

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 148

2022 Regular Session

Mizell

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CRIMINAL JUSTICE. Provides for post-conviction relief for victims of human trafficking. (gov sig)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Names proposed law as the "Michelle Johnson Act".

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 148 Reengrossed

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Present law provides definitions and penalties for the crimes of human trafficking and trafficking of children for sexual purposes.

Proposed law retains present law.

Proposed law adds other offenses to the definition of human trafficking and commercial sexual activity.

Present law provides for the expungement of a record, fees, collection, exemptions, and disbursement for offenses.

Proposed law retains present law.

Proposed law provides a process for human trafficking victims to request expungement of a record of offense, from the prosecuting authority, by applying for a "certification of human trafficking victim status".

Proposed law provides that the "certification of human trafficking victim status" indicates that the offense for which the expungement is sought was committed, in substantial part, as the result of the applicant being a victim of human trafficking.

Proposed law provides the applicant has the burden of establishing by a preponderance of the evidence that the offense was committed as a result of being a victim of human trafficking.

Proposed law provides that the certification shall be prima facie evidence that similar eligible crimes committed within other Louisiana jurisdictions during the time period the applicant was a victim of human trafficking were committed, in substantial part, as the result of the applicant being a victim of human trafficking.

Proposed law provides that all applicable time delays pertaining to expungement provided by present law shall be waived when the certification is presented to the clerk of court with the application for expungement.

Proposed law provides that an applicant for the expungement of a record of offense who was a victim of human trafficking shall not be required to pay any fees to the clerk of court, the Louisiana Bureau of Criminal Identification and Information, the sheriff, the district attorney, or any other agency.

Proposed law provides that utilization of this process shall not preclude any applicant from seeking additional expungement to which they are entitled.

Proposed law requires the Louisiana District Attorneys Association to submit annually, prior to February 1st, a report to the Legislature that includes the number of applications for, denials of, and approvals of the certification of human trafficking.

Present law provides forms for the motion to set aside conviction and dismiss prosecution provided for by present law.

Proposed law provides a form for the "certification of human trafficking victim status" that must be filled out by the district attorney.

Proposed law to known as the "Michelle Johnson Act",

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

(Amends C.Cr.P. Art. 983(H) and (I), and R.S. 14:46.2(A)(1), (C)(1) and (3)(b) and (f), and (D); adds C.Cr.P. Art. 983(J) and 997 and R.S. 14:46.2(C)(3)(k) and (l))

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