



RHODE ISLAND

Legal System	Constitution	Bill of Rights	Form of Government
Common Law Statutory Law	Written	Yes	Republic

A. Criminal Statutes

1. Human Trafficking and Related Statutes

a. R.I. Gen. Laws Ann. § 11-67.1-3 (2017) – Trafficking an Individual

i. Summary

A person commits the offense of trafficking an individual if the person knowingly recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains, or entices an individual in furtherance of: (1) forced labor in violation of § 11-67.1-4; or (2) sexual servitude in violation of § 11-67.1-5. R.I. Gen. Laws Ann. § 11-67.1-3(a).

“Person” extends to and includes co-partnerships and bodies corporate and politic. *See* R.I. Gen. Laws Ann. § 43-3-6.

ii. Sentencing

A person who commits trafficking of a minor is guilty of a felony, subject to not more than 50 years of imprisonment, a fine of up to USD 40,000, or both. *See* R.I. Gen. Laws Ann. § 11-67.1-3(b).

A person who commits trafficking of an adult is guilty of a felony, subject to not more than 20 years of imprisonment, a fine of up to USD 20,000, or both. *See* R.I. Gen. Laws Ann. § 11-67.1-3(c).

The court also shall order a convicted defendant to pay restitution. *See* R.I. Gen. Laws Ann. § 11-67.1-10.

iii. Statute of Limitations

A prosecution for trafficking an individual must be commenced not later than 10 years after commission of the offense. *See* R.I. Gen. Laws Ann. § 11-67.1-12.

b. R.I. Gen. Laws Ann. § 11-67.1-4 (2017) – Forced Labor

i. Summary

A person commits the offense of forced labor if the person knowingly uses coercion to compel an individual to provide labor or services, except when such conduct is permissible under federal law or the law of this state other than this chapter. R.I. Gen. Laws Ann. § 11-67.1-4(a).

“Coercion” means:

- (1) The use or threat of force against, abduction of, serious harm to, or physical restraint of, an individual;
- (2) The use of a plan, pattern, or statement with intent to cause an individual to believe that failure to perform an act will result in the use of force against, abduction of, serious harm to, or physical restraint of, an individual;

- (3) The abuse or threatened abuse of law or legal process;
- (4) Controlling or threatening to control an individual's access to a controlled substance;
- (5) The destruction or taking of or a threatened destruction or taking of an individual's identification document or other property;
- (6) The use of debt bondage;
- (7) The use of an individual's physical or mental impairment when the impairment has a substantial adverse effect on the individual's cognitive or volitional function; or
- (8) The commission of civil or criminal fraud.

R.I. Gen. Laws Ann. § 11-67.1-2(a)(2).

“Labor or services” means activity having economic value. R.I. Gen. Laws Ann. § 11-67.1-2(a)(7).

ii. Sentencing

A person who commits forced labor of a minor shall be guilty of a felony, subject to not more than 50 years of imprisonment, a fine of up to USD 40,000, or both. *See* R.I. Gen. Laws Ann. § 11-67.1-4(b).

A person who commits forced labor of an adult shall be guilty of a felony, subject to not more than 20 years of imprisonment, a fine of up to USD 20,000, or both. *See* R.I. Gen. Laws Ann. § 11-67.1-4(c).

The court also shall order a convicted defendant to pay restitution. R.I. Gen. Laws Ann. § 11-67.1-10.

iii. Statute of Limitations

A prosecution for forced labor must be commenced not later than 10 years after commission of the offense. *See* R.I. Gen. Laws Ann. § 11-67.1-12.

c. R.I. Gen. Laws Ann. § 11-67.1-5 (2017) – Sexual Servitude

i. Summary

A person commits the offense of sexual servitude if the person knowingly:

- (1) Maintains or makes available a minor for the purpose of engaging the minor in commercial sexual activity; or
- (2) Uses coercion or deception to compel an adult to engage in commercial sexual activity.

R.I. Gen. Laws Ann. § 11-67.1-5(a).

It is not a defense in a prosecution under subsection (a)(1) that the minor consented to engage in commercial sexual activity or that the defendant believed the minor was an adult. R.I. Gen. Laws Ann. § 11-67.1-5(b).

ii. Sentencing

A person who commits sexual servitude of a minor shall be guilty of a felony, subject to not more than 50 years of imprisonment, a fine of up to USD 40,000, or both. *See* R.I. Gen. Laws Ann. § 11-67.1-5(c).

A person who commits sexual servitude of an adult shall be guilty of a felony, subject to not more than 20 years of imprisonment, a fine of up to USD 20,000, or both. *See* R.I. Gen. Laws Ann. § 11-67.1-5(d).

The court also shall order a convicted defendant to pay restitution. See R.I. Gen. Laws Ann. § 11-67.1-10.

iii. Statute of Limitations

A prosecution for sexual servitude must be commenced not later than 10 years after commission of the offense. See R.I. Gen. Laws Ann. § 11-67.1-12.

d. R.I. Gen. Laws Ann. § 11-67.1-6 (2017) – Patronizing a Victim of Sexual Servitude

i. Summary

A person commits the offense of patronizing a victim of sexual servitude if the person knowingly gives, agrees to give, or offers to give anything of value so that an individual may engage in commercial sexual activity with another individual and the person knows that the other individual is a victim of sexual servitude. R.I. Gen. Laws Ann. § 11-67.1-6(a).

ii. Sentencing

A person who patronizes a minor for purposes of sexual servitude of a minor shall be guilty of a felony, subject to not more than 20 years of imprisonment, a fine of up to USD 20,000, or both. See R.I. Gen. Laws Ann. § 11-67.1-6(b).

A person who patronizes an adult for purposes of sexual servitude of an adult shall be guilty of a felony, subject to not more than 10 years of imprisonment, a fine of up to USD 10,000, or both. See R.I. Gen. Laws Ann. § 11-67.1-6(c).

iii. Statute of Limitations

A prosecution for patronizing a minor for purposes of sexual servitude must be commenced not later than 10 years after commission of the offense. See R.I. Gen. Laws Ann. § 11-67.1-12.

e. R.I. Gen. Laws Ann. § 11-67.1-7 (2017) – Patronizing a Minor for Commercial Sexual Activity

i. Summary

A person commits the offense of patronizing a minor for commercial sexual activity if:

- (1) With the intent that an individual engage in commercial sexual activity with a minor, the person gives, agrees to give, or offers to give anything of value to a minor or another person so that the individual may engage in commercial sexual activity with a minor; or
- (2) The person gives, agrees to give, or offers to give anything of value to a minor or another person so that an individual may engage in commercial sexual activity with a minor.

R.I. Gen. Laws Ann. § 11-67.1-7(a).

ii. Sentencing

A person who patronizes a minor for purposes of commercial sexual activity with a minor shall be guilty of a felony, subject to not more than 10 years of imprisonment, a fine of up to USD 20,000, or both. See R.I. Gen. Laws Ann. § 11-67.1-7(b).

iii. Statute of Limitations

A prosecution for patronizing a minor for purposes of commercial sexual activity must be commenced not later than 10 years after commission of the offense. See R.I. Gen. Laws Ann. § 11-67.1-12.

f. R.I. Gen. Laws Ann. § 11-67.1-8 (2017) – Business Entity Liability

i. Summary

A business entity can be prosecuted for a trafficking offense only if: (1) the entity knowingly engages in conduct that constitutes human trafficking; or (2) an employee or nonemployee agent of the entity engages in conduct that constitutes human trafficking and the conduct is part of a pattern of activity in violation of the state’s human trafficking laws for the benefit of the entity, which the entity knew was occurring and failed to take effective action to stop. *See* R.I. Gen. Laws Ann. § 11-67.1-8(a).

ii. Sentencing

When a business entity is convicted of an offense under §§ 11-67.1-3 through 11-67.1-7 (trafficking an individual, forced labor, sexual servitude, patronizing a victim of sexual servitude, or patronizing a minor for commercial sexual activity), “the court may consider the severity of the entity’s conduct and order penalties in addition to those otherwise provided for the offense, including:

- (1) A fine of not more than fifty thousand dollars ([USD] 50,000) per offense;
- (2) Disgorgement of profit from activity in violation of this chapter; and
- (3) Debarment from state and local government contracts.”

R.I. Gen. Laws Ann. § 11-67.1-8(b).

i. Statute of Limitations

A prosecution for human trafficking by a business entity must be commenced not later than 10 years after commission of the offense. *See* R.I. Gen. Laws Ann. § 11-67.1-12.

g. R.I. Gen. Laws Ann. § 11-67.1-9 (2017) – Aggravating Circumstances

i. Summary

An aggravating circumstance during the commission of an offense under §§ 11-67.1-3 (trafficking an individual), 11-67.1-4 (forced labor), or 11-67.1-5 (sexual servitude) occurs when:

- (1) The defendant recruited, enticed, or obtained the victim of the offense from a shelter that serves individuals subjected to human trafficking, domestic violence, or sexual assault, runaway youth, foster children, or the homeless; or
- (2) The defendant kidnaps, holds hostage, or otherwise keeps the victim against the victim’s will.

R.I. Gen. Laws Ann. § 11-67.1-9(a).

ii. Sentencing

If the trier of fact finds that an aggravating circumstance occurred in the commission of §§ 11-67.1-3 (trafficking an individual), 11-67.1-4 (forced labor), or 11-67.1-5 (sexual servitude), the defendant may be imprisoned for up to five years in addition to the period of imprisonment prescribed for the offense. Any such sentence may run consecutively to any other sentence imposed. R.I. Gen. Laws Ann. § 11-67.1-9(d).

h. R.I. Gen. Laws Ann. § 11-67.1-10 (2017) – Restitution

Courts shall order a person convicted of an offense under §§ 11-67.1-3, 11-67.1-4, or 11-67.1-5 (trafficking, forced labor, or sexual servitude) to pay restitution to the victim of the offense, even if the victim is unavailable to accept payment of restitution, for (1) expenses incurred or reasonably certain to be incurred by the victim as a result of the offense, including reasonable attorney’s fees and costs; and (2) with no reduction for expenses the defendant incurred to maintain the victim, an amount equal to the greatest of: (i) the gross income to the defendant for, or the value to the defendant of, the victim’s labor or services or sexual activity; (ii) the amount the defendant contracted to pay the victim; or (iii) the value of the victim’s labor or services or sexual activity, calculated under the minimum-wage and overtime provisions of the federal Fair Labor Standards Act or state law, whichever is greater, even if the provisions do not apply to the victim’s labor or services or sexual activity. See R.I. Gen. Laws Ann. § 11-67.1-10(a), (b).

If the victim does not claim ordered restitution within five years after entry of the order, the restitution must be paid to the state’s criminal injuries compensation fund. 12. See R.I. Gen. Laws Ann. § 11-67.1-10(c).

i. R.I. Gen. Laws Ann. § 11-67.1-11 (2017) – Forfeiture

On motion, the court shall order a person convicted under §§ 11-67.1-3, 11-67.1-4, or 11-67.1-5 (trafficking, forced labor, or sexual servitude) to forfeit any interest in real or personal property that:

- (1) Was used or intended to be used to commit or facilitate the commission of the offense; or
- (1) Constitutes proceeds or was derived from proceeds that the person obtained, directly or indirectly, as a result of the offense.

R.I. Gen. Laws Ann. § 11-67.1-11(a).

In a proceeding against real or personal property under this section, the person convicted of the offense may assert a defense that the forfeiture is manifestly disproportional to the seriousness of the offense. The person has the burden to establish the defense by a preponderance of the evidence. R.I. Gen. Laws Ann. § 11-67.1-11(b).

j. R.I. Gen. Laws Ann. § 11-67.1-15 (2017) – Immunity of Minor

An individual is not criminally liable or subject to delinquency proceedings in the family court for prostitution or solicitation to commit a sexual act if the individual was a minor at the time of the offense and committed the offense as a direct result of being a trafficking victim. R.I. Gen. Laws Ann. § 11-67.1-15(a).

k. R.I. Gen. Laws Ann. § 11-67.1-16 (2017) – Affirmative Defense of Victim

An individual charged with prostitution or solicitation to commit a sexual act, committed as a direct result of being a victim, may assert an affirmative defense that the individual is a trafficking victim. R.I. Gen. Laws Ann. § 11-67.1-16.

2. Online Child Sexual Exploitation and Child Pornography Offenses

R.I. Gen. Laws Ann. § 11-9-1 – Exploitation for Commercial or Immoral Purpose

R.I. Gen. Laws Ann. § 11-9-2 – Employment of Children for Unlawful Purposes

R.I. Gen. Laws Ann. § 11-37-8.8 – Indecent Solicitation of a Child

R.I. Gen. Laws Ann. § 11-37-8.9 – Penalty for Indecent Solicitation of a Child

R.I. Gen. Laws Ann. § 11-37-6 – Third Degree Sexual Assault

R.I. Gen. Laws Ann. § 11-37-8.1 – First Degree Child Molestation Sexual Assault

R.I. Gen. Laws Ann. § 11-37-8.3 – Second Degree Child Molestation Sexual Assault

3. R.I. Gen. Laws Ann. § 11-37.1-3(a) (2018) – Registration Required, Persons Covered

Any person who (1) has been convicted of a criminal offense against a victim who is a minor, (2) has been convicted of a sexually violent offense, (3) has been determined to be a sexually violent predator, (4) has committed an aggravated offense as defined in § 11-37.1-2, (5) is a recidivist, as defined in § 11-37.1-4, or (6) has been convicted of a federal offense shall be required to register the person’s current address with the local law enforcement agency. See R.I. Gen. Laws Ann. § 11-37.1-3(a).

B. Civil Liability Statutes

1. R.I. Gen. Laws Ann. § 11-67.1-18 (2017) – Civil Lawsuit

a. Summary

A victim of trafficking, forced labor, or sexual servitude may bring a civil lawsuit against a person who commits such an offense. See R.I. Gen. Laws Ann. § 11-67.1-18.

b. Damages and Other Relief

A victim may recover compensatory damages, punitive damages, injunctive relief, and any other appropriate relief. If a victim prevails in a lawsuit under this section, the court shall also award the victim reasonable attorney’s fees and costs. Damages awarded to a victim under this section for an item must be offset by any restitution paid to the victim pursuant to § 11-67.1-10. R.I. Gen. Laws Ann. § 11-67.1-18.

c. Statute of Limitations

A lawsuit under this section must be commenced not later than 10 years after the later of the date on which the victim (1) no longer was subject to human trafficking, or (2) attained 18 years of age. R.I. Gen. Laws Ann. § 11-67.1-18(c).

C. Additional Statutes Specific to Human Trafficking

1. R.I. Gen. Laws Ann. § 11-67.1-13 (2017) – Victim Confidentiality

In an investigation of or a prosecution for a trafficking offense, every agency of state or local government shall keep confidential the identity, pictures, and images of the alleged victim and the family of the alleged victim, subject to limited exceptions.

2. R.I. Gen. Laws Ann. § 11-67.1-14 (2017) – Past Sexual Behavior of Victim

Evidence of a specific instance of the alleged victim’s past sexual behavior or reputation, or opinion evidence of the alleged victim’s past sexual behavior, is not admissible in a trafficking prosecution under this chapter or in a civil lawsuit under R.I. Gen. Laws Ann. § 11-67.1-18 unless it is: (1) admitted in accordance with R.I. Gen. Laws Ann. § 11-37-13 (victim confidentiality); or (2) offered by the prosecution to prove a pattern of human trafficking by the defendant.

3. R.I. Gen. Laws Ann. § 11-67.1-17 (2017) – Motion to Vacate and Expunge Conviction

An individual convicted of prostitution or solicitation to commit a sexual act, committed as a direct result of being a victim, may apply by motion to the court having jurisdiction over the offense to vacate the conviction and seal or expunge the record of conviction. The court may grant the motion after a hearing and upon a finding that the participation in the offense was a direct result of being a victim. An official determination or documentation from a federal, state, local, or tribal agency that the individual was a victim at the time of the offense creates a presumption that the individual’s participation was a direct result of being a victim.

4. R.I. Gen. Laws Ann. § 11-67.1-19 (2017) – Council on Human Trafficking

Rhode Island created the Council on Human Trafficking to develop a plan to provide comprehensive services to victims of human trafficking and to evaluate data on human trafficking. The Council is also authorized to coordinate training on human trafficking prevention and victim services for state and local employees who may have recurring contact with victims or perpetrators.

5. R.I. Gen. Laws Ann. § 11-67.1-20 (2017) – Display of Public-Awareness Sign—Penalty for Failure to Display

Public or quasi-public transportation agencies, rest areas, welcome centers, sexually oriented businesses, business entities found to be nuisances for prostitution, job-recruitment centers, and hospitals must display a public-awareness sign that contains human trafficking hotline information and may face penalties for failure to display such signage.

6. R.I. Gen. Laws Ann. § 11-67.1-21 (2017) – Trafficking Victims’ Eligibility for Benefit or Service

Victims of trafficking can receive services and benefits regardless of immigration status.

7. R.I. Gen. Laws Ann. § 11-67.1-22 (2017) – Law-Enforcement Protocol for T and U Visas

Law enforcement officers must complete immigration forms I-914B or I-918B as soon as possible for individuals they believe are victims of severe forms of trafficking or criminal offenses required to qualify them for visas under 8 U.S.C. § 1101(a)(15)(T) or 8 U.S.C. § 1101(a)(15)(U), or for continued presence under 22 U.S.C. § 7105(c)(3).

8. R.I. Gen. Laws Ann. § 11-67.1-23 (2017) – Grant to or Contract with Service Provider

The Council on Human Trafficking may make a grant to, or contract with, a unit of state or local government or nongovernmental victim’s service organization to develop or expand service programs for victims.

9. R.I. Gen. Laws § 28-14-1 *et seq.* – Payment of Wages

An aggrieved employee may bring a civil lawsuit to recover unpaid wages. A prevailing employee may also recover liquidated damages and reasonable attorney’s fees and costs. See 28 R.I. Gen. Laws § 28-14-19.2. A noncompliant employer may be subject to additional civil and criminal penalties. See 28 R.I. Gen. Laws § 28-14-17.

More information is available at: <https://dlt.ri.gov/>.

D. Significant Cases

1. *State v. Footman*, 196 A.3d 758 (R.I. 2018)

The facts in this case “recount a chronicle of debauchery and sexual exploitation of a 14-year-old runaway girl” by the defendant. A jury convicted the defendant of two counts of sex trafficking of a minor, in violation of then-R.I. Gen. Laws Ann. § 11-67-6; two counts of pandering or permitting prostitution, in violation of R.I. Gen. Laws Ann. §

11-34.1-7(b); and one count of driving a motor vehicle with a suspended license. The trial court imposed two concurrent sentences of 40 years for the two counts of sex trafficking of a minor; a consecutive sentence of five years for one count of pandering or permitting of pandering or permitting prostitution; and a term of 30 days and a fine of USD 250 for driving with a suspended license.

The Supreme Court of Rhode Island vacated the defendant’s conviction for two counts of sex trafficking of a minor in violation of R.I. Gen. Laws Ann. § 11-67-6 because that statute failed to charge a criminal offense. Although R.I. Gen. Laws Ann. § 11-67-6 contained a definitional section, a section describing various types of conduct, and a penalty section, there was no declaration that the conduct set forth in the statute was a felony crime.

R.I. Gen. Laws Ann. § 11-67-6 was repealed in 2017. For comparable provisions, see § 11-67-1-1 *et seq.*

E. Academic Research/Papers

Faith Skodmin, Rachel Dunham, & Donna M. Hughes, *Analysis of Human Trafficking Cases in Rhode Island, 2009-2013*, 6 SAGE JOURNALS 2 (2016).

F. Resources

National Human Trafficking Hotline (Rhode Island):

<https://humantraffickinghotline.org/state/rhode-island>

Rhode Island *Uniform Response Protocol for the Commercial Sexual Exploitation of Children* (Jan. 2016):

<https://www.justice.gov/usao-ri/file/883361/download>

Rhode Island Victim Services Unit:

<http://www.riag.ri.gov/homeboxes/VictimServices.php>

Shared Hope International, Rhode Island Report Card (2019):

https://sharedhope.org/PICframe9/reportcards/PIC_RC_2019_RI.pdf

Shared Hope International, Rhode Island Analysis and Recommendations (2019):

https://sharedhope.org/PICframe9/analysis/PIC_AR_2019_RI.pdf

U.S. Department of Health & Human Services, *Rhode Island: Efforts to Combat Human Trafficking* (2017):

https://nhhtac.acf.hhs.gov/sites/default/files/2019-06/rhode_island_profile_efforts_to_combat_human_trafficking.pdf

Day One Rhode Island Programs

<https://www.dayoneri.org/get-informed/day-one-csec-programs>

THEIA (Trafficking Housing Empowerment Immigration Advocacy) Project

<https://www.sojournerri.org/theia-project>

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