

2018 Regular Session

HOUSE BILL NO. 830

BY REPRESENTATIVE STOKES

HUMAN TRAFFICKING: Provides for age and work-status verification of sexually oriented business employment to prevent human trafficking

1 AN ACT

2 To enact Part XIV of Chapter 9 of Title 23 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of R.S. 23:1019.1 through 1019.6, relative to employment in a sexually  
4 oriented business; to provide for verification of age and work-eligibility status; to  
5 provide with respect to human trafficking; to provide for notices to be posted; to  
6 provide definitions; to provide for enforcement; to provide for penalties; and to  
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part XIV of Chapter 9 of Title 23 of the Louisiana Revised Statutes of  
10 1950, comprised of R.S. 23:1019.1 through 1019.6, is hereby enacted to read as follows:

11 PART XIV. HUMAN TRAFFICKING PREVENTION ACT

12 §1019.1. Definitions

13 As used in this Part, the following terms have the meaning ascribed as  
14 follows:

15 (1) "Adult arcade" means any place to which the public is permitted or  
16 invited in which coin-operated, slug-operated, or electronically, electrically, or  
17 mechanically controlled still or motion picture machines, projectors, or other  
18 image-producing devices are regularly maintained to show images to five or fewer  
19 persons per machine at any one time, and in which the images so displayed are

1 distinguished or characterized by their emphasis upon matter exhibiting or describing  
2 specified sexual activities or specified anatomical areas.

3 (2) "Adult bookstore," "adult novelty store," or "adult video store" means  
4 a commercial establishment that, for any form of consideration, has as a significant  
5 or substantial portion of its stock-in-trade in, derives a significant or substantial  
6 portion of its revenues from, devotes a significant or substantial portion of its interior  
7 business or advertising to, or maintains a substantial section of its sales or display  
8 space for the sale or rental of any of the following:

9 (a) Books, magazines, periodicals, or other printed matter, or photographs,  
10 films, motion pictures, video cassettes, compact discs, slides, or other visual  
11 representations, that are characterized by their emphasis upon the exhibition or  
12 description of specified sexual activities or specified anatomical areas.

13 (b) Instruments, devices, or paraphernalia that are designed for use or  
14 marketed primarily for stimulation of human genital organs or for sadomasochistic  
15 use or abuse of self or others.

16 (3) "Adult cabaret" means a nightclub, bar, juice bar, restaurant, bottle club,  
17 gentleman's club, strip club, or similar commercial establishment, whether or not  
18 alcoholic beverages are served, that regularly features any of the following:

19 (a) Persons who appear in a state of nudity or seminudity.

20 (b) Live performances that are characterized by the exposure of specified  
21 anatomical areas or specified sexual activities.

22 (c) Films, motion pictures, video cassettes, slides, or other photographic  
23 reproductions that are distinguished or characterized by their emphasis upon the  
24 exhibition or description of specified sexual activities or specified anatomical areas.

25 (4) "Adult motion picture theater" means a commercial establishment where  
26 films, motion pictures, video cassettes, slides, or similar photographic reproductions  
27 that are distinguished or characterized by their emphasis upon the exhibition or  
28 description of specified sexual activities or specified anatomical areas are regularly  
29 shown for any form of consideration.

1           (5) "Adult theater" means a theater, concert hall, auditorium, or similar  
2           commercial establishment that, for any form of consideration, regularly features  
3           persons who appear in a state of nudity or seminudity or live performances that are  
4           characterized by their emphasis upon the exposure of specified anatomical areas or  
5           specified sexual activities.

6           (6) "Employee" means any individual who performs any service on the  
7           premises of a sexually oriented business on a full-time, part-time, or contract basis,  
8           regardless of whether the individual is denominated an employee, independent  
9           contractor, agent, or otherwise, but does not include an individual exclusively on the  
10          premises for repair or maintenance of the premises or for the delivery of goods to the  
11          premises.

12          (7) "Operator" means either of the following:

13          (a) Any individual who owns a sexually oriented business.

14          (b) Any individual who is on the premises of a sexually oriented business  
15          who causes the business to function or who puts or keeps in operation the business  
16          or who is authorized to manage the business or exercise overall operational control  
17          of the business premises.

18          (8) "Sexually oriented business" means any business that is part of the sex  
19          industry that offers services that include the exposure of specified anatomical areas  
20          or specified sexual activities, or the purchase of erotic paraphernalia. Sexually  
21          oriented business includes any adult arcade, adult book store, adult novelty store,  
22          adult video store, adult cabaret, adult motion picture theater, or adult theater.

23          §1019.2. Employee eligibility verification

24          A. The operator of a sexually oriented business shall verify the age and work  
25          eligibility status of each employee and potential employee by using either the United  
26          States Citizenship and Immigration Services E-Verify program or by ensuring proper  
27          completion of Form I-9, Employment Eligibility Verification, for each employee or  
28          potential employee.

1           B.(1) The operator shall retain the employment eligibility verification  
2           documents in his records for at least three years after the last day of the employee's  
3           employment with the sexually oriented business.

4           (2) Proof of employment eligibility verification shall be available for  
5           inspection by the executive director of the Louisiana Workforce Commission, the  
6           attorney general of Louisiana, the commissioner of alcohol beverage control of the  
7           office of alcohol and tobacco control within the Louisiana Department of Revenue,  
8           a law enforcement agency of the state or its political subdivisions when jurisdiction  
9           is appropriate, and authorized United States government officials.

10           §1019.3. Questionnaire

11           A. Before hiring an employee, the operator shall require the potential  
12           employee submit in writing answers to a questionnaire which includes all of the  
13           following questions:

14                   (1) Is your freedom of movement restricted?

15                   (2) How do you learn about job opportunities?

16                   (3) Did you come to this country for a specific job that you were promised?

17                   (4) To what forms of media or telecommunication do you have access?

18                   (5) Do you or does someone else retain your identification documents?

19                   (6) Were you provided with false documents or identification?

20                   (7) How was payment for your travel handled?

21                   (8) Do you owe your employer any money?

22           B. After the questionnaire is complete, the potential employee shall sign  
23           affirming the accuracy of the answers and the operator shall sign to acknowledge  
24           receipt. The operator shall retain a copy of the questionnaire for his records for at  
25           least three years after the last day of the employee's employment with the sexually  
26           oriented business.

27           C. The Louisiana Workforce Commission shall prepare a standard form  
28           questionnaire to implement the provisions of this Section.

1        §1019.4. Mandatory reporting

2                If, at any time during the application process or subsequent employment of  
3        an employee, an operator of a sexually oriented business believes that the potential  
4        employee or employee may be a victim of human trafficking, he shall, within  
5        twenty-four hours, contact law enforcement or call the National Human Trafficking  
6        Resource Center Hotline to coordinate with local resources.

7        §1019.5. Notices to be posted

8                Every operator of a sexually oriented business shall post and keep posted in  
9        conspicuous places upon the business premises, including any restroom and dressing  
10       room, a notice, in both English and Spanish, prepared by the office of alcohol and  
11       tobacco control setting forth information regarding human trafficking and the  
12       telephone number to the National Human Trafficking Resource Center Hotline.

13       §1019.6. Enforcement; penalties

14               A.(1) The executive director of the Louisiana Workforce Commission, the  
15       commissioner of alcohol beverage control of the office of alcohol and tobacco  
16       control within the Louisiana Department of Revenue, or a law enforcement agency  
17       of the state or its political subdivisions with appropriate jurisdiction may conduct an  
18       investigation as necessary to ensure enforcement of this Part.

19               (2) Upon a determination that any operator has violated, neglected, or  
20       refused to comply with any provision of this Part, the executive director, the  
21       commissioner of alcohol beverage control, or a law enforcement officer representing  
22       an agency with appropriate jurisdiction may notify the attorney general who may  
23       pursue civil charges against the operator in the Nineteenth Judicial District Court.

24               B. If the court finds an operator to be in violation of the provisions of this  
25       Part, the court shall issue penalties as follows:

26               (1) For a first violation, a fine of one thousand dollars.

27               (2) For a second violation, a fine of five thousand dollars.

28               (3) For a third and any subsequent violation, a fine of ten thousand dollars.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 830 Original

2018 Regular Session

Stokes

**Abstract:** Requires age and work status verification of employees in sexually oriented businesses to prevent human trafficking.

Proposed law creates the Human Trafficking Prevention Act.

Proposed law defines the term sexually oriented business as well as the various types of sexually oriented businesses.

Proposed law provides that, for purposes of proposed law, an employee is defined as any individual who performs any service on the premises of a sexually oriented business on a full-time, part-time, or contract basis, regardless of whether the individual is denominated as employee, independent contractor, agent, or otherwise.

Proposed law provides that an employee is not someone who is exclusively on the premises for repair or maintenance of the premises, or for the delivery of goods.

Proposed law requires that the operator of a sexually oriented business verify the age and employment status of each potential employee and retain the documentation proving such eligibility to work in his records for at least three years.

Proposed law requires that before hiring an employee, the operator shall require the potential employee to answer a questionnaire, provided by La. Workforce Commission (LWC), and retain the answers for his record. This questionnaire includes questions to give an indication whether or not a potential employee could be a victim of human trafficking.

Proposed law requires that if an operator suspects that an potential employee or employee is a victim of human trafficking that he contact local law enforcement or the National Human Trafficking Resource Center Hotline within 24 hours.

Proposed law requires that notices regarding human trafficking be posted in English and Spanish.

Proposed law allows the executive director of LWC, the commissioner of the office of alcohol and tobacco control, or a law enforcement agency of the state or its political subdivisions to conduct an investigation of an operator for violations of proposed law and that if the investigation shows that an operator has violated proposed law, the agency representative may notify the attorney general who may pursue civil charges against the operator in the 19th Judicial District Court.

Proposed law provides that upon a finding that a violation has occurred, the court shall issue penalties as follows:

- (1) For a first violation, a fine of \$1,000.
- (2) For a second violation, a fine of \$5,000.
- (3) For a third and any subsequent violation, a fine of \$10,000.

(Adds R.S. 23:1019.1-1019.6)