

## Appendix V – States with Involuntary Servitude Mentioned in Other Statutes

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Undocumented individuals who are victims of criminal activities covered by the U visa may be eligible to obtain legal status through the U visa program. As part of the U visa application process, an individual must obtain certification from a government agency confirming that the applicant was helpful, is being helpful, or was likely to be helpful to law enforcement, prosecutors, judges, or other government agency officials in the detection, investigation, prosecution, conviction, or sentencing of the criminal activity. Government agencies authorized to sign U visa certifications include the U.S. Department of Labor (“DOL”), the U.S. Equal Employment Opportunity Commission (“EEOC”), state labor enforcement agencies, police, prosecutors, child and adult protective services, and other government agencies with civil, criminal, or administrative investigative authority. According to the Department of Homeland Security (“DHS”), agencies can certify U visa applications based on an enumerated list of Qualifying Criminal Activity (“QCA”), and “any similar activity,” including “criminal offenses in which the nature and elements of the offenses are substantially similar to the statutorily enumerated list of criminal activities.”<sup>1</sup>

Involuntary servitude laws vary from state to state. This chart catalogues state statutes that mention involuntary servitude<sup>2</sup> and identifies potential U visa qualifying criminal activity that can fall within the elements of the state’s statute mentioning involuntary servitude. The definitions used for the qualifying criminal activity comparisons are taken from federal law, model state codes, United States sentencing guidelines, and federal treatises. The applicable state statutory language mentioning involuntary servitude is included below any other potentially applicable qualified criminal activities on the U visa list that DOL, EEOC, state labor departments, and any other certifiers may detect in the context of an involuntary servitude investigation. This chart will also assist DHS adjudicators by providing a state-by-state tool that will facilitate understanding of the types of qualified criminal activities or similar activities present in cases involving state criminal statutes mentioning involuntary servitude. This chart will also assist attorneys and advocates working with involuntary servitude victims in identifying a more complete list of U visa qualifying criminal activities that involuntary servitude victims may also have suffered.

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<sup>1</sup> 8 C.F.R. 214.14(a)(9).

<sup>2</sup> Involuntary Servitude – “Involuntary servitude means a condition of servitude induced by means of any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or the abuse or threatened abuse of legal process.” Bender’s Immigration Regulations Service § 214.11(a).

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State	Statute	Potentially applicable QCAs for which DHS could certify based on state statutory language	Other potentially applicable QCAs for which DHS and DOL could certify based on state statutory language
Alabama	<p><u>Ala. Code § 13A-6-151(7)-Definitions</u></p> <p>(7) SEXUAL SERVITUDE. Any of the following:</p> <p>(a) Any sexual conduct as defined in subdivision (3) of Section 14-11-30, for which anything of value is directly or indirectly given, promised to, or received by any person, which conduct is induced or obtained by coercion or deception from a person.</p> <p>(b) Sexual conduct includes:</p> <p>(1) Sexually explicit performances, meaning an act or show intended to arouse, satisfy the sexual desires of, or appeal to the prurient interests of patrons or viewers, whether public or private, live, photographed, recorded, videotaped, or projected over the Internet. 2. Commercial sex acts, meaning any sex act on account of which anything of value is given, promised to, or received, directly or indirectly, by any person. 3. Acts defined in subdivision (3) of Section 14-11-30.</p>	<p><u>False imprisonment</u><sup>3</sup></p> <p>“He or she knowingly...habors, holds, restrains...any minor for the purpose of causing the minor to engage in sexual servitude...”</p> <p><u>Sexual exploitation</u></p> <p>“Any sexual conduct...for which anything of value is directly or indirectly given...”</p> <p><u>Unlawful criminal restraint</u></p> <p>“He or she knowingly...habors, holds, restrains...another person for the purpose labor servitude or sexual servitude...”</p>	<p><u>Trafficking</u><sup>4</sup></p> <p>“A person commits the crime of human trafficking...”</p>

<sup>3</sup> False Imprisonment – “...[K]nowingly restrain[ing] another unlawfully so as to interfere substantially with his liberty.” Model Penal Code § 212.3 (2001).

<sup>4</sup> Trafficking – “The term “severe forms of trafficking in persons” means (a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.” 22 U.S.C.S. § 7102(9).

	<p><u>Ala. Code § 13A-6-152(a)(1-2)- Human trafficking in the first degree</u></p> <p>(a) A person commits the crime of human trafficking in the first degree if:</p> <p>(1) He or she knowingly subjects another person to <b>labor servitude</b> or <b>sexual servitude</b> through use of coercion or deception.</p> <p>(2) He or she knowingly obtains, recruits, entices, solicits, induces, threatens, isolates, harbors, holds, restrains, transports, provides, or maintains any minor for the purpose of causing a minor to engage in <b>sexual servitude</b>. Mentions involuntary servitude as “sexual servitude”</p> <p><u>Ala. Code § 13A-6-153(a)(1-2)- Human trafficking in the second degree</u></p> <p>(a) A person commits the crime of human trafficking in the second degree if:</p> <p>(1) A person knowingly benefits, financially or by receiving anything of value, from participation in a venture or engagement for the purpose of sexual servitude or labor servitude.</p> <p>(2) A person knowingly recruits, entices, solicits, induces, harbors, transports, holds, restrains, provides, maintains, subjects, or obtains by any means another person for the purpose of labor servitude or sexual servitude.</p>		
Arkansas	<p><u>A.C.A. § 5-18-103 –Trafficking of persons.</u></p> <p>(a) A person commits the offense of trafficking of persons if he or she knowingly:</p> <p>(1) Recruits, harbors, transports, obtains, entices, solicits, isolates, provides, or maintains a person knowing that the person will be subjected to <b>involuntary servitude</b>.</p>	<p><u>False imprisonment</u></p> <p>“A person commits the offense...if he or she knowingly...harbors...a person knowing that the person will be subjected to involuntary servitude.”</p> <p><u>Unlawful criminal restraint</u></p> <p>“A person commits the offense...if he or she knowingly...harbors...a person knowing</p>	<p><u>Trafficking</u></p> <p>“A person commits the offense of trafficking of persons if...”</p>

		that the person will be subjected to involuntary servitude.”	
Georgia	<u>O.C.G.A. § 16-5-46 – Trafficking of persons for labor or sexual servitude</u> (3) "Labor servitude" means work or service of economic or financial value which is performed or provided by another person and is induced or obtained by coercion or deception.	<u>Sexual exploitation</u> “Trafficking of persons for...sexual servitude.”	<u>Trafficking</u> “Trafficking of persons...”
Idaho	<u>I. C. § 18-8602(2) – Human trafficking defined</u> (2) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.	<u>False imprisonment</u> “harboring...a person for labor or services...”  <u>Slave trade</u> <sup>5</sup> “for the purpose of...slavery.”  <u>Unlawful criminal restraint</u> “harboring...a person for labor or services...”	<u>Peonage</u> <sup>6</sup> “for the purpose of...peonage, debt bondage...”  <u>Trafficking</u> “Human trafficking defined...”
Indiana	<u>IC §35-42-3.5-1 – Promotion of human trafficking; sexual trafficking of a minor; human trafficking</u> Sec. 1. (a) A person who, by force, threat of force, or fraud, knowingly or intentionally recruits, harbors, or transports another person: (1) to engage the other person in: (A) forced labor; or (B) <b>involuntary servitude</b> [...] commits promotion of human trafficking, a Level 4 felony. (b) A person who knowingly or intentionally recruits, harbors, or transports a child less than:	<u>False imprisonment</u> “...knowingly or intentionally...harbors...another person...”  <u>Prostitution</u> “...who the person knows has been forced into...prostitution...”  <u>Sexual exploitation</u> “Sexual trafficking of a minor...”	<u>Trafficking</u> “...commits promotion of human trafficking...”

<sup>5</sup> Slave Trade – ““Slave trade” means and includes all acts involved in the capture, acquisition, or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a person acquired with a view to being sold or exchanged; and, in general, every act of trade or transport in slaves by whatever means of conveyance.” 1956 U.S.T. 3201 § 1, Art. 7(c).

<sup>6</sup> Peonage – “Peonage means a status or condition of involuntary servitude based upon real or alleged indebtedness.” Bender’s Immigration Regulations Service § 214.11(a).

	<p>(1) eighteen (18) years of age with the intent of:</p> <p>(A) engaging the child in:</p> <p>(i) forced labor; or</p> <p>(ii) <b>involuntary servitude</b> [...]</p> <p>commits promotion of human trafficking of a minor, a Level 3 felony.</p> <p>(d) A person who knowingly or intentionally pays, offers to pay, or agrees to pay money or other property to another person for an individual who the person knows has been forced into:</p> <p>(1) forced labor;</p> <p>(2) <b>involuntary servitude</b>; or</p> <p>(3) prostitution;</p> <p>commits human trafficking, a Level 5 felony.</p>	<p><u>Unlawful criminal restraint</u>  “...knowingly _____ or intentionally...harbors...another person...”</p>	
Iowa	<p><u>I.C.A. § 710A.1 – Definitions</u></p> <p>(5) “<b>Involuntary servitude</b>” means a condition of servitude induced by means of any scheme, plan, or pattern intended to cause a person to believe that if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint or the threatened abuse of legal process.</p>	<p><u>Blackmail</u><sup>7</sup>  “...the threatened abuse of legal process.”</p> <p><u>False imprisonment</u>  “...would suffer serious...physical restraint...”</p> <p><u>Felonious assault</u>  “...would suffer serious harm...”</p> <p><u>Unlawful criminal restraint</u>  “...would suffer serious...physical restraint...”</p>	
Kansas	<p><u>K.S.A. 21-5426 –Human trafficking; aggravated human trafficking</u></p> <p>(a) Human trafficking is:</p>	<p><u>False _____ imprisonment</u>  “The intentional...harboring...of a person for labor or services...”</p>	<p><u>Peonage</u>  “...peonage means a condition of involuntary servitude in which...”</p>

<sup>7</sup> Blackmail – “Whoever, under a threat of informing, or as a consideration for not informing, against any violation of any law of the United States, demands or receives any money or other valuable thing, shall be fined under this title or imprisoned not more than one year, or both.” 18 U.S.C. § 873.

	<p>(1) The intentional recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjecting the person to <b>involuntary servitude</b> or forced labor [...]</p> <p>(b) Aggravated human trafficking is human trafficking, as defined in subsection (a):</p> <p>(4) involving recruiting, harboring, transporting, providing or obtaining, by any means, a person under 18 years of age knowing that the person, with or without force, fraud, threat or coercion, will be used to engage in forced labor, <b>involuntary servitude</b> or sexual gratification of the defendant or another.</p> <p>(f) As used in this section, "peonage" means a condition of <b>involuntary servitude</b> in which the victim is forced to work for another person by the use or threat of physical restraint or physical injury, or by the use or threat of coercion through law or the legal process.</p>	<p><u>Felonious assault</u> “...threat of...physical injury...”</p> <p><u>Sexual exploitation</u> “...will be used to engage in...sexual gratification of the defendant of another.”</p> <p><u>Unlawful criminal restraint</u> “The intentional...harboring...of a person for labor or services...”</p>	
Mississippi	<p><u>Miss. Code Ann. § 97-3-54.1 – Human trafficking; offenses</u></p> <p>(1) (b) A person who knowingly subjects, or attempts to subject, another person to forced labor or services shall be guilty of the crime of procuring <b>involuntary servitude</b>.</p>		
New Hampshire	<p><u>N.H. Rev. Stat. § 633:5 – Peonage</u></p> <p>(I) An actor is guilty of a class A misdemeanor if such person knowingly holds a victim in a condition of <b>involuntary servitude</b> in satisfaction of a debt owed to the actor. In this section, "involuntary servitude" means a condition of servitude in which the victim is forced to work for the actor by the use or threat of physical restraint or</p>	<p><u>False imprisonment</u> “...use or threat of physical restraint...”</p> <p><u>Felonious assault</u> “...use or threat of...physical injury...”</p> <p><u>Unlawful criminal restraint</u> ““...use or threat of physical restraint...”</p>	<p><u>Peonage</u> “Peonage...”</p>

	physical injury, or by the use or threat of coercion through law or the legal process.		
New Jersey	<u>N.J. Stat. § 2C:13-2— Criminal restraint</u> Criminal restraint 2C:13-2. A person commits a crime of the third degree if he knowingly: (b) Holds another in a condition of <b>involuntary servitude</b>	<u>Unlawful criminal restraint</u> “Criminal restraint...”	
North Dakota	<u>N.D. Cent. Code § 12.1-18-02 –Felonious restraint</u> A person is guilty of a class C felony, if he: (3) Restrains another with intent to hold him in a condition of <b>involuntary servitude</b> .	<u>False imprisonment</u> “...restrains another with intent to hold him in a condition...”  <u>Unlawful criminal restraint</u> “...restrains another with intent to hold him in a condition...”	
Ohio	<u>ORC Ann. § 2905.32 Trafficking in persons</u> (A) No person shall knowingly recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, or knowingly attempt to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, another person if any of the following applies: (1) The offender knows that the other person will be subjected to <b>involuntary servitude</b> or be compelled to engage in sexual activity for hire, engage in a performance that is obscene, sexually oriented, or nudity oriented, or be a model or participant in the production of material that is obscene, sexually oriented, or nudity oriented.	<u>False imprisonment</u> “No person shall knowingly...harbor...another person...”  <u>Sexual exploitation</u> “...be compelled to engage in sexual activity for hire...”  <u>Unlawful criminal restraint</u> “No person shall knowingly...harbor...another person...”	<u>Trafficking</u> “Trafficking in persons...”
Oregon	<u>O.R.S. § 163.266 – Trafficking in persons</u> (1) A person commits the crime of trafficking in persons if the person knowingly: (a) Recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, another person knowing that the other person will be subjected to	<u>False imprisonment</u> “...harbors...another person knowing that the other person will be subject to...”  <u>Unlawful criminal restraint</u> “...harbors...another person knowing that the other person will be subject to...”	<u>Trafficking</u> “A person commits the crime of trafficking in persons if...”

	<b>involuntary servitude</b> as described in ORS 163.263 or 163.264 [...]		
Pennsylvania	<p>18 Pa.C.S. § 3011 – <b>Trafficking in individuals</b></p> <p>(a) Offense defined. – A person commits a felony of the second degree if the person:</p> <p>(1) recruits, entices, solicits, harbors, transports, provides, obtains or maintains an individual if the person knows or recklessly disregards that the individual will be subject to <b>involuntary servitude</b> [...]</p>	<p><u>False imprisonment</u> “A person commits a felony...if the person...harbors...an individual...”</p> <p><u>Unlawful criminal restraint</u> “A person commits a felony...if the person...harbors...an individual...”</p>	<p><u>Trafficking</u> “Trafficking in individuals...”</p>
South Carolina	<p>S.C. Code. Ann. § 16-3-2010 – <b>Definitions</b></p> <p>(9) "Trafficking in persons" means when a victim is subjected to or a person attempts to subject a victim to sex trafficking, forced labor or services, <b>involuntary servitude</b>, or debt bondage [...]</p> <p>S.C. Code. Ann. § 16-3-2020 – <b>Trafficking in persons; penalties; defenses.</b></p> <p>(A) A person who recruits, entices, solicits, isolates, harbors, transports, provides, or obtains, or so attempts, a victim, knowing that the victim will be subjected to sex trafficking, forced labor or services, <b>involuntary servitude</b> or debt bondage through any means or who benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in this subsection, is guilty of trafficking in persons.</p> <p>(B) A person who recruits, entices, solicits, isolates, harbors, transports, provides, or obtains, or so attempts, a victim, for the purposes of sex trafficking, forced labor or services, <b>involuntary servitude</b> or debt bondage through any means or who benefits, financially or by receiving anything of value, from participation in a venture which has</p>	<p><u>False imprisonment</u> “A person who...harbors...a victim...”</p> <p><u>Sexual exploitation</u> “...subject a victim to sex trafficking...”</p> <p><u>Unlawful criminal restraint</u> “A person who...harbors...a victim...”</p>	<p><u>Peonage</u> “...or debt bondage...”</p> <p><u>Trafficking</u> “Trafficking in persons means...”</p>



	engaged in an act described in subsection (A), is guilty of trafficking in persons.		
South Dakota	<p><u>S.D. Codified Laws § 22-49-1 – Human trafficking prohibited</u> Human trafficking prohibited. No person may recruit, harbor, transport, provide, or obtain, by any means, another person knowing that force, fraud, or coercion will be used to cause the person to engage in prostitution, forced labor, or <b>involuntary servitude</b>. Nor may any person benefit financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in this section. Any violation of this section constitutes the crime of human trafficking.</p> <p><u>S.D. Codified Laws § 22-49-3 – Second degree human trafficking--Felony</u> Second degree human trafficking--Felony. A person is guilty of human trafficking in the second degree if that person: (1) Recruits, harbors, transports, provides, or obtains, by any means, another person knowing that force, fraud, or coercion will be used to cause the person to engage in prostitution, forced labor, or <b>involuntary servitude</b> [...]</p>	<p><u>False imprisonment</u> “No person may...harbor...another person...”</p> <p><u>Prostitution</u> “...cause the person to engage in prostitution...”</p> <p><u>Unlawful criminal restraint</u> “No person may...harbor...another person...”</p>	<p><u>Trafficking</u> “Human trafficking prohibited.”</p>
Vermont	<p><u>13 V.S.A. § 2652 – Human trafficking</u> (5) subject a person to <b>labor servitude</b> [...]</p> <p><u>13 V.S.A. § 2407 –Unlawful restraint in the first degree</u> (a) A person commits the crime of unlawful restraint in the first degree if that person [...] (2) holds another person in a condition of <b>involuntary servitude</b>.</p>	<p><u>False imprisonment</u> “A person commits the crime of unlawful restraint...”</p> <p><u>Unlawful criminal restraint</u> “A person commits the crime of unlawful restraint...”</p>	<p><u>Trafficking</u> “Human trafficking...”</p>

Washington	<p><u>Rev. Code Wash. § 9A.40.010 – Definitions</u></p> <p>(4) "<b>Involuntary servitude</b>" means a condition of servitude in which the victim was forced to work by the use or threat of physical restraint or physical injury, by the use of threat of coercion through law or legal process, or as set forth in RCW 9A.40.110. For the purposes of this subsection, "coercion" has the same meaning as provided in RCW 9A.36.070.</p>	<p><u>False imprisonment</u>  "...use or threat of physical restraint..."</p> <p><u>Felonious assault</u>  "...use or threat of...physical injury..."</p> <p><u>Unlawful criminal restraint</u>  "...use or threat of physical restraint..."</p>	
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