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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Thomas L. Tyler.

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DIGEST

SB 54 Original

2017 Regular Session

Mizell

Present law (Ch.C. Art. 116) provides definitions.

Proposed law retains present law and expands the definition of "shelter care facility" to include temporary care for exploited children.

Present law (Ch.C. Art. 606) provides the grounds for a child in need of care proceeding.

Proposed law clarifies present law to include the broader category of exploited children.

Present law (Ch.C. Art. 622(B)) provides for the placement of children pending a custody hearing.

Proposed law adds shelter care facilities for exploited children as a proper placement.

Present law (Ch.C. Art. 725) provides findings and purpose for the safe harbor for sexually exploited children Chapter.

Proposed law changes present law to more specifically address the growing needs of children victimized by both commercial sexual activity and labor trafficking.

Present law (Ch.C. Art. 725.1) provides definitions.

Proposed law changes present law and defines "commercial sexual activity", "debt bondage", "exploited child", and "labor trafficking".

Present law (Ch.C. Art. 725.2) provides safe houses for sexually exploited children.

Proposed law moves present law to Ch.C. Art. 725.6 and provides that children lack the capacity to consent to commercial sexual activity and therefore are conclusively presumed to be exploited and shall not be prosecuted for crimes related to such activity.

Present law (Ch.C. Art. 725.3) requires the department to develop protocols for delivery services to victims.

Proposed law moves present law to Ch.C. Art. 725.6 and provides that exploited children shall be treated as a child in need of care.

Proposed law (Ch.C. Art. 725.4) authorizes peace officers to take exploited children into custody and notify DCFS and the court that the child is in need of services.

Proposed law (Ch.C. Art.725.5) authorizes the use of protective custody when an exploited child appears to be mentally ill or suffering from substance abuse and is in need of immediate treatment.

Proposed law (Ch.C. Art.725.6) charges DCFS, instead of DOC, with the duty to investigate allegations of child exploitation and coordinating the delivery of services.

Proposed law (Ch.C. Art.725.7) requires all reports and records of exploitation to be kept confidential with a few exceptions.

Proposed law (Ch.C. Art.725.8) revises present law (Ch.C. Arts. 918(D) and 923) to provide for the expungement of records when a person was adjudicated for an offense related to exploitation.

Present law (Ch.C. Arts.728 and 804(9)) defines "sexually exploited child".

Proposed law removes present law and more broadly defines "exploited child" in Ch.C. Art.725.1.

Present law (Ch.C. Art. 804(3)) defines "delinquent act" to exclude certain violations of the Criminal Code for a victim of trafficking.

Proposed law clarifies present law to apply to violations which are related to the exploitation of the child.

Present law (Ch.C. Art. 839(D)) authorizes district attorneys to enter into an informal adjustment agreement with specialized services for a child's first offense related to certain acts of prostitution.

Proposed law deletes present law.

Present law (Ch.C. Arts. 918(D) and 923) provides for the expungement of adjudications involving human trafficking victims.

Proposed law moves and clarifies present law in Ch.C. Art. 725.8.

Present law (Section 10 of Act 564 of the 2014 Regular Session) provides that certain services will not become available to a child victim of commercial sexual exploitation, human trafficking, or trafficking of children for sexual purposes until the child becomes eligible for federal match funds.

Proposed law deletes present law.

Effective on August 1, 2017.

(Amends Ch.C. Arts. 116(25), 606(A)(6), 622(B)(intro para), 725 through 725.8, 804(3); adds Ch.C. Art. 622(B)(5); repeals Ch.C. Arts. 728(4), 804(9), 839(D), 918(D), and 923)