
SENATE COMMITTEE AMENDMENTS

2017 Regular Session

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 54
by Senator Mizell

1 AMENDMENT NO. 1

2 On page 1, line 2, after "amend and reenact" delete the remainder of the line and lines 3
3 through 11 and insert

4 "Children's Code Article 116(25), the introductory paragraph of Children's Code
5 Article 606(A), 606(A)(7), the introductory paragraph of Children's Code Article
6 622(B), 725.1, 725.2, and 725.3, and R.S. 46:1403.1, to enact Children's Code
7 Article 622(B)(5), 725.4, 725.5, 725.6, 725.7 and 725.8, and to repeal Children's
8 Code Article 923, relative to human trafficking of children; to provide findings and
9 purpose; to provide for definitions; to provide for duties of law enforcement; to
10 provide for duties of the Department of Children and Family Services; to provide for
11 confidentiality; to provide for expungement; to provide for terms, conditions,
12 requirements, and procedures; and to provide for related matters."

13 AMENDMENT NO. 2

14 On page 1, line 13, after "Section 1." delete the remainder of the line and lines 14 through
15 16 and insert

16 "Children's Code Article 116(25), the introductory paragraph of Children's Code
17 Article 606(A), 606(A)(7), the introductory paragraph of Children's Code Article
18 622(B), 725.1, 725.2, and 725.3 are hereby amended and reenacted and Children's
19 Code Articles 622(B)(5), 725.4, 725.5, 725.6, 725.7 and 725.8 are hereby enacted to
20 read as follows:"

21 AMENDMENT NO. 3

22 On page 2, delete lines 4 though 7, and insert

23 "(25) "Shelter care facility" means a licensed, physically unrestricting public
24 or private child caring facility, or a ~~youth~~ residential facility operated for runaway,
25 or homeless youth, **or sexually exploited children** which provides temporary care
26 for children."

27 AMENDMENT NO. 4

28 On page 2, delete lines 13 though 17, and insert the following:

29 "(7) The child is a victim of commercial sexual exploitation, human
30 trafficking, or trafficking of children for sexual purposes perpetrated by any person
31 regardless of ~~their~~ **the perpetrator's** relationship to the child."

32 AMENDMENT NO. 5

33 On page 2, line 26, delete "**exploited**" and insert "**the victim of commercial sexual**
34 **exploitation or human trafficking.**"

35 AMENDMENT NO. 6

36 On page 3, delete lines 2 through 29 in their entirety

1 AMENDMENT NO. 7

2 On page 4, delete lines 1 through 5 in their entirety

3 AMENDMENT NO. 8

4 On page 4, line 9, change "activity" to "exploitation"

5 AMENDMENT NO. 9

6 On page 4, delete lines 12 through 29 and insert:

7 (2) "Safe house" means a residential facility or a shelter care facility
 8 operated by an authorized agency, including a nonprofit agency, with experience in
 9 providing services to sexually exploited children and approved by the department to
 10 provide shelter for sexually exploited children. Safe houses shall include those
 11 licensed residential homes that specialize in the provision of services to children
 12 who are victims of commercial sexual exploitation children provided for in
 13 Children's Code Article 725.2.

14 (3) "Sexually exploited child" means any person under the age of eighteen
 15 who has been subject to sexual exploitation or commercial sexual exploitation
 16 because the person either:

17 (a) Is a victim of trafficking of children for sexual purposes under
 18 R.S.14:46.3.

19 (b) Is a victim of child sex trafficking under 18 U.S.C. 1591.

20 ~~(4)~~ **(4)** "Department" means the Department of ~~Public Safety and Corrections;~~
 21 ~~office of juvenile justice~~ Children and Family Services."
 22

23 AMENDMENT NO. 10

24 On page 5, delete lines 1 through 29 and insert:

25 "Art. 725.2. Safe house for sexually exploited children; lack of child's capacity to
 26 consent to exploitation

27 A. **(1)** The department shall identify and maintain a current listing of
 28 safe houses which are licensed residential homes that specialize in the provision
 29 of services to sexually exploited children, whether or not those facilities receive
 30 taxpayer funding . This listing shall be made available to courts, prosecutors,
 31 and other stakeholders involved in proceedings pertaining an exploited child.

32 **(2)** The department may, to the extent funds are available, operate or contract
 33 with an appropriate nongovernmental agency with experience working with sexually
 34 exploited children to operate one or more safe houses in a geographically appropriate
 35 area of the state.

36 **(3)** Each safe house shall provide safe and secure housing and specialized
 37 services for sexually exploited children.

38 **(4)** Nothing in this Article shall be construed to preclude an agency from
 39 applying for and accepting grants, gifts, and bequests for funds from private
 40 individuals, foundations, and the federal government for the purpose of creating or
 41 carrying out the duties of a safe house for sexually exploited children.

42 B. Each safe house ~~operating under a contract~~ **listed** with the department to
 43 provide services to sexually exploited children pursuant to the provisions of this
 44 Article shall submit to the department an annual report on their operations including
 45 information on the services offered, geographic areas served, number of children
 46 served, and individual status updates on each child served. This information shall not
 47 include the name, address, or other identifying information of the child served. The
 48 department shall compile the data from all the reports submitted by each safe house
 49 pursuant to the provisions of this Article and shall provide this information in an
 50 annual report to the legislature on or before the first day of February each year.

51 **C. (1) A child lacks the capacity to consent to commercial sexual activity.**
 52 Any child who is taken into custody for prostitution, prostitution by massage,
 53 or any crime against nature as well as a child who is a victim of trafficking for

1 sexual purposes is conclusively presumed to be exploited, and shall not be
2 prosecuted, convicted, or adjudicated for any criminal or delinquency offenses
3 related to commercial sexual activity.

4 (2) A child lacks the capacity to consent to any act of labor trafficking.
5 A child engaged in any act of labor trafficking, including involuntary servitude,
6 peonage, or slavery, is conclusively presumed to be a victim of labor trafficking,
7 and shall not be prosecuted, convicted, or adjudicated for any criminal or
8 delinquency offenses related to labor trafficking."

9 AMENDMENT NO. 11

10 On page 6, delete lines 1 through 29

11 AMENDMENT NO. 12

12 On page 7, delete lines 1 though 29 in their entirety and insert the following:

13 "Art. 725.3. Statewide protocol; **applicability of child in need of care procedure**
14 **(1)** The department shall develop a statewide protocol for helping to
15 coordinate the delivery of services to sexually exploited children and shall work with
16 court intake officers to ensure that all state, federal, and community-based resources
17 for sexually exploited children are known and available to children who have been
18 granted diversion under Article 839.

19 **(2) A child who is a victim of commercial sexual exploitation or human**
20 **trafficking is a child in need of care, and unless otherwise specified in this**
21 **Chapter, the provisions of Title VI of this Code shall govern, when applicable.**

22 AMENDMENT NO. 13

23 On page 8, delete line 1, in its entirety.

24
25 AMENDMENT NO. 14

26 On page 8, delete lines 3 through 5 and insert the following:

27 **"A.(1) After the initial encounter or interview with a child reasonably**
28 **believed to be a victim of commercial sexual exploitation of human trafficking,**
29 **and the police officer or a probation officer of the court believe that the child's**
30 **parent or caretaker is not culpable, the police officer or probation officer shall**
31 **immediately notify the parents or guardian to come take physical custody of the**
32 **child.**

33 **(2) If the officer believes that the child was abused or neglected by a**
34 **parent or caretaker, a person who maintains an interpersonal dating or**
35 **engagement relationship with the parent or caretaker, or a person living in the**
36 **same residence with the parent or caretaker as a spouse whether married or not**
37 **and immediate removal appears to be necessary for his protection, and**
38 **protective custody pursuant to Article 725.5 is not necessary, the officer shall**
39 **have the responsibility to promptly notify and release the child to the**
40 **department. In all other situations, except when protective custody pursuant to**
41 **Article 725.5 is necessary, the officer shall refer the child to the local child**
42 **advocacy center or other community agency for services."**

43 AMENDMENT NO. 15

44 On page 8, line 8 after "reporter" and before "shall" insert "as required by Children's
45 Code Article 610"

1 AMENDMENT NO. 16

2 On page 8, line 10 after “C.” and before “**officer**” delete “**The**” and insert “**If the child is**
3 **taken into custody pursuant to Paragraph A of this Article, but is not released to the**
4 **department, the**”

5 AMENDMENT NO. 17

6 On page 9, delete lines 22 through 29 and insert

7 **“A. The department shall be responsible for investigating reports of**
8 **abuse or neglect where the abuser is believed to be a parent or caretaker, a**
9 **person who maintains an interpersonal dating or engagement relationship with**
10 **the parent or caretaker, or a person living in the same residence with the parent**
11 **or caretaker as a spouse whether married or not.**

12 **“B. Working with law enforcement, the department shall fully cooperate**
13 **in investigating allegations of child exploitation.”**

14 AMENDMENT NO. 18

15 On page 10, delete lines 1 through 5 and insert

16 **“C. The department shall maintain a current listing of licensed**
17 **residential homes that specialize in the provision of services to exploited**
18 **children. This listing shall be made available to courts, prosecutors, and other**
19 **stakeholders involved in proceedings pertaining an exploited child.”**

20 AMENDMENT NO. 19

21 On page 10, at the beginning of line 6 delete “E.” and insert “D.”

22 AMENDMENT NO. 20

23 On page 10, at the beginning of line 8 delete “F.” and insert “E.”

24 AMENDMENT NO. 21

25 On page 10, line 9 delete “follow” and insert “consider”

26 AMENDMENT NO. 22

27 On page 10, line 10, delete “be responsible for” and insert “assist in”

28 AMENDMENT NO. 23

29 On page 10, delete lines 11 through 23 and insert “commission when available.”

30 AMENDMENT NO. 24

31 On page 11, delete line 10 through 29 and insert the following:

32 **Art. 725.8. Expungement of adjudications involving human trafficking victims**
33 **A. A motion to set aside an adjudication pursuant to the provisions of**
34 **this Article, may be filed and served upon the district attorney at any time**
35 **following an adjudication of delinquency and completion of the disposition**
36 **relating thereto involving the offenses of prostitution pursuant to R.S. 14:82,**
37 **prostitution by massage pursuant to R.S. 14:83.3 or 83.4, or crime against**
38 **nature by solicitation pursuant to R.S. 14:89.2 when the child's participation in**
39 **the offense was a result of having been a victim of human trafficking under R.S.**

1 **14:46.2 or a victim of a severe form of trafficking under the federal Trafficking**
2 **Victims Protection Act (22 U.S.C. 7101 et seq.).**

3 **B. The motion shall be in writing, shall describe the supporting evidence**
4 **with particularity, and shall include copies of any documents showing that the**
5 **child is entitled to relief under this Article.**

6 **C. The motion shall not be denied without a contradictory hearing unless**
7 **it appears on the face of the motion that, as a matter of law, the child is not**
8 **entitled to the relief sought.**

9 **D. The court shall grant the motion if the court finds by a preponderance**
10 **of the evidence that the violation was a result of the child having been a victim**
11 **of human trafficking. Documentation of a child's status as a victim of human**
12 **trafficking provided by a federal, state, or local government agency shall create**
13 **a presumption that the child's adjudication was obtained as a result of having**
14 **been a victim of human trafficking. However, such documentation shall not be**
15 **required to grant a motion under this Article.**

16 **E. If the motion is granted, the court shall order the expungement of the**
17 **record of the delinquency proceedings including but not limited to all records**
18 **and files related to the child's arrest, citation, investigation, charge, delinquency**
19 **proceedings, adjudication, and probation for the offense.**

20 AMENDMENT NO. 25

21 On page 12, delete lines 1 through 23 and insert the following:

22 “Section 2. R.S. 46:1403.1 is hereby amended and reenacted to read as follows:

23 §1403.1. Extended stay for completion of educational courses or other programs

24 ~~A. Notwithstanding any other provision of law to the contrary, including but~~
25 ~~not limited to R.S. 46:1403(A)(1), a child housed at a residential home, may stay at~~
26 ~~such home for a period not to exceed six months beyond his eighteenth birthday to~~
27 ~~complete any educational course that he began at such facility, including but not~~
28 ~~limited to a General Education Development course, and any other program offered~~
29 ~~by the residential home.~~

30 ~~B. Notwithstanding Subsection A of this Section and any other provision of~~
31 ~~law to the contrary, including but not limited to R.S. 46:1403(A)(1), a child housed~~
32 ~~at a residential home that does not receive Title IV-E funding pursuant to 42 U.S.C.~~
33 ~~670 et seq., may remain at such home until his twenty-first birthday to complete any~~
34 ~~educational course that he began at such facility, including but not limited to a~~
35 ~~General Education Development course, and any other program offered by the~~
36 ~~residential home.~~

37 Section 3. Children's Code Article 923 is hereby repealed.

38 Section 4. The Louisiana State Law Institute is hereby directed to prepare
39 comments to the provisions of this Act."

40 AMENDMENT NO. 26

41 On page 12, line 24, change "Section 3" to "Section 5"