

2021 Regular Session

SENATE BILL NO. 170

BY SENATORS JOHNS, ABRAHAM, ALLAIN, BARROW, BERNARD, BOUDREAUX, BOUIE, CARTER, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FIELDS, FOIL, HARRIS, HENRY, HENSGENS, HEWITT, JACKSON, LUNEAU, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, PRICE, REESE, SMITH, TALBOT, TARVER, WARD, WHITE AND WOMACK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

GOVERNOR. Provides relative to the creation of the office of human trafficking prevention. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 46:2161(C), 2161.1(A) and (C), 2165(A) and (B)(2) and (6),

3 2166(D), 2167(D), and Children's Code Art. 725.2(A)(1) and (B), to enact R.S.

4 36:4(J) and R.S. 46:2166(A)(18) and Part III of Chapter 28-B of Title 46 of the

5 Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2169-2169.1, and to

6 repeal R.S. 46:62, relative to human trafficking; to create the governor's office of

7 human trafficking prevention; to provide for powers and duties; to provide for an

8 executive director and other staff; to provide for budget oversight; and to provide for

9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 36:4(J) is hereby enacted to read as follows:

12 §4. Structure of executive branch of state government

13 * * *

14 **J. The office of human trafficking prevention, as provided for in**

15 **R.S. 46:2169 et seq., shall be placed within the office of the governor and shall**

16 **exercise its powers, duties, and functions as provided by law. The Louisiana**

17 **Human Trafficking Prevention Commission and Advisory Board, as provided**

1 **for in R.S. 46:2165 et seq., shall be placed within the office of human trafficking**
2 **prevention.**

3 * * *

4 Section 2. R.S. 46:2161(C), 2161.1(A) and (C), 2165(A) and (B)(2) and (6),
5 2166(D), and 2167(D) are hereby amended and reenacted and R.S. 46:2166(A)(18) and Part
6 III of Chapter 28-B of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S.
7 46:2169-2169.1, are hereby enacted to read as follows:

8 §2161. Human trafficking victims services plan; **children**

9 * * *

10 C.**(1)** Each private entity that provides services to victims pursuant to the
11 provisions of this Section shall submit to the **governor's office of human**
12 **trafficking prevention and to the** Department of Children and Family Services an
13 annual report on their operations including information on the services offered,
14 geographic areas served, the number of persons served, and individual status updates
15 on each person served. This information shall not include the name, address, or other
16 identifying information of the person served. ~~The Department of Children and~~
17 ~~Family Services~~ **governor's office of human trafficking prevention** shall compile
18 the data from all the reports submitted pursuant to the provisions of this Subsection
19 and shall provide this information to the legislature on or before the first day of
20 February each year.

21 **(2) Each statewide and local law enforcement entity that investigates**
22 **cases of human trafficking or related sexual offenses and that provides services**
23 **to victims pursuant to the provisions of this Section shall submit to the**
24 **governor's office of human trafficking prevention and to the Department of**
25 **Children and Family Services an annual report on their operations including**
26 **information on type of investigation, outcome of the investigation, and any**
27 **services offered to victims, and demographic information related to the case and**
28 **services offered.**

29 §2161.1. Human trafficking victims services plan; adults

1 A. With respect to ~~persons~~ **any person** referred to the Department of
 2 Children and Family Services who ~~are~~ **is** eighteen years of age or older and who ~~are~~
 3 **is** found to be ~~victims~~ **a victim** of human trafficking in which the ~~services include~~
 4 **trafficking activity included** commercial sexual activity or any sexual conduct
 5 constituting a crime under the laws of this state, the department shall refer the person
 6 to the appropriate department, agency, or entity to provide the person with the
 7 following:

8 (1) ~~Assist the victim~~ **Assistance** in applying for federal and state benefits and
 9 services to which the victim may be entitled.

10 (2) ~~Coordinate~~ **Coordination of** the delivery of health ~~care~~, mental health
 11 **care**, housing, education, job training, child care, victims' compensation, legal, and
 12 other services available to victims of human or sex trafficking.

13 (3) ~~Refer the victim~~ **Referral** to the appropriate community-based services
 14 to the extent that such services are available.

15 (4) ~~Assist the victim~~ **Assistance** with family reunification or returning to the
 16 victim's place of origin, if the victim so desires.

17 * * *

18 C. ~~(1)~~ Each private entity that provides services to victims pursuant to the
 19 provisions of this Section shall submit to the **governor's office of human**
 20 **trafficking prevention and to the** Department of Children and Family Services an
 21 annual report on their operations including information on the services offered,
 22 geographic areas served, the number of persons served, and individual status updates
 23 on each person served. This information shall not include the name, address, or other
 24 identifying information of the person served. The ~~Department of Children and~~
 25 ~~Family Services~~ **governor's office of human trafficking prevention** shall compile
 26 the data from all the reports submitted pursuant to the provisions of this Subsection
 27 and shall provide this information to the legislature on or before the first day of
 28 February each year.

29 **(2) Each statewide and local law enforcement entity that investigates**

1 cases of human trafficking or related sexual offenses and that provides services
 2 to victims pursuant to the provisions of this Section shall submit to the
 3 governor's office of human trafficking prevention and to the Department of
 4 Children and Family Services an annual report on their operations including
 5 information on the type of investigation, outcome of the investigation, and any
 6 services offered to victims, and demographic information related to the case and
 7 services offered.

8 * * *

9 §2165. Louisiana Human Trafficking Prevention Commission

10 A. The Louisiana Human Trafficking Prevention Commission is hereby
 11 created within the office of the governor and placed within the office of human
 12 trafficking prevention.

13 B. The commission shall do the following:

14 * * *

15 (2) Conduct a continuing comprehensive review of all existing public and
 16 private human trafficking victim assistance programs to identify gaps in prevention
 17 and intervention services.

18 * * *

19 (6) Establish a method to transition human trafficking victim assistance
 20 service providers toward evidence-based national best practices focusing on outreach
 21 and prevention.

22 * * *

23 §2166. Composition of the commission

24 A. The commission shall be composed of the following members:

25 * * *

26 (18) The executive director of the governor's office of human trafficking
 27 prevention.

28 * * *

29 D.(1) Each member shall be entitled to designate a single individual to serve

1 as his proxy for the duration of the member's term **to serve** on any occasion that the
 2 member is unable to attend a meeting of the commission. The term of the designated
 3 proxy shall be the same as that of the member. A member appointing a designated
 4 proxy shall make his appointment known to the chairperson and to the secretary of
 5 the commission.

6 (2) The proxy appointed by a member shall not be subject to the same
 7 nominating and appointment procedures ~~as is~~ **that are** required for the member for
 8 whom he is serving.

9 (3) ~~An~~ **No** individual shall ~~not~~ serve as proxy pursuant to the provisions of
 10 this Subsection for more than one member of the commission.

11 * * *

12 §2167. Meetings

13 * * *

14 D. The **office of human trafficking prevention within the** office of the
 15 governor shall provide to the commission such clerical, administrative, and technical
 16 assistance and support as may be necessary to enable the commission to accomplish
 17 its goals.

18 * * *

19 **PART III. OFFICE OF HUMAN TRAFFICKING PREVENTION**

20 **§2169. Office of human trafficking prevention**

21 **A. The office of human trafficking prevention is hereby created within**
 22 **the office of the governor for the purpose of coordinating resources of public**
 23 **and private entities that develop, manage, operate, and support services and**
 24 **programs for human trafficking victims. The office shall exercise the powers**
 25 **and duties provided in this Part or otherwise provided by law.**

26 **B. The office shall be administered by an executive director who shall be**
 27 **appointed by the governor, subject to confirmation by the Senate, to serve at his**
 28 **pleasure.**

29 **C. The executive director shall employ necessary staff to carry out the**

1 duties and functions of the office as provided in this Part or as otherwise
2 provided by law.

3 §2169.1. Powers and duties

4 The office shall have the following powers and duties:

5 (1) To collect all relevant information including facts and statistics
6 related to human trafficking.

7 (2) To conduct studies of human trafficking activity in Louisiana.

8 (3) To identify and make available to state agencies and other
9 stakeholders the information on the best practices related to human trafficking
10 activities and the prevention thereof in Louisiana and throughout the nation.

11 (4) To develop and implement a comprehensive strategic plan to prevent
12 human trafficking and address the needs of human trafficking victims, which
13 shall be provided to the legislature, the Department of Children and Family
14 Services, and any entity required to submit a report under the provisions of R.S.
15 46:2161(C) and Children's Code Article 725.2(B) by February 1, 2022.

16 (5) To assist state agencies in reducing duplication of effort in the
17 prevention of human trafficking and the provision of services to human
18 trafficking victims.

19 (6) To monitor availability of funds from federal and other sources for
20 financing the provision of services to and programs for human trafficking
21 victims and seek funding where appropriate.

22 (7) To assist state departments and agencies and other stakeholders in
23 drafting plans to maximize the impact of the use of such funds.

24 (8) To maintain a current list of public and private stakeholders
25 providing services to and programs for human trafficking victims.

26 (9) To monitor and evaluate the effectiveness and efficiency of programs
27 that provide services to and programs for human trafficking victims, and
28 annually report its findings and recommendations to the legislature, the
29 Department of Children and Family Services, and any entity required to submit

1 a report under the provisions of R.S. 46:2161(C) and Children's Code Article
2 725.2(B).

3 (10) To provide the leadership and clerical, administrative, and technical
4 assistance and support necessary for the Louisiana Human Trafficking
5 Prevention Commission and the Human Trafficking Prevention Commission
6 Advisory Board to fulfill their duties.

7 (11) To create and submit reports as required by law.

8 (12) To compile and submit data to the legislature as provided by law.

9 (13) To perform all functions reasonably necessary to accomplish the
10 purposes for which the office is created.

11 Section 3. Children's Code Art. 725.2(A)(1) and (B) are hereby amended and
12 reenacted to read as follows:

13 Art. 725.2. Safe house for sexually exploited children

14 A.(1) The department shall identify and maintain a current listing of safe
15 houses which are licensed residential homes that specialize in the provision of
16 services to sexually exploited children, regardless of whether those facilities receive
17 taxpayer funding. This listing shall be made available to the governor's office of
18 human trafficking prevention and to courts, prosecutors, and other stakeholders
19 involved in proceedings pertaining to an exploited child.

20 * * *

21 B. Each safe house listed with the department to provide services to sexually
22 exploited children pursuant to the provisions of this Article shall submit to the
23 governor's office of human trafficking prevention and to the department an
24 annual report on their operations including information on the services offered,
25 geographic areas served, number of children served, and individual status updates
26 on each child served. This information shall not include the name, address, or other
27 identifying information of the child served. The ~~department~~ governor's office of
28 human trafficking prevention shall compile the data from all the reports submitted
29 by each safe house pursuant to the provisions of this Article and shall provide this

1 information in an annual report to the legislature on or before the first day of
2 February each year.

3 Section 4. R.S. 46:62 is hereby repealed.

4 Section 5. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

The original instrument was prepared by LG Sullivan. The following digest,
which does not constitute a part of the legislative instrument, was prepared
by Cathy R. Wells.

	DIGEST	
SB 170 Reengrossed	2021 Regular Session	Johns

Present law provides for the crime of human trafficking. Makes it unlawful to use another person to provide any labor or service having economic value through fraud, force, or coercion or to facilitate or benefit from the prohibited activities. If the victim is under age 21 and providing some commercial sexual activity, the use of fraud, force, or coercion is not necessary.

Present law provides for human trafficking victims services plans for children and adults. Creates the 17-member La. Human Trafficking Prevention Commission (commission) in the office of the governor and a 23-member advisory board for the purpose of coordinating human trafficking prevention programs and integrating delivery of services to human trafficking victims.

Proposed law retains present law and, effective July 1, 2021, creates the office of human trafficking prevention (OHTP) in the governor's office for the purpose of coordinating resources of public and private entities engaged in providing assistance to human trafficking victims. Places the commission within OHTP.

Proposed law provides for an executive director of OHTP appointed by the governor and confirmed by the Senate. Adds the executive director to the commission. Provides for the executive director to employ necessary staff.

Proposed law provides for the powers and duties of the office, including the requirement to develop and implement a comprehensive strategic plan to prevent human trafficking and to address the needs of human trafficking victims. Requires the plan to be submitted annually to the legislature, the Department of Children and Family Services(DCFS), and certain other statutory entities.

Present law requires DCFS to make a current listing of safe houses for sexually exploited children available to courts, prosecutors, and other stakeholders.

Proposed law requires the list to be made available to OHTP as well.

Present law requires each private entity providing victims services pursuant to present law and each safe house to submit annual reports to DCFS. Requires DCFS to compile data from

the reports and provide the data to the legislature by February first.

Proposed law requires reports to be submitted to OHTP as well as DCFS. Moves the requirement for data compilation and transmission to the legislature from DCFS to OHTP.

Present law requires DCFS to create a coalition to develop a human trafficking victim services delivery model, giving consideration to the recommendations of and collaborating with the commission and advisory board.

Proposed law repeals present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 46:2161(C), 2161.1(A) and (C), 2165(A) and (B)(2) and (6), 2166(D), 2167(D), and Children's Code Art. 725.2(A)(1) and (B); adds R.S. 36:4(J) and R.S. 46:2166(A)(18) and 2169-2169.1; repeals R.S. 46:62)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Requires the OHTP to develop and implement a comprehensive strategic plan to prevent human trafficking and to address the needs of human trafficking victims. Requires the plan to be submitted annually to the legislature, DCFS, and certain other statutory entities.