

Approved: 12-18-2010
Date

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Pat Colloton at 1:30 p.m. on March 11, 2010, in Room 144-S of the Capitol.

All members were present except:

Representative Stan Frownfelter- excused

Committee staff present:

Sean Ostrow, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Lauren Douglass, Kansas Legislative Research Department
Jackie Lunn, Committee Assistant

Conferees appearing before the Committee:

Kyle Smith, Kansas Peace Officers' Association

Others attending:

See attached list.

SB 353 - Sub for S 353 by Committee on Judiciary – Amending the crime of human trafficking and providing for civil forfeiture

Chairperson Colloton called the meeting to order and opened the hearing on **SB 353**. She called on Jason Thompson, Office of the Revisor, to explain the bill to the Committee. Mr. Thompson explained that the **Sub. For SB 353** would rename the existing crimes of trafficking and aggravated trafficking to human trafficking and aggravated human trafficking. The bill would also expand the crime of human trafficking to add coercing employment and peonage as two additional ways to commit the crime. The bill would clarify that the use of the labor of any person incarcerated in a state or county correctional facility or city jail would not be human trafficking. The bill would add human trafficking to the list of crimes which are subject to forfeiture.

A short question and answer session followed with the Committee and Mr. Thompson.

Chairperson Colloton introduced Kyle Smith, Kansas Peace Officers' Association to give his testimony as a proponent of the bill. Mr. Smith presented written testimony. (Attachment 1) He stated Mr. Thompson gave a very good explanation of the bill. He addressed the issue of forfeiture stating the state would not get rich but it can be a very effective tool against financially motivated crimes. He attached several newspaper articles to his testimony regarding forfeitures and explained those to the Committee.

Questions and answers followed.

Chairperson Colloton called on Helen Pedigo, Executive Director, Kansas Sentencing Commission, to address the bed impact regarding **SB 353 - Sub for S 353**. She stated that since trafficking and aggravated human trafficking were enacted July 1, 2005, no convictions have been reported. The bill would increase admissions and prison bed needs. However, the impact cannot be quantified because there is no data on which to base an impact.

Chairperson Colloton called the Committee's attention to the "written only" testimony of the following:

Former Senator Nick Jordan (Attachment 2)
Senator Derek Schmidt (Attachment 3)
Judy Smith, Concerned Women for America of Kansas (Attachment 4)

Chairperson Colloton called for anyone else wishing to testify, being none, she closed the hearing on **SB 353 - Sub for S 353**.

SB 346 - No transfer of offenders with 10 or less days remaining on sentence to department of corrections custody

CONTINUATION SHEET

Minutes of the House Corrections and Juvenile Justice Committee at 1:30 p.m. on March 11, 2010, in Room 144-S of the Capitol.

Chairperson Colloton called the Committee's attention to SB 346 for consideration. She asked Jason Thompson, Office of the Revisor to review the bill.

Representative Bethell moved to pass SB 346 out favorably. Representative Brown seconded.

A discussion followed with Representative **Brookens making a motion to amend Page 4, line 26, by inserting "actual physical" between the words "the" and "custody". Representative Pauls seconded the motion. The motion carried.**

After further discussion, Representative Barnes made a motion to move the bill out favorably as amended. Representative McCray-Miller seconded the motion. The motion carried.

Chairperson Colloton adjourned the meeting at 2:40 p.m. with the next scheduled meeting at 1:30 p.m. on March 15, 2010 in room 144-S.

CORRECTIONS & JUVENILE JUSTICE GUEST LIST

DATE: 3-11-10

NAME	REPRESENTING
Ed Klunpp	KACP/KPOP/KSA
Chris Tilden	KDHE
Pat Vogelberg	Kearney and Assoc.
Kyle D Smith	KPOA + KACP
Ligh Keck	Hein Law Firm
Peter Pedigo	Sent Com

Kansas Peace Officers' Association



INCORPORATED

TELEPHONE 316-722-8433 · FAX 316-722-1988

www.kpoa.org kpoa@kpoa.org

P.O. Box 2592 · WICHITA, KANSAS 67201

House Corrections and Juvenile Justice Committee

Testimony of Kyle Smith

Kansas Peace Officers' Association

In Support of Substitute for SB 353

March 11, 2010

Chairman Colloton and Members of the Committee,

On behalf of the Kansas Peace Officers Association, I appear today in support of Substitute for SB 353, addressing the nefarious trade of human trafficking. As demonstrated by the attachments to my testimony, while a fairly unusual crime, human trafficking does occur here in Kansas. This bill would expand the arsenal available to law enforcement in fighting those who subjugate people as animals for labor or sexual gratification.

Section 1 expands the ways of committing the crime of human trafficking, K.S.A. 21-3446, to cover all ways of engaging in this despicable crime. Briefly, section (a)(1) is the current law, slightly restated, regarding procuring these slaves, (a)(2) is a restatement covering those financially profiting from these ventures, (a)(3) covers persons using this coerced labor force and (a)(4) covers those that use coercive tactics to try and enforce a debt by forcing labor. Most of the remaining amendments merely clarify other statutes that reference K.S.A. 21-2446 by adding the adjective "human" before "trafficking".

However, Section 7 would be a major tool in fighting human trafficking. This section amends K.S.A. 60-4104 by adding human trafficking and aggravated human trafficking to those crimes that give rise to asset seizure and forfeiture. As some of you may remember, I was chairman of the task force that drafted the Kansas Standard Asset Seizure and Forfeiture Act back in 1992.

Forfeiture can be a very effective tool against financially motivated crimes. Not only does it removed the assets that are being used to commit the crime, thus rendering them unavailable for future offenses, forfeiture strikes at the very reason the crime exists by removing the profit. This in turn can deter others from entering into such risky and illegal efforts as well as providing resources for law enforcement to conduct these

Corrections and Juvenile Justice

Date: 3-11-10

Attachment # 1-1

fairly complicated financial investigations. Forfeiture works best when addressing financially motivated crimes.

And money is the root of this evil – note the amounts in the attachments - \$59,000, \$450,000 and \$6,000,000. Why should these criminal enterprises keep these funds? This bill addresses a terrible, dehumanizing crime and deserves your closest and quickest attention.

I would be happy to answer any questions.

THE TOPEKA CAPITAL JOURNAL

cjonline.com

YOU ARE HERE: [CJOnline](#) » [News](#) » [State](#)

Parlor operators to be sentenced

BY THE ASSOCIATED PRESS

October 13, 2009 - 4:38am

KANSAS CITY, Mo. - Two operators of massage parlors in Johnson County, Kan., are scheduled to be sentenced Tuesday in federal court for forcing employees to engage in prostitution.

Zhong Yan Liu, also known as "Lucky," and Cheng Tang, also known as "Tom," pleaded guilty last year to human trafficking charges. Each faces up to 40 years in federal prison without parole.

The two admitted to coercing people to travel across state lines and international borders to engage in illegal sexual services. They also pleaded guilty to money laundering for wiring more than \$450,000 from the crimes to China.

Liu and Tang were among four people arrested in 2007 after an undercover operation led to raids of 12 businesses and four homes.

Super Cheap Car Insurance

Compare Multiple Car Insurance Quotes Online - Plans from \$15 / Month
USInsuranceOnline.com

Buy Stocks - \$4 Fee at ShareBuilder

No account or investment minimums. No inactivity fees. Start today.
www.sharebuilder.com

Obama Urges Homeowners to Refinance

APR as low as 3.616%! Calculate New Mortgage Payment Now.
www.SeeRefinanceRates.com

Ads by Yahoo!

© Copyright 2010

THE TOPEKA CAPITAL JOURNAL

cjonline.com

THE TOPEKA CAPITAL JOURNAL

YOU ARE HERE: [CJOnline](#) » [News](#) » [Local](#)

Globe owner gets 18 months

RELATED STORIES

[Globe owner wants Topeka trial](#)
[Restaurant owner convicted](#)

BY [STEVE FRY](#)

Created November 24, 2009 at 12:31pm
Updated November 25, 2009 at 12:31am

KANSAS CITY, Kan. -- Amarpreet Singh,
owner of the Globe Restaurant in downtown

Topeka, was sentenced Tuesday to three concurrent terms of 18 months in federal prison tied to three convictions of harboring three unauthorized workers for commercial advantage or private financial gain.

Singh, 34, remained free on bond following sentencing in the Robert J. Dole U.S. Courthouse and awaits notification by the U.S. Marshal Service on when to report to begin serving his sentence.

Singh attorney Pedro Irigonegaray was jubilant at the outcome on Tuesday, saying "that justice has occurred.

"I'm very pleased that the court found all the allegations about abuse, coercion and threats (by Singh) not to have been proven," Irigonegaray said. Allegations that the workers "were treated as slaves" have been very hurtful to Singh and his family, he said.

A presentence investigation had recommended that U.S. District Court Judge Carlos Murguia sentence Singh to 27 to 33 months based on a finding by the PSI writer that Singh had involuntarily detained three male employees by coercion and threat. After hearing several hours of conflicting testimony, the judge found "the scales are balanced" and rejected enhancing Singh's sentence.

The judge had a choice to sentence Singh to 18 to 24 months, although Singh sought to be placed on probation. Murguia told Singh that a person can commit a crime, but that doesn't mean he is a bad person, adding that Singh has family and friends who support him.

A sentence of 18 months "would be appropriate in your case," the judge said.

The U.S. Bureau of Prisons will decide where Singh will serve his term. Murguia will recommend he serve it at the federal corrections facility in Leavenworth, but the judge said he couldn't guarantee the BOP would follow that recommendation. Singh requested Leavenworth so he could be near his family in Topeka.

One employee, Jacinta Sebastian Pereria, 45, whose body was found April 28, 2008, in a Topeka apartment Singh rented for his employees, had previously complained he was forced to work at the restaurant. Pereria died of acute pneumonia caused by bacteria, according to court records.

Based on an agreement between prosecution and defense attorneys, Murguia also ordered that Singh forfeit \$59,299 minus \$3,500 for his family. The money was confiscated from Singh's home, business and bank accounts.

Witnesses gave conflicting accounts of whether Singh coerced his employees.

Brian Smithberg, special agent of Immigration and Customs Enforcement for the U.S. Department of Homeland Security, said a confidential informant had told him that Pereria said he wanted to leave the Globe and Topeka. Pereria said he couldn't leave the restaurant because "he didn't have his passport and couldn't get his passport back," Smithberg testified. Singh also owed wages to Pereria, and they wouldn't be paid to him if he left the restaurant, Smithberg said.

But defense witness Richard D. Benson, a Topeka attorney who has known Singh for five years and eaten at the restaurant on a daily basis, said he never saw Singh threaten or coerce his employees.

"It was a collegial relationship that I saw," Benson said.

Singh treated employees with respect and sponsored a birthday party for Pereria, which was "well received" by Pereria and other employees, he said. Benson was one of six witnesses who testified on Singh's behalf.

Steve Fry either can be reached at (785) 295-1206 or at steve.fry@cjonline.com.

Refinance Now at 3.7% APR

\$160,000 mortgage under \$752/mo. Free. No Obligation. Get 4 quotes now.
MortgageRefinance.LendGo.com

Obama Urges Homeowners to Refinance

APR as low as 3.616%! Calculate New Mortgage Payment Now.
www.SeeRefinanceRates.com

Make Less Than \$45,000/Year?

You May Qualify for a Grant to Go Back to School.
www.ClassesUSA.com/Grants

Ads by Yahoo!



Department of Justice Press Release

For Immediate Release
May 27, 2009

United States Attorney's Office
Western District of Missouri
Contact: (816) 426-3122

RICO Indictment Human Trafficking Rescue Project: Eight Uzbekistan Nationals Among 12 Charged with Racketeering, Human Trafficking, Immigration Violations \$6 Million Scheme to Employ Illegal Aliens at Hotels, Other Sites in 14 States

KANSAS CITY, MO—Matt J. Whitworth, Acting United States Attorney for the Western District of Missouri, announced today that eight Uzbekistan nationals were among 12 defendants indicted by a federal grand jury on RICO (Racketeer-Influenced and Corrupt Organizations Act) charges related to labor racketeering, forced labor trafficking and immigration and other violations in 14 states.

"This RICO indictment alleges an extensive and profitable criminal enterprise in which hundreds of illegal aliens were employed at hotels and other businesses across the country," Whitworth said. "The defendants allegedly used false information to acquire fraudulent work visas for these foreign nationals. Many of their employees were allegedly victims of human trafficking who were coerced to work in violation of the terms of their visa without proper pay and under the threat of deportation. The defendants also required them to reside together in crowded, substandard and overpriced apartments."

Many of those workers, added Whitworth, were employed at hotels in the Kansas City area and in Branson, Mo.

"The indictment alleges that this criminal enterprise lured victims to the United States under the guise of legitimate jobs and a better life, only to treat them as modern-day slaves under the threat of deportation," said James Gibbons, Acting Special Agent-in-Charge, U.S. Immigration and Customs Enforcement. "The alleged conspiracy not only victimized foreign workers, but also defrauded U.S. businesses and displaced legal workers in the name of profit. ICE is committed to working closely with its law enforcement partners to target and dismantle human trafficking organizations that flout our nation's immigration laws." Based in Chicago, Gibbons oversees a six-state area, including Missouri.

Abrorkhodja Askarkhodjaev, 30, Nodir Yunusov, 22, Rustamjon Shukurov, 21, citizens of Uzbekistan residing in Mission, Kan., Ilkham Fazilov, 44, Nodirbek Abdoollayev, 27, both citizens of Uzbekistan residing in Kansas City, Mo., Viorel Simon, 27, Alexandru Frumasache, 23, both citizens of Moldova residing in Kansas City, Kan., Kristin Dougherty, 49, of Ellisville, Mo., Andrew Cole, 53, of St. Charles, Mo., Abdukakhar Azizkhodjaev, 49, a citizen of Uzbekistan residing in Panama City, Fla., and Sandjar Agzamov, 27, and Jakhongir Kakhkharov, 29, both citizens of Uzbekistan who recently left the United States and are living abroad, as well as three companies owned or controlled by Askarkhodjaev – Giant Labor Solutions, LLC, headquartered in Kansas City, Mo., Crystal Management, Inc., headquartered in Mission, Kan., and Five Star Cleaning, LLC, headquartered in Overland Park, Kan. – were charged in a 45-count indictment returned under seal by a federal grand jury in Kansas City on May 6, 2009. That indictment was unsealed and made public upon the arrests and initial court appearances of eight defendants on Tuesday: Askarkhodjaev, Fazilov, Abdoollayev, Simon, Frumasache, Dougherty, Cole and Azizkhodjaev.

Racketeering

The RICO indictment alleges that, since January 2001, Askarkhodjaev has been the leader of a criminal enterprise and directed the rest of the co-defendants in carrying out unlawful activities in furtherance of the enterprise. Among the criminal acts alleged in a pattern of racketeering activity are forced labor trafficking, identity theft, harboring illegal aliens, mail fraud, conspiracy to commit money laundering, transporting illegal aliens, visa fraud, extortion, interstate travel in aid of racketeering, wire fraud and inducing the illegal entry of foreign nationals.

Askarkhodjaev, Yunusov, Shukurov, Dougherty, Fazilov, Simon, Abdoolayev, Cole, Agzamov and Kakhkharov, along with corporate defendants Giant Labor, Crystal Management and Five Star Cleaning, are each charged in one count of racketeering and one count of participating in a RICO conspiracy.

According to the indictment, Askarkhodjaev owned and operated a labor leasing company, Giant Labor Solutions, at 607 Westport Road in Kansas City. Through Giant Labor and a dozen other businesses that he associated with or controlled as part of the criminal enterprise, Askarkhodjaev secured fraudulent labor leasing contracts from clients in the hotel/resort, casino, and construction industries in Missouri, Kansas, Alabama, Arizona, California, Colorado, Florida, Louisiana, Massachusetts, Minnesota, Nevada, New Jersey, South Carolina and Wyoming. The criminal enterprise allegedly used illegal aliens as part of its workforce to fulfill labor contracts for housekeeping, cleaning services and other duties.

Giant Labor's workforce was predominately comprised of foreign nationals, the indictment says, who either entered the United States illegally, overstayed their visas, or did not have legal authorization to reside or work in their specific locations within the United States during their term of employment.

Askarkhodjaev and others involved in the enterprise promised their clients to comply with all pertinent labor and immigration laws, to pay all relative employment taxes, and to carry proper insurance coverage. However, they allegedly failed to pay the required employment taxes, failed to pay overtime and failed to pay their workers in the manner required by federal regulations, defrauded insurance companies in order to obtain the required insurance coverage for their employees, and employed aliens that were not authorized to work in the United States.

Askarkhodjaev and others involved in the enterprise allegedly petitioned for hundreds of foreign workers by using false information in their applications in order to obtain certification and approval for H-2B work visa authorizations. The enterprise profited from these fraudulent applications, the indictment says, by collecting fees from the foreign nationals in exchange for obtaining or extending their visas. They allegedly charged fees ranging from \$400 to \$3,000, depending on the type of visa requested.

According to the indictment, Askarkhodjaev associated with or controlled the operations of multiple businesses in several states that fulfilled labor leasing contracts, filed fraudulent visa applications and petitions and concealed unlawful proceeds and the hiring of illegal aliens. Abdoolayev, Dougherty, Cole, Yunusov, Kakhkharov, Agzamov, Fazilov and Shukurov were employed by Giant Labor and also owned or controlled companies in Missouri and Kansas that were utilized to carry out the activities of the criminal enterprise. Simon acted as a supervisor with Giant Labor and Cole was a subcontractor for Giant Labor.

Forced Labor Trafficking

The federal indictment also alleges that Askarkhodjaev, Yunusov, Shukurov, Fazilov, Simon, Cole and Frumusache aided and abetted each other to obtain the labor and services of a person by means of serious harm and threats of serious harm, and by means of the abuse and threatened abuse of law and legal process. The indictment alleges they intended the person to believe that, if he did not perform such labor and services, that person or another person would suffer serious harm.

According to the indictment, the enterprise required the foreign nationals to work where the enterprise assigned them. The enterprise was already in violation of federal law and the H-2B visa provisions by fraudulently changing the terms of the visas and/or placing the foreign nationals in employment in violation of the H-2B visa certifications. However, the enterprise threatened to cancel the immigration status of foreign nationals who refused to work as directed by the enterprise.

The visas obtained by the enterprise for the foreign nationals were the workers' only means to remain legally within the United States. Thus, cancellation of their visas would render them illegally within the United States and without the ability to find other legal employment. The enterprise allegedly threatened to charge the families of the foreign nationals in their home countries a fee of \$5,000 if they returned to their home country.

The enterprise allegedly violated federal law by paying the foreign nationals on a commission/incentive type basis rather than the prevailing hourly wage. The enterprise paid some workers approximately \$3.50 for each hotel room that they cleaned. The enterprise profited by keeping a portion of each foreign national worker's wage, not paying them for all hours worked, failing to pay overtime, and by fraudulently retaining all payroll taxes.

The enterprise allegedly charged the foreign nationals additional fees, including transportation fees for driving the foreign national workers between the assigned work location and their apartments, and for driving the foreign nationals, even against their will, to other locations in the United States to work. The enterprise also charged uniform fees, miscellaneous and unexplained fees, and fees to petition for extensions on the foreign national workers' visas.

The enterprise further profited, the indictment says, by requiring the foreign national workers to reside in apartments it exclusively secured and controlled, for which it charged exorbitant rents. The enterprise leased various apartments for \$385 to \$650 per month while requiring anywhere from three to eight foreign nationals to reside in the apartment, charging each of the foreign nationals between \$250 and \$350 per month for that apartment's rent. The apartments were not sex-specific and usually mixed both men and women inside one apartment. The enterprise provided minimal furniture. The foreign nationals slept on the floor, mattresses, or air mattresses. In assuring compliance with the exclusive control of these living conditions, the indictment says, the enterprise often threatened to cancel the immigration status of foreign nationals who requested permission to seek alternative housing.

According to the indictment, these fees and expenses, combined with the lack of payment for hours worked, underpayment for hours worked, and lack of work assignments, often resulted in the foreign national workers receiving a paycheck with negative earnings. The enterprise allegedly ensured that the workers did not make enough to repay their debt, purchase a plane ticket home, or pay for their own living expenses while in the United States.

The enterprise further controlled the foreign national workers in the Kansas City area by not allowing them to receive mail, the indictment says. The enterprise maintained keys to the apartments and to the apartment mailboxes and forwarded the worker's mail to the business office of the enterprise.

Additional Charges

The federal indictment also charges various defendants in one count of fraud in foreign labor contracting, seven counts of visa fraud, two counts of aggravated identity theft, three counts of harboring illegal aliens, four counts of wire fraud, four counts of mail fraud, seven counts of money laundering, one count of transporting illegal aliens, one count of extortion and one count of interstate travel in aid of racketeering.

In addition to being charged in some of the above counts, Askarkhodjaev is also charged with one count of marriage fraud for entering into a marriage with a United States citizen for the purpose of evading immigration laws and two counts of visa fraud related to falsely claiming that he resided with his wife in Blue Springs, Mo., when in reality he was residing apart from his wife. Askarkhodjaev is also charged with three counts of money laundering, three counts of mail fraud, and one count each of identity theft and harboring illegal aliens.

Allegation of Forfeiture

The federal indictment also contains a forfeiture allegation, which would require the defendants to forfeit to the government all interest in any property involved in the alleged offenses, as well as all property derived from the proceeds obtained from the alleged offenses, including a money judgment of at least \$6 million.

RICO

The Racketeer Influenced and Corrupt Organizations Act (commonly referred to as RICO) is a federal law that provides for extended criminal penalties for acts performed as part of an ongoing criminal organization, or enterprise. A racket is an illegal business, and engaging in a racket is called racketeering.

Under RICO, a person who is a member of an enterprise that has committed any two of 35 crimes (27 federal crimes and 8 state crimes) within a 10-year period can be charged with racketeering. Those found guilty of racketeering can be sentenced to up to 20 years in prison and/or fined up to \$250,000. In addition, the racketeer must forfeit all ill-gotten gains and interest in any business gained through a pattern of racketeering activity.

Under federal statutes, those found guilty of forced labor trafficking, mail fraud, money laundering, extortion and wire fraud may also be subject to a sentence of up to 20 years in federal prison without parole.

Whitworth cautioned that the charges contained in this indictment are simply accusations, and not evidence of guilt. Evidence supporting the charges must be presented to a federal trial jury, whose duty is to determine guilt or innocence.

This case is being prosecuted by Assistant U.S. Attorneys William L. Meiners and Cynthia L. Cordes and Trial Attorney Jim Felte with the U.S. Department of Justice's Human Trafficking Prosecution Unit. It was investigated by U.S. Immigration and Customs Enforcement, the Federal Bureau of Investigation, U.S. Department of Labor, OIG – Office of Labor Racketeering and Fraud Investigations, IRS-Criminal Investigation, the Kansas Department of Revenue – Criminal Investigations, U.S. Citizenship and Immigration Services and the Independence, Mo., Police Department in conjunction with the Human Trafficking Rescue Project.

[Press Releases](#) | [Kansas City Home](#)

[Accessibility](#) | [eRulemaking](#) | [Freedom of Information Act](#) | [Legal Notices](#) | [Legal Policies and Disclaimers](#) | [Links](#)
[Privacy Policy](#) | [USA.gov](#) | [White House](#)
FBI.gov is an official site of the U.S. Federal Government, U.S. Department of Justice.

Testimony

House Corrections and Juvenile Justice Committee Thursday, March 11th, 2010

SB 353 – Human Trafficking By Nick Jordan

Thank you Chairwoman Colloton and members of the committee for allowing me to present testimony this afternoon in support of SB 353. I certainly commend Senator Schmidt for bringing this bill forward. I am sorry I am out of town today and unable to appear in person.

Human trafficking has become an immense human tragedy. As you know the federal government started addressing the problem with the 2000 Trafficking Victims Protection Act which was reauthorized in 2003.

Kansas was one of the first states to pass legislation addressing human trafficking in 2005. I was privileged to be a co-author of SB 151 with former State Representative Judy Morrison. We worked closely with the U.S. State Department.

Traffickers prey on vulnerable men, women, and children through creative, ruthless, and evil ploys that promise a better life through employment, educational opportunities, or marriage. Some families give children to adults, often relatives, who promise education and opportunity which turns into nightmares of prostitution or forced labor.

Internationally it is estimated that there are at least 12.3 million adults and children in forced labor, bonded labor, and commercial sexual servitude at any given time. 56% of all forced labor victims are women or girls. According to the U.S. Department of State, approximately 800,000 people are trafficked across national borders into modern-day slavery each year.

Back in 2005 we heard stories of human trafficking in Kansas. Today we read stories regularly in the newspapers. Recently the Kansas City Star did a very good series on the topic. Their investigation concluded that the Midwest is becoming a hub for human trafficking.

SB 353 strengthens the enforcement and prosecution of this horrendous crime. Forcing traffickers to forfeit their assets is another important way we can punish these criminals for preying on vulnerable people and stripping them of their human dignity. This is the right thing to do for the women and children who are most often the victims of this crime, and it's the right thing for Kansas as we do our part to address this international challenge.

Human trafficking is in direct violation to the most fundamental rights in America...the right to pursue life, liberty and happiness.

Thank you for this time and I urge your support of SB 353.

Corrections and Juvenile Justice
Date: 3-11-10
Attachment # 2-1

Capitol Office

State Capitol, Room 330-E
Topeka, Kansas 66612-1504
(785) 296-2497

15th District Office

P.O. Box 747
Independence, Kansas 67301-0747
(620) 331-1800



Senator Derek Schmidt
Majority Leader

Committee Assignments

Chair: Confirmation Oversight
Vice Chair: Assessment & Taxation
Judiciary
Organization Calendar & Rules
Member: Legislative Post Audit
Interstate Cooperation
Message Only (800) 432-3924
Fax: (785) 296-6718
Email: Derek.Schmidt@senate.ks.gov

Testimony in Support of Substitute for Senate Bill 353
Presented to the House Corrections and Juvenile Justice Committee
by Senator Derek Schmidt

March 11, 2010

Chairwoman Colloton, members of the committee, thank you for this opportunity to testify in support of Substitute for Senate Bill 353.

Last fall, the *Kansas City Star* published a revealing series of articles about human trafficking. The newspaper's investigation did an excellent job of shining light on the extent of this problem globally and also in our own region and state. It caught my attention because of the work we did in proposing legislation to toughen the Kansas anti-human trafficking statutes two years ago.

I believe it is worthwhile for the legislature this session again to consider proposals to strengthen our existing state law against human trafficking. The current human trafficking statute, K.S.A. 21-3446, was enacted in 2005. Since then, the Senate has considered a proposal to strengthen the Kansas anti-human trafficking laws. In 2008, the Senate debated and approved legislation that included several sections aimed at combating human trafficking.

Substitute for Senate Bill 353 is intended to continue the legislature's anti-human trafficking discussion where it left off. In my view, the most powerful element of this proposal is the addition of human trafficking to the list of crimes subject to civil forfeiture. Human trafficking is a crime of economic opportunity, and adding it to the forfeiture list would give law enforcement an added, powerful tool to combat the economic gain that traffickers obtain from their crime.

Thank you for the opportunity to testify today. I know that the collective wisdom of this committee will further refine these proposals and will carry on the progress we have made in recent years in combating what really amounts to a form of modern-day slavery.

Corrections and Juvenile Justice
Date: 3-11-10
Attachment # 3



**ENDING MODERN-DAY SLAVERY IN KANSAS
WRITTEN TESTIMONY
CONCERNED WOMEN FOR AMERICA OF KANSAS
HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE SUB.S 353
January 27, 2010**

Representative Colloton and members of the Corrections and Juvenile Justice Committee:

Concerned Women for America of Kansas is testifying in support of enhancing penalties for human trafficking.

Every year by estimates of the United States State Department, between 14,000 and 17,000 children and women are brought into the United States for the purpose of labor/sex trafficking and/or both. Some estimates run as high as 50,000. In addition, U.S. children are lured into a life of slavery by unscrupulous men and women with promises of modeling jobs, careers in acting, etc. These victims are preyed upon by unscrupulous and sophisticated networks of criminals who are making over \$10 billion a year from enslaving them. The United Nations estimates that trafficking in persons is one of the top two sources of revenue for organized crime...behind drugs. The human beings lured into being trafficked end up in prostitution, sweatshops, farms, domestic work or other forms of involuntary servitude. Most are mistreated; threatened and degraded. Over half of the victims end up trafficked for sexual exploitation. 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."

CWA has been involved in working to combat sex trafficking for over a decade. Dr. Janice Shaw Crouse, Ph.D. Senior Fellow of the Beverly LaHaye Institute has served on two national task forces and worked to pass national legislation concerning human trafficking. The 2000 Trafficking Victims Protection Act is a step toward increasing world-wide efforts to stem the tide of human slavery. She has directed a federal grant to provide training to Mexican leaders to combat trafficking into the United States through its southern borders.

Human trafficking is a human rights violation and every major city in America is affected. The Kansas City area, because of the confluence of several interstates is a prime area for sex trafficking, particularly involving prostitution at local truck stops. Very recently a group of women were rescued from an operation that involved a massage parlor in the Overland Park area. Often women from outside the U.S. are lured, coerced or sold into prostitution and forced labor. Their passports are confiscated by those who enslave them; the language difficulties and their innate distrust of law enforcement make it difficult for them to escape. In addition they are often beaten, threatened and given drugs to ensure their compliance.

This bill provides for increased awareness of the evil phenomenon of modern-day slavery and through this legislation makes it possible to bring an end to this crime that is causing so much tragedy for so many vulnerable children and women.

We urge you to enhance protection for women and children in Kansas. We further urge you to add "recruits, entices, harbors, transports, provides, or obtains, or so attempts, another person for the purposes of commercial sex acts or sexually-explicit performance," to labor or services. We feel "labor or services" equates prostitution and commercial sex transactions with work.

Judy Smith, State Director
CWA of Kansas

P.O. Box 11233
Shawnee Mission, KS 66207

Corrections and Juvenile Justice
Date: 3-11-10
Attachment # 4