

Falling Down: The Demise of Tim Ballard and Operation Underground Railroad

DAMION MOORE MONDAY, MAY 16, 2022

[HTTPS://AMERICANCRIMEJOURNAL.COM/OPERATION-UNDERGROUND-RAILROAD-EARNS-47-MILLION-IN-2020/](https://americancrimejournal.com/operation-underground-railroad-earns-47-million-in-2020/)

For additional articles covering OUR, please go to ACJ Investigates- Derailed: Operation Underground Railroad

Editor's Note: **Please return to this page for future updates and supporting and corroborating documents as we begin to disseminate, dissect and thoroughly vet the figures and claims. With the growing number of former O.U.R. employees that have been cooperating with our investigation, we hope to break down some of the processes, codes and misleading figures and descriptions. That said, with the volume of work into Lynn Packer and ACJ's O.U.R. investigation, 150 articles, dozens of videos and about 600 documents, and about 20 more articles, videos and 2,000 document as of right now that we need to upload. We will be updating and streamlining the website for each of the ACJ Investigative Series, which includes Karlie Guse and the I-65 Serial Killer.**

Editor's Note: **Updated 5/15/22 Falling Down. Damion Moore provides his comments and gives us insight into why O.U.R. had a great year. O.U.R. wasn't exposed until ACJ's first article in January 2020 and Lynn Packer's resurrection.**

It's important to note that Tim Ballard and O.U.R. were riding high in 2020, with impunity. In the public sphere, they were legitimate, no one questioned their claims and there was not a critic in sight. This was the beginning of the end.

Damion Moore – May 15, 2022

Six months past due. Two years of lying to donors and concealing assets (investments, stocks, bonds) from ~~investors~~ "VIP Donors", Operation Underground Railroad's Form 990 for 2020 has been released.

Pride goeth before a fall

At this very moment, many are angered and outraged that O.U.R. had another record-breaking year raking in over \$47 Million. Angry because of the laundry list of allegations against Ballard and O.U.R. officials. That list now includes ties to white nationalists, supremacists and hundreds of misleading claims. All this money despite multiple criminal investigations. Proven abuses and obvious fraud. The mass revolt of O.U.R.'s executives, the only ones with actual experience that gave O.U.R. a semblance of credibility (barely). Including Tim's sister-in-law, who fled O.U.R. with Jon Lines and Carlos Rodriguez to form Coaxion Global.

It was O.U.R. President of Operations Jon Lines and Washington State Patrol Detective Carlos Rodriguez, the head of the Missing and Exploited Children Task Force (MECTF) that made O.U.R. famous with Operation NetNanny. But as the façade crumbled once they became a magnet for controversy, it was revealed that O.U.R.'s involvement was limited to \$50,000 in annual donations for five years... and nothing else.

Worse, they were embarrassingly thirsty for credit in NetNanny's questionable arrests to pander for donations. A subsequent lawsuit against O.U.R. involving their role in NetNanny cost them \$100,000.

It's important to note that Tim Ballard and O.U.R. were riding high in 2020, with impunity. In the public sphere, they were legitimate, no one questioned their claims and there was not a single critic. This was the beginning of the end. Not a single rescued survivor or family members speaking on their behalf either.

The sole rescued survivor Tim Ballard touted publicly as the O.U.R. poster child, Liliana- including selling merchandise supposedly designed by her, turned out to be a total fabrication. O.U.R. had no involvement in her rescue nor

aftercare. That didn't stop Tim Ballard peddling her story, their high-risk rescue of her and fabricating her "aftercare costs" before congress and during an embarrassing White House meeting. Behind the scenes, O.U.R. was in shambles.

As early as 2015, the true story behind O.U.R.'s founding- as a reality TV show, not divine inspiration (as perpetuated by Tim Ballard and the LDS Church today, who also falsified his ties to the CIA) was common knowledge. But years of lying, litigation, threatening witnesses and carefully crafting a public image had buried the truth behind O.U.R.'s founding. In 2020, the suppressed interviews of Darrin Fletcher and Chet Thomas detailing the real story behind the founding of The Abolitionists as it happened reemerged once Lynn Packer and I started talking and we began republishing Packer's reports.

By 2020, at fundraiser after fundraiser and interview after interview, Ballard was perpetuating ad nauseum that by then he was exhausted rescuing "trafficked children" at the Calexico Port of Entry during his stint with U.S. Department of Homeland Security. He was tired of being held back by bureaucratic red tape.

Things were so bad, Tim Ballard spent countless hours moonlighting as a pseudo historian authoring Mormon biblical fan fiction. He was travelling the country. Seeking artifacts and spending time in libraries and county archives/museums, sometimes "from open to close". Like some Mormon Indiana Jones or should I say Deseret Jones.

Yes. That's correct. According to Tim Ballard, human trafficking was so "out of control" at the Calexico Port of Entry as was drug trafficking and drug "hit squads" that Ballard, Donald Trump and the GOP were demanding a border wall they never built, even when they full and complete control of congress, the senate and White House.

So, he spent his time writing biblical fanfiction and went on book tours promoting them as fact. Tim bailed on the children.

Ballard's Mormon fantasies caught the attention of Mormon conservative commentator Glenn Beck and none other than the acting President of the Quorum of the Twelve Apostles, M. Russell Ballard (no relation). Despite being exciting Mormon porn, Elder Ballard suggested Ballard remove "the LDS material". He wanted to share "the good news: with every American (which means even he knew Ballard was full of shit).

The LDS Church's publishing wing had published Ballard's "American Covenant" series that wasn't a huge hit with the LDS Community, so the idea was to exploit the Evangelical community to make a profit.

Much like Operation Underground Railroad today.

~~Murder~~ Ballard Among the Mormons

While there is no definitive proof, evidence suggests that these connections gave Tim Ballard an opening to exploit the LDS Church and Glenn Beck's community using human trafficking hysteria. Due to Tim Ballard's employment with the U.S. Department of Homeland Security, Elder Ballard had asked him to help locate a Haitian child, Mardy Gardy. For an in-depth look into the Gardy situation you can view Lynn Packer's video:

Mardy Gardy was kidnapped in 2009. Even since then, Ballard has misled Guesno Gardy and the LDS Church with needless, flamboyant raids, some based entirely on "psychic leads"- something Ballard claims law enforcement "does all the time". That may have been true in the 80s and early 90s, perhaps some underfunded meth and opiate ravaged counties in the rural south are desperate enough to try anything. Let's keep in mind that Ballard left the U.S. Department of Homeland Security. He's an educated man. He knows better but it's anything to keep the gimmick going.

There is not a single documented case of law enforcement employing a psychic that solved a cold case, identified a criminal or found a missing person. There are dozens of instances which corrupt detectives and con artists embezzled money under the ruse of such nonsense.

Ballard and Operation Underground Railroad have received millions of dollars and has not produced demonstrable results outside of creating an artificial demand for "little kids" in poor third world countries which has little to tourism to begin with. Ballard and O.U.R. has not utilized an independent board or auditing of the organization's funds.

So, imagine a team of white men running around the barrios asking everyone in dirt poor corrupt community for child pornography and little girls to molest. All this in a country ran by one of the most corrupt governments- Haiti.

In 2018, Utah Attorney General Sean Reyes in conjunction with the Governor's office and Tim Ballard presented a gubernatorial declaration recognizing January as National Slavery and Human Trafficking Prevention Month.

According to the St. George News

"Notable among those honored were Haiti's Attorney General, Clame Ocnam Dameus, his Chief of Staff, Jim Petiote, as well as their wives and several staff members, for their work combatting human trafficking in their home country. Ocnam and his team are visiting Utah due to their partnership with Reyes and Operation Underground Railroad to discuss efforts abroad"

The following month Clame Ocnam Dameus would resign among corruption allegations.

On July 7, 2021, Haitian President Jovenel Moise was assassinated.

A December 2021, [The New York Times](#) reported that Moise's assassination might be linked to Moise's plans to publicly expose high-ranking Haitian officials involved in the Haitian drug trade.

As law enforcement and human trafficking experts pointed out, crusader organizations such as Operation Underground Railroad primarily operates in corrupt nations with civil unrest as "they bribe officials and do whatever it is they please" During multiple interviews with current and former advocates working in the field of rescuing orphans, Operation Underground Railroad fabricated rescues, and claimed these organizations were their "aftercare facilities". In reality, either there were no children, or very few actual "human trafficking victims" registered in the program. In numerous instances, these organizations would get calls regarding the recognition Tim Ballard and Operation Underground Railroad gave them credit for taking in trafficked children the organization rescued.

The only problem is, there were no children rescued.

Besides, there were more than enough orphans in African and Asian countries that according to an aftercare specialist I spent over 50 hours with examining cases with, "within five minutes of landing at the airport, children as young as six and seven years-old are either begging for money, attempting to rob you or performing in the streets for nickels. You could snatch a kid, walk into an orphanage and say hey, I just rescued a trafficked minor".

Over three months, I interviewed nearly two dozen current and former employees and volunteers of orphanages and rescue groups, most who were at the director level of the organization, Ballard or Operation Underground Railroad had falsely claimed to have rescued children and placed them with their orphanages.

Except Ballard and O.U.R. called them "aftercare programs". Not a single one would go on record. Some did share the texts, direct messages and emails between them and either Emily Evans or Tim Ballard himself.

"He would destroy us". This organization's budget was already \$70,000 short of its budget. Staff, volunteers and their friends and family helped cover the shortage, some maxing out their credit cards.

"The truth is important, but we can't risk failing these kids. Many of Operation Underground Railroad's donors are also our donors"

The threats from Tim Ballard and Emily Evans were direct and relevant.

Ballard at one point threatened a director with documentary film director Joe Berlinger of Paradise Lost; The Child Murders at Robin Hood Hills fame. Joe Berlinger and Bruce Sinofsky's controversial yet compelling documentary that primarily filmed the murder trial of Damien Echols and Jason Baldwin would inspire the Free the West Memphis Three campaign. Something I was personally invested in.

Because the individuals refused to go on record, I did not seek comment from Berlinger. But I think I already know the answer, because Berlinger and Ballard's politics doesn't jive.

During this time Tim Ballard was nickeling and diming individuals with claims of rescuing 3,000, then 4,000 and 5,000 children from "human trafficking".

A dispute from 2013, surfaced from when Operation Underground Railroad was conceptualized that was originally made public by Lynn Packer in 2015, from The Packer Chronicle and republished in August 2020, by American Crime Journal shortly before Lynn revealed the criminal investigations by the Davis County District Attorney.

"At the point FletChet was pitching Glenn Beck Tim Ballard was still working for the government and O.U.R. was still in the planning stages with no actual missions that could be filmed. So, Ballard and FletChet videoed some Ex-Navy SEALs and Army Special Ops members undergoing training with automatic weapons. They produced a "teaser" for a series they would title The Abolitionists."

Tim Ballard, Tevya Ware, Emily Evans and Jon Lines did everything in their power to help perpetuate, conceal, divert and promote Operation Underground Railroad to be this near mythical, "God inspired" organization. Yet the evidence is clear and compelling as it is damning.

Operation Underground Railroad was founded purely as a money-making venture first and foremost, which is not just dishonest, and "crony capitalism", it's a crime.

In a response video to criticism from Lynn Packer and I, Ballard's excuse for having nothing but family members and lifelong friends managing his so-called non-profit, is that he was so broke in the beginning he couldn't pay people. He then continued to state that he was broke and couldn't even support his family adequately. Yet, Ballard then expects us to believe that he doesn't draw a salary. He and the 12 kids survive purely on book royalties and speaking engagements. O.U.R. was bankrolled and launched during numerous and suspicious fundraisers for The Abolitionists, LLC.

Ballard also in a fit of rage revealed that he had to draw a salary which American Crime Journal has obtained a copy of. Ballard explicitly states the number of children and why.

Darren Fletcher and Chet Thomas had been under a Non-Disclosure Agreements (NDA) or so Ballard and his attorney's thought. Evidence of misconduct during the filming of The Abolitionists surfaced. Ballard and his relationships with Fletcher, the distributor and just about everyone else was destroyed beyond repair. Ballard was shaking them down left and right. Try to collect royalties and fees which he wasn't supposed to get a dime of. Allegations of Paul Hutchinson committing sexual assault against child sex slaves and Ballard's panic and orders to destroy the film.

In August 2019, Tim Ballard summoned his most trusted OUR associates and partners to a clandestine meeting which required each individual to sign a Non-Disclosure Agreement (NDA). It was at this very meeting that Ballard laid out a secret plan to monetize his child sex slave rescue nonprofit, Operation Underground Railroad and to use this plan to proselytize prospective converts to the Church of Jesus Christ of Latter-day Saints.

On a whiteboard Ballard presented the strategy, each member's role and the respective organizations such as The Nazarene Fund, Children Need Families, Liberty and Light Equity Trust, and many others- funneling donor money into his for-profit Slave Stealer's, LLC; and how to launder donor money each step of the way by creating a labyrinth of non-profits and for-profits exchanging money.

Should his plan progress and he was able funnel enough liquid cash into his personal bank accounts, Ballard would then open low-cost, run-down LDS orphanages in Haiti. Ballard estimated he could make about \$20,000 per adoption to Mormon couples in America. Several of those in attendance at this secret meeting left in disgust. Including former OUR financier, millionaire Paul Hutchinson and OUR Ops Team Leader Dave Lopez.

Operation Underground Railroad already has a glowing example of what their "low-cost, run-down LDS orphanages in Haiti" will look like and just how much Tim Ballard really cares.

In a previous report by Lynn Packer-

"Guesno Mardy, the father of Mardy Gardy whom Tim Ballard claims is the abducted child that inspired Operation Underground Railroad and whom Ballard vowed was his life's mission to rescue, currently runs a Latter-day Saints orphanage- Foyer de Sion. O.U.R. appointed Jeff Frazier to run the orphanage. Sadly, Frazier released a video plea begging for donations. An orphanage with almost 200 orphans, Frazier claims in the video that there is no electricity, the generator quit. The water pump quit and there is no running water. There is no washing machine"

All this, despite the fact that according to Operation Underground Railroad's own books and by their own admission- had over \$50 million in liquid cash.

The Thin Yellow Line, Desperation and Fallout

As I've said many, many times before, Operation Underground Railroad and then President Jon Lines were on the periphery. ACJ's focus was our second investigative series The Disappearance of Karlie Guse. Jon Lines' conduct was not only alleged, but ACJ obtained over one hundred pieces of communication material. They not only implied misconduct but were actual threats and misogynistic in nature.

Worse, he threatened to "pull O.U.R. out" if a certain individual was not removed from the search for Karlie Guse.

**"a club for middle aged white men to live out their
James Bond fantasies"**

Damion Moore

Why would that matter? You're the professionals? You were supposed to clean up the mess, but created a bigger one, terrorized a small town then fled.

The vast majority of material came from Jon Lines' cellphone. He sent text messages, despite being a career law enforcement officer. O.U.R.'s board, including Ballard, Gowen, Ware and Evans decided the allegations were false, despite coming from his cell phone. O.U.R.'s board took it a step further. In response to a written complaint from a local government official that ACJ obtained, they sent a Cease-and-Desist from their attorney Adam Becker.

It was announced on ACJ's Facebook page that we would report on the texts and communications from Lines and the response from O.U.R. During that time, someone had asked on our Facebook page "what is OUR?" To which I called it, "a club for middle aged white men to live out their James Bond fantasies".

We spent at least forty man hours searching the internet for information of Operation Underground Railroad, their missions, rescues, searched for rescued survivors and their families thanking them, etc.

Out of 3,000 (the number at the time) "rescued" children, there was not a single "thank you" from the survivor or the survivor's family. There was not a single piece of "neutral" or "critical" media on Tim Ballard or O.U.R.

Worse, it was clear they were able to establish and nurture dozens of random sites and bogus blogs that had a month or two of flimsy repost and reblogger material. Suddenly, an epic piece of longform journalism about a skeptical reporter turned believer in absolute awe of Tim Ballard and same regurgitated rescue with Operation Underground Railroad, featuring the pimp, "Super Mario".

These were not established journalists, popular pages or even a blogger with a history. Instead, there was the shell of a news websites, with a half dozen posts of 200 words or less. Then this nobody, was suddenly "invited" to go on a mission with Tim Ballard and Operation Underground Railroad.

While it is not uncommon for businesses to use similar tactics to create the illusion of an established credible digital footprint, it's far more common for scams. Especially churches to invent their own illustrious history. True academics, researchers and sleuths wouldn't be fooled by these. Neither would careful consumers who spend a great deal of time researching and contemplating purchases.

Those people are not their targets.

It is a tool of scam artists for pump and dump schemes or startups. Often bogus non-profits and illegitimate businesses, and websites designed to appear like "customer support" for legit businesses like Apple, Google and Microsoft.

These sites do cost money to maintain and are not designed to outlive their purpose.

Utah Attorney General Sean Reyes was Tim Ballard's head cheerleader and de-facto spokesman for Operation Underground Railroad. An endorsement and questionable relationship that has backfired on Reyes and Reyes alone. He is now the target of an investigation by his own office.

Utah ICAC then severed ties with Operation Underground Railroad.

Aside from that there was nothing but drooling Utah journalists and the mainstream reports, such as ABC News and Nightline that gave them legitimacy. Since Utah media and the LDS Church was shoving this organization down the general public's proverbial throats, the vast majority of Ballard's victims were conservative republican Mormons.

For an organization to have rescued 4,000 and 5,000 to children, there was not a single thank you from a parent of a "rescued" child. In fact, not a single child O.U.R. rescued went home, but to some mysterious "aftercare program" that there was no oversight of. Of the hundreds of criminals arrested, whom Tim reported to be MS-13 gang members, men connected to or trafficking children on behalf of cartels and everyday pimps. Not a single former colleague with Homeland Security has come forward verifying his numerous claims during his time with the agency.

Falling Down- A House of Cards

[Operation Underground Railroad Retains Controversial Firm Kirton McConkie, Threatens Legal Action Against ACJ](#)
Not a single independent or critical blog, article or made about Operation Underground Railroad.

Now we knew why.

Just mentioning John Lines and calling O.U.R. a club for middle aged white men to live out their James Bond fantasies warranted Tim Ballard to enlist Utah's most powerful law firm, Kirton McConkie. The LDS Church's longtime

legal sword and shield in child sex abuse cases. All this, in an attempt to silence a small time “blog”, as they called us. And Tim complains about cancel culture?

I took serious offense. Not at the fact they sent a Cease and Desist. Sure, that would have scared large media outlets over potential litigations costs and anyone with sense. Majority would have just deleted it or just backed off and called it a day.

If we weren't onto something, they wouldn't have been watching. Worse, Ballard claims he was appointed by “God” to “save the children”. He knowingly hires a law firm that proudly ran a “catch and kill” scheme that silenced child sex abuse victims. Put them under restrictive and abusive non-disclosure agreements. These were little children- some toddlers, who have been abused repeatedly by members of LDS Church.

In May 2019, Vice released a damning documentary, taking a look into child sex abuse claims and their handling by the LDS Church, Kirton McConkie and their instruction to Bishops of their wards, using a “catch and kill” method. Kirton McConkie setup a sex abuse hotline for “Bishops” to call (not members of the congregation) in the event an allegation of child sex abuse was reported to them. The helpline was called “LDS Family Services”, but in reality, the calls were forwarded to Kirton McConkie for them to advise the Bishop on what to do next and then try to intercept and mediate the claim between the LDS Church, the perpetrator and the child who was sexually abused.

Vice News- The Mormon Church is Accused of Using a Victim's Hotline to Hide Sexual Abuse

Enter Lynn Packer

Over the course of five years, award winning veteran Utah reporter Lynn Packer interviewed, documented and independently reported on the actual roots of Operation Underground Railroad, the meteoric rise of Tim Ballard and activities of Utah Attorney General Sean Reyes. While Packer had success in getting mainstream articles published on Reyes, Ballard and O.U.R.'s actual activities, including the Trump-loving New York Post, he was ignored- despite overwhelming evidence to the contrary.

This wasn't unusual for Lynn Packer, who sought truth, transparency and justice for decades in the theocratic paradise of Deseret or Utah officially. He is a journalist living in a culture of subjectification demanding absolute obedience and loyalty to the Church of Jesus Christ of Latter-day Saints. Lynn Packer paid the ultimate price for simply telling the truth. That is another story in itself. Even today, Journalists today are viewed differently for all the wrong reasons. Packer's job, like mine- is to tell the public the truth. Irrespective of its scope, optics and political leanings- even popularity. Which those factors must be reported on it's part of a subject or influenced those involved.

Alternative facts or ideations are irrelevant because they're not real, but sometimes interesting, nonetheless.

Our obligation at ACJ is not to tell our fans or supporters what they want to hear, but the truth. Nor will we entertain a culture, and both operate and evolve within the confines of its subjectivity and “alternative facts”.

Lynn Packer paid the ultimate price on more than one occasion just for the truth. For his own people. Utah and the LDS Community. It was ugly, but it was the truth.

And the reason for the exposition is critical to understand why we're here now.

Until late 2020, Operation Underground Railroad and Tim Ballard had designed their fantasy, their own foundation, legacy and culture that was part of, and very much existing in that subjectification demanding absolute obedience and loyalty to the Church of Jesus Christ of Latter-day Saints.

Despite numerous criminal investigations into Tim Ballard and Operation Underground Railroad, allegations of fraud, accusations of sex abuse (both of female staff/volunteers and “rescue targets”) and the exploitation of minors by O.U.R. operatives and sometimes volunteers who paid up to \$70,000 or more for a week-long vacation package that allows middle-aged white men (and a few women) to live out their James Bond & Jason Bourne fantasies- Ballard and his cronies hauled in a whopping \$47 Million in 2020.

The year prior, 2019, was a record-breaking year for O.U.R. in terms of fundraising, hauling in over \$22 Million. Tim Ballard had reached the top, posturing himself for a leadership spot in the LDS Church. His ego, hubris went so far as to select the man that played Jesus Christ in Mel Gibson's Passion of the Christ- Jim Caviezel in a biopic he planned before the organization he founded was conceived.

Admissions of getting drunk and exploiting black and brown children in corrupt third world nations- the organization hauled in a record \$47 Million. the fearmongering of debunked myths, fraud, the loss of every single staff member that brought O.U.R. some semblance of credibility and over two dozen police agencies minimizing or cutting ties with Ballard

Things are not always what they seem and the end is on the horizon. In 2020, Tim Ballard's world came tumbling down. O.U.R.'s facade cracked, and Tim Ballard's fantasy vanished in a ripple of time. From details of the Whiteboard meeting emerging... to rumors that O.U.R.'s longtime Chief Financial Officer, Tim Ballard's sister-in-law Tevya Ware possibly cooperating with law enforcement agencies. Credible allegations of sexual assaults, operatives bragging about cocaine

and alcohol fueled parties in foreign nations with "girls of their choosing". Accusations of torture, rape and bribing corrupt Haitian government and numerous criminal investigations in the United States, Ballard's paranoia and radicalization has struck fear in those closest to him.

Despite it all and in the middle of a pandemic the beleaguered nonprofit hauled in over \$47 Million in 2020.

Remember, Operation Underground Railroad was riding high in 2020. My first report was January of that year and Lynn Packer came in about June or July. The first criminal investigation didn't start until August of 2020.

So, anyone who had dream that O.U.R.'s bottom-line was affected, this is the wrong report.

O.U.R. does have the money to fight off a scandal or two, but this is nuclear.

In August of 2020, both Lynn Packer and I had "the talk". Tim Ballard's charade is up, so we're not sure why he's still in it. For the mainstream that is. Which is why he's gone full Trumpist.

The 2022 Florida Statutes (including 2022 Special Session A and 2023 Special Session B)

787.06 Human trafficking.—

- (1) (a) The Legislature finds that human trafficking is a form of modern-day slavery. Victims of human trafficking are young children, teenagers, and adults. Thousands of victims are trafficked annually across international borders worldwide. Many of these victims are trafficked into this state. Victims of human trafficking also include citizens of the United States and those persons trafficked domestically within the borders of the United States. The Legislature finds that victims of human trafficking are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.
- (b) The Legislature finds that while many victims of human trafficking are forced to work in prostitution or the sexual entertainment industry, trafficking also occurs in forms of labor exploitation, such as domestic servitude, restaurant work, janitorial work, sweatshop factory work, and migrant agricultural work.
- (c) The Legislature finds that traffickers use various techniques to instill fear in victims and to keep them enslaved. Some traffickers keep their victims under lock and key. However, the most frequently used practices are less obvious techniques that include isolating victims from the public and family members; confiscating passports, visas, or other identification documents; using or threatening to use violence toward victims or their families; telling victims that they will be imprisoned or deported for immigration violations if they contact authorities; and controlling the victims' funds by holding the money ostensibly for safekeeping.
- (d) It is the intent of the Legislature that the perpetrators of human trafficking be penalized for their illegal conduct and that the victims of trafficking be protected and assisted by this state and its agencies. In furtherance of this policy, it is the intent of the Legislature that the state Supreme Court, The Florida Bar, and relevant state agencies prepare and implement training programs in order that judges, attorneys, law enforcement personnel, investigators, and others are able to identify traffickers and victims of human trafficking and direct victims to appropriate agencies for assistance. It is the intent of the Legislature that the Department of Children and Families and other state agencies cooperate with other state and federal agencies to ensure that victims of human trafficking can access social services and benefits to alleviate their plight.
- (2) As used in this section, the term:
- (a) "Coercion" means:
1. Using or threatening to use physical force against any person;
 2. Restraining, isolating, or confining or threatening to restrain, isolate, or confine any person without lawful authority and against her or his will;
 3. Using lending or other credit methods to establish a debt by any person when labor or services are pledged as a security for the debt, if the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of the labor or services are not respectively limited and defined;
 4. Destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of any person;
 5. Causing or threatening to cause financial harm to any person;
 6. Enticing or luring any person by fraud or deceit; or
 7. Providing a controlled substance as outlined in Schedule I or Schedule II of s. 893.03 to any person for the purpose of exploitation of that person.
- (b) "Commercial sexual activity" means any violation of chapter 796 or an attempt to commit any such offense, and includes sexually explicit performances and the production of pornography.

- (c) “Financial harm” includes extortionate extension of credit, loan sharking as defined in s. 687.071, or employment contracts that violate the statute of frauds as provided in s. 725.01.
- (d) “Human trafficking” means transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, purchasing, patronizing, procuring, or obtaining another person for the purpose of exploitation of that person.
- (e) “Labor” means work of economic or financial value.
- (f) “Maintain” means, in relation to labor or services, to secure or make possible continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type service.
- (g) “Obtain” means, in relation to labor, commercial sexual activity, or services, to receive, take possession of, or take custody of another person or secure performance thereof.
- (h) “Services” means any act committed at the behest of, under the supervision of, or for the benefit of another. The term includes, but is not limited to, forced marriage, servitude, or the removal of organs.
- (i) “Sexually explicit performance” means an act or show, whether public or private, that is live, photographed, recorded, or videotaped and intended to arouse or satisfy the sexual desires or appeal to the prurient interest.
- (j) “Unauthorized alien” means an alien who is not authorized under federal law to be employed in the United States, as provided in 8 U.S.C. s. 1324a(h)(3). The term shall be interpreted consistently with that section and any applicable federal rules or regulations.
- (k) “Venture” means any group of two or more individuals associated in fact, whether or not a legal entity.

(3) Any person who knowingly, or in reckless disregard of the facts, engages in human trafficking, or attempts to engage in human trafficking, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking:

- (a) 1. For labor or services of any child younger than 18 years of age or an adult believed by the person to be a child younger than 18 years of age commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
[complex guidelines; generally 30 years to life imprisonment & \$10,000 fine per act]
- 2. Using coercion for labor or services of an adult commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (b) Using coercion for commercial sexual activity of an adult commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (c) 1. For labor or services of any child younger than 18 years of age or an adult believed by the person to be a child younger than 18 years of age who is an unauthorized alien commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- 2. Using coercion for labor or services of an adult who is an unauthorized alien commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (d) Using coercion for commercial sexual activity of an adult who is an unauthorized alien commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (e) 1. For labor or services who does so by the transfer or transport of any child younger than 18 years of age or an adult believed by the person to be a child younger than 18 years of age from outside this state to within this state commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- 2. Using coercion for labor or services who does so by the transfer or transport of an adult from outside this state to within this state commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (f) 1. For commercial sexual activity who does so by the transfer or transport of any child younger than 18 years of age or an adult believed by the person to be a child younger than 18 years of age from outside this state to within this state commits a felony of the first degree, punishable by

imprisonment for a term of years not exceeding life, or as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Using coercion for commercial sexual activity who does so by the transfer or transport of an adult from outside this state to within this state commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(g) For commercial sexual activity in which any child younger than 18 years of age or an adult believed by the person to be a child younger than 18 years of age, or in which any person who is mentally defective or mentally incapacitated as those terms are defined in s. 794.011(1), is involved commits a life felony, punishable as provided in s. 775.082(3)(a)6., s. 775.083, or s. 775.084.

For each instance of human trafficking of any individual under this subsection, a separate crime is committed and a separate punishment is authorized.

(4) (a) Any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfer custody of such minor, with knowledge or in reckless disregard of the fact that, as a consequence of the sale or transfer, the minor will be subject to human trafficking commits a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Any person who, for the purpose of committing or facilitating an offense under this section, permanently brands, or directs to be branded, a victim of an offense under this section commits a second degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this subsection, the term “permanently branded” means a mark on the individual’s body that, if it can be removed or repaired at all, can only be removed or repaired by surgical means, laser treatment, or other medical procedure.

(5) The Criminal Justice Standards and Training Commission shall establish standards for basic and advanced training programs for law enforcement officers in the subjects of investigating and preventing human trafficking crimes. Every basic skills course required for law enforcement officers to obtain initial certification must include training on human trafficking crime prevention and investigation.

(6) Each state attorney shall develop standards of instruction for prosecutors to receive training on the investigation and prosecution of human trafficking crimes and shall provide for periodic and timely instruction.

(7) Any real property or personal property that was used, attempted to be used, or intended to be used in violation of any provision of this section may be seized and shall be forfeited subject to the provisions of the Florida Contraband Forfeiture Act.

(8) The degree of an offense shall be reclassified as follows if a person causes great bodily harm, permanent disability, or permanent disfigurement to another person during the commission of an offense under this section:

(a) A felony of the second degree shall be reclassified as a felony of the first degree.

(b) A felony of the first degree shall be reclassified as a life felony.

(9) In a prosecution under this section, the defendant’s ignorance of the victim’s age, the victim’s misrepresentation of his or her age, or the defendant’s bona fide belief of the victim’s age cannot be raised as a defense.

(10)(a) Information about the location of a residential facility offering services for adult victims of human trafficking involving commercial sexual activity, which is held by an agency, as defined in s. 119.011, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to such confidential and exempt information held by an agency before, on, or after the effective date of the exemption.

(b) Information about the location of a residential facility offering services for adult victims of human trafficking involving commercial sexual activity may be provided to an agency, as defined in s. 119.011, as necessary to maintain health and safety standards and to address emergency situations in the residential facility.

(c) The exemptions from s. 119.07(1) and s. 24(a), Art. I of the State Constitution provided in this subsection do not apply to facilities licensed by the Agency for Health Care Administration.

(11) A victim's lack of chastity or the willingness or consent of a victim is not a defense to prosecution under this section if the victim was under 18 years of age at the time of the offense.

(12) The Legislature encourages each state attorney to adopt a pro-prosecution policy for human trafficking offenses, as provided in this section. After consulting the victim, or making a good faith attempt to consult the victim, the state attorney shall determine the filing, nonfiling, or diversion of criminal charges even in circumstances when there is no cooperation from a victim or over the objection of the victim, if necessary.

History.—s. 2, ch. 2004-391; s. 1, ch. 2006-168; s. 5, ch. 2012-97; s. 300, ch. 2014-19; s. 7, ch. 2014-160; s. 96, ch. 2015-2; s. 2, ch. 2015-147; s. 3, ch. 2016-24; s. 25, ch. 2016-105; s. 4, ch. 2016-199; s. 2, ch. 2020-49; s. 2, ch. 2021-189.

90.5037 Human trafficking victim advocate-victim privilege.—

(1) For purposes of this section, the term:

(a) “Anti-human trafficking organization” means a registered public or private agency that offers assistance to victims of the offense of human trafficking, as defined in s. [787.06\(2\)](#).

(b) “Human trafficking victim” means a person who consults a human trafficking victim advocate or a trained volunteer for the purpose of securing advice, counseling, or services concerning a need arising from an experience of human trafficking exploitation.

(c) “Human trafficking victim advocate” means an employee of an anti-human trafficking organization whose primary purpose is to provide advice, counseling, or services to human trafficking victims and who complies with the training requirements under subsection (5).

(d) “Trained volunteer” means a person who volunteers with an anti-human trafficking organization and who complies with the training requirements under subsection (5).

(2) A communication between a human trafficking victim advocate or trained volunteer and a human trafficking victim is confidential if it is not intended to be disclosed to third persons other than:

(a) Those persons present to further the interest of the human trafficking victim in the consultation, examination, or interview.

(b) Those persons necessary for the transmission of the communication.

(c) Those persons to whom disclosure is reasonably necessary to accomplish the purposes for which the human trafficking victim advocate or trained volunteer is consulted.

(3) A human trafficking victim has a privilege to refuse to disclose, and to prevent any other person from disclosing, a confidential communication made by the human trafficking victim to a human trafficking victim advocate or trained volunteer or a record made in the course of advising, counseling, or providing services to the human trafficking victim. Such confidential communication or record may be disclosed only with the prior written consent of the human trafficking victim. This privilege includes any advice given by the human trafficking victim advocate or trained volunteer to the human trafficking victim in the course of that relationship.

(4) The privilege may be claimed by:

(a) The human trafficking victim or the human trafficking victim's attorney on his or her behalf.

(b) The guardian or conservator of the human trafficking victim.

(c) The personal representative of a deceased human trafficking victim.

(d) The human trafficking victim advocate or trained volunteer, but only on behalf of the human trafficking victim. The authority of a human trafficking victim advocate or trained volunteer to claim the privilege is presumed in the absence of evidence to the contrary.

(5) A human trafficking victim advocate or a trained volunteer shall:

(a) Complete 24 hours of human trafficking training delivered by the Office of the Attorney General, the Bureau of Criminal Justice Programs and Victim Services, and the Florida Crime Prevention Training Institute.

(b) Within 3 years after completing the training required under paragraph (a), complete an 8-hour human trafficking update course.