper prices, and pimps do not need to adhere to the health codes or age limits the countries set into place.

All of this information, of course, is logical. In the more developed nations, girls and women do not usually choose to go into prostitution because they have opportunities; in addition, they are usually protected so only runaway girls and others in vulnerable situations are in danger of getting lured into the trap of pimps and johns. Thus, the traffickers go to countries where destitute people are looking for a chance to improve their lives. They are prey to the unscrupulous criminals who lure, entrap, lie, ensnare and seduce the unsuspecting and vulnerable children and women. They take them into an isolated place, steal their passports and beat them into submission, so that they will do anything they are told.

Countries with legalized prostitution have three to 10 times as many non-registered women prostitutes as registered prostitutes. Many non-registered women are victims of sex trafficking.

Does research prove that pornography is behind this because so many people think that pornography is harmless?

The Department of Justice and the National Center for Missing and Exploited Children both recognize that pornography is an element that adds to the serious problem of sex trafficking. Many traffickers are found with filming equipment and cameras to create and sell pornography. Increasingly, pornographers are seeking younger and younger girls and boys for their films and pictures; thus, they have to go where the children are unprotected and vulnerable to capture.

If porn fuels demand, what, if anything, is being done to curb Internet porn?

The Department of Justice has expressed its intent to prosecute major pornographic Internet companies that violate decency laws; their reports indicate a significant increase in prosecutions. One company, Extreme Associates, is currently being prosecuted and other investigations are underway. For more on this topic, including CWA's concerns over enforcement and ways for citizens to encourage enforcement, see *DOJ Busts Internet Web Site for Obscenity* and *Porn Industry Moans for Good Reason*.

Can you address the fact that sex slavery is alive and well on our military bases and in American industry?

Sex trafficking in the military began to rise during the Vietnam War. During the war the military base in Fayetteville, North Carolina, became known as "Fayettnam" due to the large numbers of Asian prostitutes trafficked to the base.

An advocate against trafficking reported that sex trafficking in the military is directly linked to servicemen who marry prostituted women from around military bases in foreign countries. They bring these women to the United States and hand them over to work as prostitutes around military bases. These international wives lack the education and working and language skills to understand their rights.

Reports from social services say that American military wives directly prostitute the foreign women around military bases.

During the Bush administration, new laws have put stringent restrictions on the military's involvement in prostitution, punishing personnel who engage a prostitute. There is an understanding that prostitution feeds sex trafficking and an understanding that the behavior of our military in other nations reflects on the reputation of the entire United States.

Where do the "30 men a day" (that some of the victims are forced to serve) come from?

Men in the United States who solicit the service of sex slaves come from all socio-economic classes and range from the ages of 15-90, reports the Coalition Against Trafficking Women. The specific "30 a day" reference came from a ring that was caught near San Diego, where migrant workers were laboring in strawberry fields. The ring

trafficked girls from Mexico who provided “service” for the migrant works in the “nests” laid out in nearby “reed fields.”

Once rescued, what happens to the victims of trafficking?

There are a number of programs within the United States to aid victims of trafficking. The Office for Victims of Crime (OVC) offers victims support, protection services and education resources to trafficking victims and victim service providers.

Within the Department of Health and Human Services (HHS), the Office of Refugee Resettlement (ORR) provides grant funding to several NGOs and service providers who offer direct assistance to trafficking victims.

The Unaccompanied Refugee Minor Program, under HHS, assists juvenile victims of trafficking.

However, international rescue efforts may not provide long-term security. Many countries are unable to protect victims due to lack of adequate facilities and many are deported because they lack documentation. These victims are often re-trafficked and subjugated to further abuse.

Dr. Crouse, where can I learn more about what is going on in this issue?

Concerned Women for America (CWA) is firmly committed to the “abolition” effort and continually lobbies to strengthen laws against trafficking and to bring awareness to this issue. I work on two different national coalitions to end trafficking and write about this problem regularly. CWA’s Web site stays updated on the latest efforts to fight trafficking and is a good education resource. The State Department is also a good resource to learn about sex trafficking and measures taken to combat it.

How can I become involved on a local level?

It is important to increase awareness about the horrors of sexual trafficking. The best approach is to teach our own girls how to protect themselves. Young women must be educated that, contrary to the feminist myth, girls are more vulnerable than guys. These criminals especially prey upon female runaways. The traffickers know how to spot vulnerable young women and coerce them into prostitution. They hang around malls, train and bus stations and other places where teenagers congregate and they are experts at spotting the most vulnerable of our children.

Also, work to get your local civic groups involved in spotting possible victims and reporting suspicious activity to local police. Traffickers know where to hide and not be suspected.

What can I do if I suspect someone is a victim of trafficking?

The Rescue and Restore program with the U.S. Department of Health and Human Services created a Trafficking and Information and Referral Hotline, 1.888.373.1888, which connects victims of trafficking to NGOs who can help victims in their local area.

Kansas.com

Posted on Fri, Jan. 21, 2005

Man, 20, accused of sex peddling

A former Northwest High student will be tried on charges of luring Wichita girls to Oklahoma and forcing them to be prostitutes at truck stops.

BY RON SYLVESTER
The Wichita Eagle

Bobby Prince Jr. seemed to be living a charmed life in Wichita, as a middle school scholarship winner, a high school sports star and a Beautillion Beau.

But authorities now say he used that charm to lure girls he knew at Northwest High School down to Oklahoma, where he and his father forced them to be truck stop prostitutes.

Prince, 20, faces trial on Valentine's Day in Oklahoma City federal court, where he's charged with transporting minors for prostitution and the sex trafficking of children.

If convicted, both he and Bobby Prince Sr. could face life in prison because one of the girls was younger than 14.

"I have talked to Bobby Prince Jr. on many occasions, and he tells me he's 100 percent innocent of these allegations," said Bill Zuhdi, Prince's court-appointed lawyer.

The Bobby Fitzgerald Prince Jr. described by the FBI and federal prosecutors sounds like a different person from the young man who won the Brian David Higby Memorial Award in middle school and went on to star in football and track at Northwest just a year before his arrest.

'Stormy' lives

Wichita police, who worked with the FBI in a yearlong operation called "Stormy Nights," said Prince may have used his contacts with girls from Northwest to lure six girls ages 13 to 16 to Oklahoma.

"The victims in this case are the girls," said Lt. Alan Prince of Wichita's special investigation division.

Lt. Prince, who is no relation to the suspect, said it appeared some of the girls were working as prostitutes against their will.

"They all came from the same high school," Lt. Prince said. "They thought they were going to Oklahoma on day trips."

Once across state lines, court records show, they were held in various hotels and worked as prostitutes at truck stops. They were given drugs, dressed provocatively and sold to over-the-road truck drivers during overnight stops along the highways.

FBI Agent Mike Beaver testified at a detention hearing that Bobby Prince Jr. threatened the girls at gunpoint. Beaver said when one girl tried to escape, Bobby Prince Sr. found her at a movie theater, choked her, threatened one of her friends, and dragged her across a parking lot and into a car.

"Stormy Nights" has so far led to nearly two dozen state and federal indictments in Oklahoma City. Eight defendants have pleaded guilty. A jury convicted another man, Troy Lamar Sutherland, 33, last week on a case built around the testimony in closed court from three Wichita girls.

Some of the girls, police said, were sold among multiple pimps traveling through the Midwest and South. Girls were sold from one pimp to another for \$400 to \$500. Some may have been reported as runaways.

Three of the girls have returned to Wichita.

"They are trying to get on with their lives," Lt. Prince said.

"These kinds of investigations are difficult because the girls are always on the move," he said. "And when you find them, it's hard to talk to them. I think some of these girls were willing to talk to authorities in Oklahoma City because they wanted out."

The boy Prince

Bobby Prince Jr. had much going for him before he moved from Wichita to live with his dad in Oklahoma City last summer.

Prince had overcome a rough upbringing, including his mother's 18-month incarceration following a 1991 conviction for aggravated robbery and attempted kidnapping.

That same year, Bobby, then 6, found a mentor in Jason Fenwick at Big Brothers Big Sisters of Sedgwick County. Because of his work with Bobby, Fenwick would later win President Bush's Point of Light Award in 2000.

Fenwick has kept in touch with Bobby, even since his arrest.

"He been a big supporter," Zuhdi, the court-appointed lawyer from Oklahoma City, said of Fenwick, a former news producer at KWCH, Channel 12.

With Fenwick's support, Bobby had turned his grades around. By 1998, Bobby was one of 13 middle school students to win a scholarship from the Brian David Higby Fund, which recognizes middle school students who show outstanding talent and potential.

Even after Fenwick moved to Indianapolis, Bobby continued to excel. He was an all-city defensive back in football. He went to state in track.

In March 2003, Bobby was one of 27 seniors selected as a Beautillion Beaux, a long-standing celebration of Wichita's African-American young men.

Charlene Morse, Bobby's mother, turned her fortunes around, too. She overcame past criminal convictions, which included a later conviction of welfare fraud. She remarried.

Charlene Owens testified at her son's detention hearing in October that she'd worked for six years at Cessna. She said Bobby Jr. completed almost two years of college. She pleaded for the judge to let Bobby out of jail to live with her while awaiting trial. U.S. Magistrate Judge Gary Purcell ordered both the younger and elder Prince held in jail.

Owens testified that Bobby Jr. had moved from Wichita to be with his father, who was sick in Oklahoma City.

Six months later, both were in jail.

Contributing: Hurst Laviana of The Eagle
 Reach Ron Sylvester at 268-6514 or rsylvester@wichitaeagle.com.



KSN News

Child prostitution ring lured vulnerable young Wichita girls

by Jason Kravarik and Anthony Powell

KSN News

Updated: Jan 21, 2005, 9:27am CST

WICHITA, Kansas - Wichita teens have been lured into a life of sex and drugs. It is coming to light as part of a major investigation involving an Oklahoma prostitution ring.



In all, as many as six Wichita girls are involved. The youngest is just 13.

At first they were considered teen runaways, but in the end, it was much more than that.

Girls, prostitutes, have been operating near truck stops in Oklahoma City -- coaxed by nine pimps.

Troy Sutherland was the last of the nine to be convicted.

The multi-state ring had Wichita connections.

Oklahoma authorities say it involved several teen girls. Some were runaways from a Wichita drug treatment facility.

"[They were] just put into an environment where they didn't know anybody -- didn't have any friends or contacts with people who could get them back to Wichita," said Lt. Alan Prince, Wichita Police Department.

Court documents claim some of the teens wound up in the ring after first being lured from Wichita's Northwest High School. They were allegedly recruited by Bobby Prince, Jr, a one-time football player at the school.

From there, an indictment alleges two girls were sent to Oklahoma City and pimped by prince's father, Bobby Prince, Sr. Prosecutors say he used violence to control and intimidate the girls.

From there, one girl found her way into the multi-state ring.

"When they would work with this girl for a while they would broker her out to a pimp and sell the girl to another pimp just as if they were property," said Lt. Prince.

Authorities said the teens initially left for the promise of money and food. In the end, prosecutors say, they depended on the pimps to survive.

"The parents just didn't know where they were. Testimony at trial showed they were searching frantically for them," said Robert McCampbell, U.S. Attorney, Oklahoma.

Five of the six Wichita girls have been accounted for. One is believed to be in Mexico.

At least one of the pimps faces life in prison because his victim was under 14 years old.

HELPING CHILDREN AVOID TROUBLE

Wichita police say they rarely arrest teens for prostitution. But statistics show it is a big problem across the country.

There are a number of facilities in Wichita to help troubled teens -- some of whom end up as prostitutes. We visited one of those facilities.

Each year, 1,700 kids walk through the doors of the Wichita Children's Home. According to staff member Sarah Robinson, over one third are runaways or are suffering from abuse and neglect.

"Initially they are admitted as runaways or abuse or neglect. But through the investigation we might find what they've been doing and what may have caused the abuse and neglect. From that we might find out they've been involved in the sex industry," said Robinson.

They are not alone. According to various studies, 600,000 children under 18 are involved in prostitution or pornography across the United States. The average age teens begin prostituting is 14.

According to some, one out of three teens walking the streets will be involved with prostitution within 48 hours.

"It's frightening when you realize how young girls can be lured by young men saying all the right things and making them feel good," said Robinson.

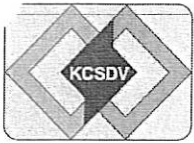
That's why the Wichita Children's Home spends so much time on prevention, passing out information in schools.

The facility also places "Safe Place" signs around town, letting kids know they have somewhere to go.

Robinson said the home's goal is to restore a teen's self esteem which can be a tough job, especially if they've been involved in prostitution.

That's why she says it is critical that parents, schools and churches help build esteem before it's too late.

Story link: <http://www.ksn.com/news/stories/6852238.html>



KANSAS COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE

220 SW 33rd Street, Suite 100 Topeka, Kansas 66611
785-232-9784 • FAX 785-266-1874 • coalition@kcsdv.org

House Bill 2004
Proponent
February 17, 2005

Chairman Lloyd and Members of the House Corrections and Juvenile Justice Committee:

The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) is a statewide non-profit organization whose membership is the 30 sexual assault and domestic violence programs serving victims across the state.

KCSDV is also a member of the National Advisory Board on Human Trafficking convened by the Florida Coalition Against Domestic Violence. We have served on this Advisory Board for two and a half years. The FCADV project's purpose is to examine the crossover in issues and service provision for victims of human trafficking and domestic violence/sexual assault. Specifically, the Florida project is developing training curricula, materials, and housing options specifically for domestic violence and sexual assault programs that may come in contact with victims of human trafficking. KCSDV's role on this Advisory Board is to bring a rural perspective to the issue, from a state that is not known to have a "sex trafficking problem."

Victims of trafficking may in fact be "hiding in plain sight," forced to work in bars, in massage parlors, as household help, in factories, or on the street. KCSDV has received calls from member programs that believe they are seeing victims of human trafficking. Because these victims are in such extreme danger from organized crime rings, I cannot in good conscience give you any detailed information about any of the circumstances of the individual women and children who have been assisted by our programs or where these programs are located in the state. I will tell you however that the violence inflicted upon a victim of human trafficking differs very little from that inflicted on a victim of sexual and domestic violence. A woman may be sold to her husband when the trafficker is done with her. The husband then beats her. A trafficking victim may be forced to work in a factory or field while being subjected to sexual, physical and psychological abuse. A child may be sold to a brothel. A trafficking victim may be forced into prostitution and regularly raped.

Since we began working with the Florida Coalition Against Domestic Violence Human Trafficking Advisory Board, KCSDV has taken several steps to improve both recognition of the issue in Kansas as well as improvement of the services provided to the victims, including:

- Participation in developing a national training curriculum made available to domestic violence and sexual assault program nationwide
- Training KCSDV staff on sex trafficking issues, including attendance at a national training as well as the FCADV training
- Contacting and arranging for Kansas attorneys to be available to represent trafficking victims should the need arise

- Responding to the FBI on shaping investigative techniques so that victims and advocates in rural communities are not further exposed to the extreme dangers inherent in trafficking
- Conducting training sessions for member programs that include information on identifying trafficking victims and providing appropriate services
- Educating staff and attorneys on immigration remedies and issues that specifically impact victims of trafficking
- Working with the state office on refugee resettlement on procedures for certifying trafficking victims who may qualify for certain immigration remedies
- Adapting national trafficking training and resource materials with local information

There is much work to be done. Kansas law enforcement officers, prosecutors, and victim advocates all need additional training on identifying and assisting victims of trafficking. Specific protocols that address safety and accountability also need to be developed so victims of trafficking are not subjected to greater dangers as the state attempts to intervene.

Most believe that Kansas does not have an extremely high-volume of human trafficking. Having said that, there is no way to know just how many trafficking victims there are or where they are in the state. In our experience and in the experience of programs in other states, federal law enforcement officials are only going to be able to focus on the high profile, high-volume trafficking rings. By creating a state crime of human trafficking, local law enforcement officials will also be able to intervene on behalf of some of the most vulnerable victims we are seeing across Kansas.

We support passage of House Bill 2004.

Sandy Barnett
Executive Director

Session of 2005

HOUSE BILL No. 2004

By Representative Judy Morrison

12-8

AN ACT defining the crimes of trafficking in the first degree and trafficking

in the second degree; providing penalties for violation.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) Trafficking in the first degree is:

(1) Recruiting, harboring, transporting, providing or obtaining, by any

means, another person knowing that force, fraud, threat or coercion will

be used to cause the person to engage in forced labor or involuntary

servitude; or

(2) benefitting, financially or by receiving anything of value, from

participation in a venture that has engaged in acts set forth in subsection

(a)(1) if such acts or venture:

(A) Involve committing or attempting to commit kidnapping;

(B) (C) are committed in whole or in part for the purpose of the sexual

gratification of the defendant or another; or

(C) (D) result in a death.

(b) Trafficking in the first degree is a severity level 1, person felony.

(c) This section shall be part of and supplemental to the Kansas criminal code.

(B) are committed with or without force, fraud, threat or coercion when the trafficked person is under 18 years of age

El Centro, Inc.

13

The Center for Continuous Family Improvement

Administration and
Computer Learning Center
650 Minnesota Avenue
Kansas City, KS 66101
913-677-0100
www.ElCentroInc.com

February 17, 2005

Chairman Ward Loyd and Honorable Members of the House Corrections and Juvenile Justice Committee,

The Academy for Children
1330 S. 30th Street
Kansas City, KS 66106
913-677-1115
913-677-7090 fax

Academy for Children,
Choo Choo Child Care
219 S. Mill Street
Kansas City, KS 66101
913-371-1744
913-371-1866 fax

Academy for Children,
Donnelly College
608 North 18th Street
Kansas City, KS 66102
913-281-1700

Casa de Rosina Apartments
851 Barnett
Kansas City, KS 66101

ECI Development, Inc.
2100 Metropolitan Ave.
Kansas City, KS 66106
913-677-1120
913-677-0051 fax

El Centro, Inc. Argentine
1333 S. 27th Street.
Kansas City, KS 66106
913-677-0177
913-362-8520 fax

El Centro, Inc. Family Center,
Johnson County
9525 Metcalf Avenue
Overland Park, KS 66212
913-381-2861
913-381-2914 fax

Macías-Flores Family Center
290 S. 10th Street
Kansas City, KS 66102
913-281-1186
913-281-1259 fax

Woodland Hills, Inc.
1012 Forest Court
Kansas City, KS 66103
913-362-8155
913-362-8203 fax



El Centro, Inc. wishes to express our support for HB2004, legislation that would define the crime of trafficking and, we hope, reduce incidences of sexual violence and forced labor associated with the smuggling of human beings. Tragically, criminals seeking to exploit desperate and vulnerable people who are trying to get to the United States for a chance to build a better life for themselves and their families have discovered the great profit potential in this illicit activity. The consequences can be devastating. While it is impossible for us to track precisely the damage inflicted by traffickers, due to the hidden nature of the crimes, we know anecdotally of young women who are raped by those who transport them to the U.S. and of many immigrants who live in fear for years (often, even after having obtained legal immigration status) of the gangs who return to extort additional payments from those who were their cargo. We have also heard from immigrants who come to the U.S. with a smuggler, under the promise of a decent-paying job, and are then forced to "repay" their passage with months or even years of unpaid or very poorly-paid hard work. It is no exaggeration to call this indentured servitude, and certainly it runs contrary to our collective sentiment as a nation of immigrants, a nation of laws, and a people who believe in the worth of all human beings.

While these problems may be more pervasive in border states such as Texas and Arizona or in the immigrant-receiving states of California, New York, and Florida, where entire industries support and profit from human trafficking, we can no longer deny the reach of these networks into Kansas. If we can provide law enforcement officers with a new tool to use against those who traffic in human beings, hopefully we can prevent these criminals from ever establishing a strong foothold in our state and send the message that Kansas considers it abhorrent to think of people brought here under violent, sexually abusive, or exploitative conditions.

Clearly, Congress must act to address the problems in immigration law that feed this criminal enterprise and create conditions that facilitate its perpetration. Certainly we believe that such action is an important part of addressing human trafficking. However, we must also recognize that, where there is profit to be made in bringing people to the U.S. for prostitution, forced labor, or economic exploitation, criminal networks will find ways to lure vulnerable individuals into these traps. In order to comprehensively confront the tragedy that is human trafficking, we must codify these crimes in statute, send the message that Kansas will not tolerate such actions, encourage vigorous prosecution of abuses where they occur, and address the underlying dynamics. Each piece is essential, and we believe that HB2004 is an important step in that direction.

Sincerely,

Melinda K. Lewis
Melinda Lewis

Director of Policy Advocacy and Research, El Centro, Inc.

House C & JJ
2-17-05
Attachment 13



Sam Brownback

UNITED STATES SENATOR ■ KANSAS

303 Hart Senate Office Building ■ Washington, DC 20510

(202) 224-6521 • <http://brownback.senate.gov>

BROWNBACK STATEMENT ON HUMAN TRAFFICKING

“U.S. Congressional action has raised awareness of the issue of human trafficking to some extent,” U.S. Senator Sam Brownback said. “‘The Victims of Trafficking Protection Act’ (Public Law 106-386) established a monitoring system and sanctions for countries that fail to take minimal efforts to combat trafficking as well as a framework for combating trafficking within the United States. ‘The PROTECT Act’ (Public Law 108-21) makes it a crime for any person traveling abroad or entering into the United States to do so for sex tourism involving children.

“Much of the world either is not aware of or remains indifferent to this horrid problem. The President’s speech in front of the world community at the United Nations helped to greatly raise the profile of this issue and was a historic moment in the war against human trafficking.

“I wish to applaud members of the Kansas Legislature for working to combat human trafficking at the state level. It is a true testament to the strides that we have made in ending modern-day slavery and I hope other states around the country will also consider taking action against this type of organized crime.”



Kansas Bureau of Investigation

Larry Welch
Director

**House Committee on Corrections and Juvenile Justice
Testimony in support of HB 2004
Kyle G. Smith
Kansas Bureau of Investigation
February 17, 2005**

Phill Kline
Attorney General

Chairman Loyd and members of the committee,

Chairman Vratil and Members of the Committee,

I appear today on behalf of the KBI in support of HB 2004 (and the alternative proposed by Rep. Morrison) which addresses the fortunately rare offense of human trafficking. Such cases appear all too regularly in media accounts and I fear that it is simply a matter of time before such activity is unearthed here.

The KBI was created to provide local law enforcement with resources to help in unusual cases. So we are called upon for everything from working methamphetamine labs, undercover operations to complex financial cases and wiretaps. Sooner or later, some local sheriff or highway patrol trooper is going to call me and after they stop a trailer load of immigrants and ask what the crime is? And I'll have to tell them that under current law the activities described in HB 2004 are not prohibited by any other Kansas statute. So we'll call Immigration and Naturalization services who will eventually come get the victims for deportation while the smugglers who prey on human misery slip away.

These cases are extremely difficult to uncover and work, as the victims are usually extremely isolated with little or no English. Further, many come from a societal background where indentured servitude and even sexual exploitation is their expected lot in life. The people who profit from this horrendous trade need to be punished. With fewer and fewer federal resources available due to their refocus on terrorism, I'm afraid it will fall to the states to investigate and prosecute these criminals. HB 2004 gives us the tool to do that.

Thank you for your attention and time. I would be happy to try and answer any questions.



6301 ANTIOCH • MERRIAM, KANSAS 66202 • PHONE/FAX 913-722-6633 • WWW.KSCATHCONF.ORG

*House Corrections and Juvenile Justice Committee
Testimony in Support of HB 2004*

Chairman Loyd and members of the committee:

Thank you for the opportunity to testify in favor of HB 2004, which defines the crimes of trafficking and would add them to the Kansas Criminal Code as felonies with prescribed penalties. My name is Mike Farmer and I am the Executive Director of the Kansas Catholic Conference, the public policy office of the Catholic Church in Kansas.

The Bishops of Kansas join the U.S. Conference of Catholic Bishops in condemning this practice and supporting policy efforts worldwide to eliminate trafficking in human persons.

Strangers No Longer, a Pastoral Letter Concerning Migration, from the U.S. Catholic Bishops and the Bishops of Mexico states:

“Trafficking in persons – in which men, women, and children from all over the globe are transported to other countries for the purposes of forced prostitution or labor – inherently rejects the dignity of the human person and exploits conditions of global poverty.”

The U.S. government estimates over 700,000 persons annually are being trafficked worldwide, with about 17,000 in the United States. Of those trafficked in the U.S., it is estimated that one third are children.

Human trafficking has been defined as a modern-day form of slavery. Victims of human trafficking are subjected to force, fraud, or coercion, for the purpose of sexual exploitation or forced labor. Jim Nicholson, U.S. Ambassador to the Vatican reports “trafficking in people is the third most profitable criminal enterprise worldwide, after arms and drug dealing; it’s being done by organized crime”.

MOST REVEREND RONALD M. GILMORE, S.T.L., D.D.
DIOCESE OF DODGE CITY

MOST REVEREND JAMES P. KELEHER, S.T.D.
Chairman of Board
ARCHDIOCESE OF KANSAS CITY IN KANSAS

MOST REVEREND JOSEPH F. NAUMANN, D.D.
COADJUTOR ARCHBISHOP
ARCHDIOCESE OF KANSAS CITY IN KANSAS

MOST REVEREND PAUL S. COAKLEY, S.T.L., D.D.
DIOCESE OF SALINA

MICHAEL P. FARMER
Executive Director

REVEREND MSGR. ROBERT E
DIOCESAN ADMINISTRATOR - I

MOST REVEREND MARION F. FORST, D.D.
RETIRED

MOST REVEREND GEORGE K. FITZSIMONS, D.D.
RETIRED

MOST REVEREND EUGENE J.
BISHOP EMERITUS - DIOC

House C & JJ
2-17-05
Attachment 16

The United States Congress has enacted bills to fight trafficking, such as the Trafficking Victims Protection Act of 2000, the Protect Act of 2003, and the Domestic Trafficking Victims Protection Act of 2004. Several states, especially Border States have also acted to end these practices.

The U.S. Conference of Catholic Bishops (USCCB) through its Migration and Refugee Services has joined with others to form the *Coalition of Catholic Organizations Against Human Trafficking*, a coalition united to eliminate human trafficking through public education, advocacy, and service to the victims. Also internationally, the United Nations has put into force the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*.

Much is being done, but much more is needed. The root of migration is oftentimes extreme poverty, the allure of possible jobs, for a freer and more humane life in the countries of destination.

In your deliberations I would ask you to consider the comments of the Holy Father to Archbishop Jean-Louis Tauran on the occasion of the 2002 *International Conference "Twenty-first Century Slavery – The Human Rights Dimension to Trafficking in Human Beings"*. In his letter Pope John Paul II said, "The trade in human persons constitutes a shocking offence against human dignity and a grave violation of fundamental human rights."

He further states:

"The present Conference reflects the growing international consensus that the issue of human trafficking must be addressed by promoting effective juridical instruments to halt this iniquitous trade, to punish those who profit from it, and to assist the reintegration of its victims." (The full text of this letter is attached.)

Kansas has an opportunity to reinforce the efforts by the United States Government, international, religious, and other organizations by making human trafficking a criminal offense with penalties. The Kansas Catholic Conference urges your support of HB 2004 to help eradicate this social injustice to so many men, women and children.

Thank you.

Mike Farmer
Executive Director



To Archbishop Jean-Louis Tauran
Secretary for Relations with States

On the occasion of the International Conference "Twenty-First Century Slavery -The Human Rights Dimension to Trafficking in Human Beings", I ask you kindly to convey to all present my warm greetings and the assurance of my close personal interest. The trade in human persons constitutes a shocking offence against human dignity and a grave violation of fundamental human rights. Already the Second Vatican Council had pointed to "slavery, prostitution, the selling of women and children, and disgraceful working conditions where people are treated as instruments of gain rather than free and responsible persons" as "infamies" which "poison human society, debase their perpetrators" and constitute "a supreme dishonour to the Creator" (*Gaudium et Spes*, 27). Such situations are an affront to fundamental values which are shared by all cultures and peoples, values rooted in the very nature of the human person. The alarming increase in the trade in human beings is one of the pressing political, social and economic problems associated with the process of globalization; it presents a serious threat to the security of individual nations and a question of international justice which cannot be deferred. The present Conference reflects the growing international consensus that the issue of human trafficking must be addressed by promoting effective juridical instruments to halt this iniquitous trade, to punish those who profit from it, and to assist the reintegration of its victims. At the same time, the Conference offers a significant opportunity for sustained reflection on the complex human rights issues raised by trafficking. Who can deny that the victims of this crime are often the poorest and most defenceless members of the human family, the "least" of our brothers and sisters? In particular, the sexual exploitation of women and children is a particularly repugnant aspect of this trade, and must be recognized as an intrinsic violation of human dignity and rights. The disturbing tendency to treat prostitution as a business or industry not only contributes to the trade in human beings, but is itself evidence of a growing tendency to detach freedom from the moral law and to reduce the rich mystery of human sexuality to a mere commodity. For this reason, I am confident that the Conference, while treating the significant political and juridical issues involved in responding to this modern plague, will also explore the profound ethical questions raised by trafficking in human beings. Attention needs to be paid to the deeper causes of the increased "demand" which fuels the market for human slavery and tolerates the human cost which results. A sound approach to the issues involved will lead also to an examination of the lifestyles and models of behaviour, particularly with regard to the image of women, which generate what has become a veritable industry of sexual exploitation in the developed countries. Similarly, in the less developed countries from which most of the victims come, there is a need to develop more effective mechanisms for the prevention of trafficking in persons and the reintegration of its victims. With encouragement and hope I offer cordial good wishes for the work of the Conference. Upon the organizers and all taking part I cordially invoke an abundance of divine blessings. From the Vatican, 15 May 2002

Joannes Paulus II



February 14, 2005

Chairman Ward Loyd
 Corrections & Juvenile Justice Committee
 Kansas State Capitol
 300 SW 10th Street
 Topeka, KS 66612

Dear Chairman Loyd,

On behalf of the National Foundation for Women Legislators' (NFWL) Policy Committee on Crime, Justice, Terrorism, and Substance Abuse, we respectfully request that you consider HB2004 and support Representative Judy Morrison's effort to prevent the spread of human trafficking in Kansas.

In July 2004, Representative Judy Morrison was one of only fifteen women legislators selected to join NFWL's Task Force on Human Trafficking and participate in the first national conference on Human Trafficking where she received detailed training on this important policy issue. Hosted by the U.S. Department of Justice (DOJ), this meeting was attended by President George W. Bush, Florida Governor Jeb Bush, Attorney General John Ashcroft, Under Secretary of State Paula Dobriansky, Under Secretary of Homeland Security Asa Hutchinson, and many other officials.

NFWL's Crime, Justice, Terrorism, and Substance Abuse Policy Committee commends Representative Morrison for her tremendous efforts to educate her colleagues in the legislature, along with law enforcement officials, and constituents throughout the state of Kansas about this issue of trafficking.

Human trafficking is an issue that must be addressed at the state level. Public awareness campaigns led by state legislators, like Representative Morrison, aid local law enforcement officials in locating victims of human trafficking and the offenders who are responsible for the spread of this practice. It is imperative that state laws are in place so that local officials have the ability to apprehend and prosecute traffickers, as they are identified by victims.

According to the U.S. Department of State, 800,000 to 900,000 victims annually are trafficked across international borders world-wide, and between 18,000 and 20,000 of those victims are trafficked into the United States. The victims include women, men and children. Victims are generally trafficked into the U.S. from Asia, Central and South America, and Eastern Europe. According to the U.S. Department of Health and Human Services, many victims of trafficking are forced to work in prostitution or sex entertainment. Trafficking also takes place as labor exploitation, such as domestic servitude, sweatshop factories, or migrant agricultural work. Traffickers use force, fraud and coercion to compel women, men and children to engage in these activities.

THE POWER TO MAKE THE DIFFERENCE FOR YOU
WWW.WOMENLEGISLATORS.ORG * RUBIN READ, PRESIDENT & CEO * nfwl@womenlegislators.org
 910 16th STREET, NW, SUITE 100 WASHINGTON, DC 20008 202-293-3040 FAX 202-293-5430
 The Foundation qualifies as a tax-exempt organization under 501-c-3 of the Internal Revenue Code, Tax ID number 52-1480785

House C & JJ
 2-17-05
 Attachment (7

Request for Increase in Bond Supervision Fees

In 2001, the Kansas Legislature passed legislation (KSA 22-2802 sub. 12) specifically allowing the Court to order a defendant to pay \$5 per week for the cost of bond supervision.

In the 10th Judicial District, bond supervision has been used most frequently on domestic violence cases. However, in November of 2004, the criminal judges approved more extensive use of bond supervision for other criminal cases. Currently, our bond supervision caseload is at 256 of which 113 are criminal cases and 145 are domestic violence cases. These cases are supervised by a staff comprised of one half-time grant funded position for the domestic violence caseload and currently a team of five part-time on call staff who work up to five hours a week depending on caseload. These staff are paid on the county scale of \$13.39 an hour. With an average bond caseload of 25-30 offenders that require up to a half hour a week of supervision and administrative time, our costs are exceeding the \$5.00 per week allowed by statute.

HB 2418 would allow an increase in the supervision fee of up to \$10 per week. Our history of bond supervision indicates that offenders are supervised for an average of 12 weeks for a total cost of \$60.00. Thus an increase to \$10.00 per week would, on average, cost most offenders \$120.00. This is a more realistic fee to assist us in meeting the actual costs of the program. In most cases where bond supervision is ordered, either a PR bond or a lower cash or surety bond is set. The defendant, who is likely to post a bond anyway, is placed on bond supervision which requires compliance with certain conditions.

For example, a defendant who is placed on bond supervision for a DUI charge would have a condition prohibiting consumption of alcohol and random testing for presence of alcohol. A defendant may have to obtain a job. In Domestic Violence cases a defendant may have a no contact condition with the victim. Conditions are tailored to the specific issues presented by the defendant. The defendant then is required to report to the assigned court services officer to insure compliance with those conditions.

I believe that bond supervision is a vital tool for judges when determining bond for criminal offenders. Also, given that our jail is facing serious over-crowding issues, bond supervision allows for the court to consider release of low risk defendants knowing that they will be supervised during the pendency of the case. Your support of this legislation will assist the courts in providing a higher level of community protection while offenders are released on bond.

Thank you for your consideration.

Stephen R. Tatum

Chief Judges, 10th Judicial District



19

Kansas Bureau of Investigation

Larry Welch
Director

House Committee on Corrections and Juvenile Justice
Testimony in support of HB 2387
Kyle G. Smith
Kansas Bureau of Investigation
February 17, 2005

Phill Kline
Attorney General

Chairman Loyd and members of the committee,

On behalf of the Kansas Bureau of Investigation I appear in support of HB 2387 which would eliminate some unnecessary waste of the KBI's already stretched resources.

Last year the legislature passed two provisions in HB 2638 which requires the KBI to conduct an investigation whenever a person dies while in custody of local authorities (K.S.A. 19-1935) or the state (K.S.A. 75-52,147). And the KBI supported that bill as an appropriate crosscheck to ensure the public's confidence in the system. However, we also assumed, that we were talking about 5 – 10 deaths a year, most of which the KBI was already normally being called to investigate. There have been several more such investigations required than we anticipated, 31 from July 1, 2004 to January 1, 2005. While there have been an unusual number of suicides, the biggest part of this unanticipated number have been from natural causes. We've even had to investigate the deaths of prisoners who die in hospice, with their families present and agreeing to 'pulling the plug.'

We do not believe that was the intent of the legislation and would ask that, where the cause of death is determined by an autopsy to be natural, no investigation by the KBI is required. We will of course immediately start investigations but as soon as a doctor or coroner can say there is no indication of foul play and a natural death, we could put the agents back on other duties.

Thank you for your consideration. I'd be happy to answer any questions.



KANSAS

KANSAS DEPARTMENT OF CORRECTIONS
ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Testimony on HB 2387
to
The House Committee on Corrections and Juvenile Justice

By Roger Werholtz
Secretary
Kansas Department of Corrections

February 17, 2005

HB 2387 amends K.S.A. 19-1935 and 75-52,147 to relieve the Kansas Bureau of Investigation from the mandatory obligation to conduct an investigation into the death of a person who dies in the custody of a law enforcement agency if the death is determined by a qualified autopsy to have been due to natural causes. The Department supports the purpose of HB 2387 in conserving the Bureau's investigative resources. From July 1, 2004 through February 15, 2005, the KBI has been called upon to investigate the death of 24 persons that have died while incarcerated with the Department. Twenty-two of those deaths were from natural causes and two were the result of suicide. However, the Department raises for consideration the criteria employed by HB 2387 for relieving the Bureau of its investigation obligation since the results of an autopsy may not be available for a considerable period of time and in light of the availability of other reliable, albeit tentative, information concerning a cause of death.

Generally, the issuance of an autopsy report is delayed until a laboratory toxicology analysis has been conducted. The priority for the laboratory analysis is determined by whether there are other indications that the death may be due to other than natural causes. The Department has experienced delays of several months before the autopsy report incorporating toxicology findings is issued. Additionally, while the Department orders that an autopsy be conducted on every person that dies in its custody, other officials, including jail administrators, prosecutors, and coroners have the discretion as to whether an autopsy is to be performed. An autopsy of a person who dies in the custody of other jurisdictions may not be conducted, particularly if the death occurred during hospitalization for the treatment of a disease or illness. Even though an autopsy is not performed, a death certificate identifying the cause of death will be issued.

In order to provide timely criteria for establishing whether a KBI investigation must be conducted, the Department recommends that HB 2387 be amended to include findings in preliminary autopsy reports or death certificates. HB 2387, even with the proposed amendment, does not preclude the KBI from conducting or resuming an investigation at any time. A balloon amendment for this proposal is attached.

w/attachment

HOUSE BILL No. 2387

By Committee on Corrections and Juvenile Justice

2-9

9 AN ACT concerning deaths of inmates, prisoners or juvenile offenders;
10 amending K.S.A. 2004 Supp. 19-1935 and 75-52,147 and repealing the
11 existing sections.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2004 Supp. 19-1935 is hereby amended to read as
15 follows: 19-1935. On and after July 1, 2004, whenever the death of a
16 prisoner in the custody of a city or county and residing in jail or in a
17 facility contracted through the city or county, or both, occurs, an inves-
18 tigation regarding the circumstances of the death shall be initiated by the
19 Kansas bureau of investigation. A report of the findings of the investiga-
20 tion shall be made available to the chairperson of the senate judiciary
21 committee and the house corrections and juvenile justice committee of
22 the Kansas legislature and shall be subject to the open records act, K.S.A.
23 45-215, and amendments thereto. *No such investigation by the Kansas*
24 *bureau of investigation shall be required if the cause of death is deter-*
25 *mined to be natural, by a qualified autopsy.*

26 Sec. 2. K.S.A. 2004 Supp. 75-52,147 is hereby amended to read as
27 follows: 75-52,147. On and after July 1, 2004, whenever death occurs of
28 an inmate, who is in the custody of the secretary of corrections and who
29 resides in a correctional facility or boot camp operated by or contracted
30 through the secretary or of a juvenile, who is in the custody of the com-
31 missioner of juvenile justice and who resides in an institution operated
32 by or contracted through the commissioner, an investigation regarding
33 the circumstances of the death shall be initiated by the Kansas bureau of
34 investigation. A report of the findings of the investigation shall be made
35 available to the chairperson of the senate judiciary committee and the
36 house corrections and juvenile justice committee of the Kansas legislature
37 and shall be subject to the open records act, K.S.A. 45-215, and amend-
38 ments thereto. *No such investigation by the Kansas bureau of investiga-*
39 *tion shall be required if the cause of death is determined to be natural,*
40 *by a qualified autopsy.*

41 Sec. 3. K.S.A. 2004 Supp. 19-1935 and 75-52,147 are hereby
42 repealed.

, preliminary autopsy report,
or death certificate.

, preliminary autopsy report,
or death certificate.

1 Sec. 4. This act shall take effect and be in force from and after its (

2 publication in the statute book.

STATE OF KANSAS
Tenth Judicial District

OFFICE OF DISTRICT ATTORNEY
PAUL J. MORRISON, DISTRICT ATTORNEY

February 16, 2005

House Committee on Corrections and Juvenile Justice

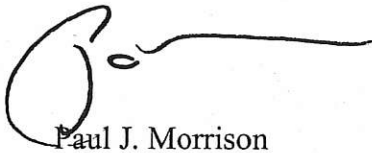
Re: House Bill #2384

Dear House Committee Members:

I am here to offer my support for House Bill #2384. As you may or may not know, sexual behavior in public restrooms is a particular problem in city and county parks throughout the state. In Johnson County, we have had problems for years both in the county parks and in various city parks with sexual activity in bathrooms. While this issue usually involves homosexual conduct, it has on occasion also involved heterosexual activity. Our park police routinely receive complaints from families and other patrons who are either harassed or walk in on this type of behavior when using restrooms. I consider it to be an issue of public health, safety and keeping our parks "family friendly".

As most of you are aware, the United States Supreme Court recently struck down most state laws that prohibit sodomy. In the past, we used these laws on occasion to prosecute this type of activity. Unfortunately, now we have few tools to battle this problem. This legislative change simply adds a new prong to K.S.A. 21-3508, the misdemeanor Lewd and Lascivious Behavior statute. It simply makes it illegal to engage in sexual intercourse or sodomy in a public restroom. I urge you to pass this.

Respectfully,



Paul J. Morrison
District Attorney

PJM