

SENATE BILL NO. 42

BY SENATORS JOHNS, ALARIO, ALLAIN, BARROW, BISHOP, BOUDREAUX, CARTER, CORTEZ, DONAHUE, ERDEY, GATTI, HEWITT, LONG, LUNEAU, MILKOVICH, MILLS, MIZELL, MORRISH, PERRY, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON AND WALSWORTH (On Recommendation of the Louisiana State Law Institute)

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

1 AN ACT

2 To enact Part II of Chapter 28-B of Title 46 of the Louisiana Revised Statutes of 1950, to  
3 be comprised of R.S. 46:2165 through 2168, relative to human trafficking; to provide  
4 for the Louisiana Human Trafficking Prevention Commission; to provide for the  
5 Louisiana Human Trafficking Prevention Commission Advisory Board; to provide  
6 for duties; to provide for reporting; to provide for the composition of the commission  
7 and board; to provide for meetings; to provide for an effective date; and to provide  
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part II of Chapter 28-B of Title 46 of the Louisiana Revised Statutes of  
11 1950, comprised of R.S. 46:2165 through 2168, is hereby enacted to read as follows:

12 **§2165. Louisiana Human Trafficking Prevention Commission**

13 **A. The Louisiana Human Trafficking Prevention Commission is hereby**  
14 **created within the office of the governor.**

15 **B. The commission shall do the following:**

16 **(1) Assist state and local leaders in developing and coordinating human**  
17 **trafficking prevention programs.**

18 **(2) Conduct a continuing comprehensive review of all existing public and**  
19 **private human trafficking programs to identify gaps in prevention and**  
20 **intervention services.**

21 **(3) Increase coordination among public and private programs to**  
22 **strengthen prevention and intervention services.**

23 **(4) Make recommendations with respect to human trafficking prevention**  
24 **and intervention.**

1           (5) Develop a state needs assessment and a comprehensive and integrated  
2           service delivery approach that meets the needs of all human trafficking victims.

3           (6) Establish a method to transition human trafficking service providers  
4           toward evidence-based national best practices focusing on outreach and  
5           prevention.

6           (7) Develop a plan that ensures that Louisiana laws on human trafficking  
7           are properly implemented and provide training to law enforcement, the  
8           judiciary, and service providers.

9           (8) Review the statutory response to human trafficking, analyze the  
10          impact and effectiveness of strategies contained in Louisiana law, and make  
11          recommendations on legislation to further anti-trafficking efforts.

12          (9) Develop mechanisms to promote public awareness of human  
13          trafficking, including promotion of the national twenty-four-hour toll-free  
14          hotline telephone service on human trafficking.

15          (10) Promote training courses and other educational materials for use by  
16          persons required to undergo training on the handling of, and response  
17          procedures for, suspected human trafficking activities.

18          (11) Develop a framework to collect and integrate data and measure  
19          program outcomes.

20          (12) Receive reports and recommendations from the Human Trafficking  
21          Prevention Commission Advisory Board.

22          (13) Do all other things reasonably necessary to accomplish the purposes  
23          for which the commission is created.

24          C. In order to carry out its purposes and functions, the commission may  
25          request data and assistance from state departments and agencies. When the  
26          commission requests a state department or agency to provide needed data or  
27          assistance, the department or agency shall give priority to the request and shall  
28          provide the data or assistance as requested. The commission shall maintain the  
29          confidentiality of any information or records provided to it by state  
30          departments and agencies, as required by laws relative to such information and

1 records.

2 D. The commission shall annually issue a report of its findings and  
 3 recommendations to the governor, the speaker of the House of Representatives,  
 4 and the president of the Senate. The commission shall issue its initial report on  
 5 or before February 1, 2018, and shall issue annual reports no later than the first  
 6 day of February each year thereafter. The report may include any  
 7 recommendations for legislation that the commission deems necessary and  
 8 appropriate. Legislation may be recommended by the commission only upon  
 9 approval by a two-thirds vote of the commission members present.

10 Comments - 2017

11 Part II of Chapter 28-B of Title 46 of the Revised Statutes is modeled on Senate  
 12 Concurrent Resolution No. 58 of the 2011 Regular Session and Senate Concurrent  
 13 Resolution No. 27 of the 2013 Regular Session. It is also modeled on laws from  
 14 other states. See, e.g., New Jersey Commission on Human Trafficking, N.J. Rev.  
 15 Stat. §52:17 B-237; Washington state task force against the trafficking of persons,  
 16 RCW 7.68.350, and Washington Statewide coordinating committee on sex  
 17 trafficking, RCW 43.280.091; Delaware Human Trafficking Coordinating Council,  
 18 11 Del. C. §787(k); R.S. 46:2603.

19 §2166. Composition of the commission

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

21 (1) The president of the Louisiana Senate or his designee.

22 (2) The speaker of the Louisiana House of Representatives or his  
 23 designee.

24 (3) The attorney general of the state of Louisiana or his designee.

25 (4) The secretary of the Louisiana Workforce Commission or his  
 26 designee.

27 (5) The state superintendent of education or his designee.

28 (6) The deputy secretary of the office of juvenile justice of the  
 29 Department of Public Safety and Corrections or his designee.

30 (7) The secretary of the Department of Children and Family Services or

1 his designee.

2 (8) The secretary of the Louisiana Department of Health or his designee.

3 (9) The secretary of the Department of Public Safety and Corrections or  
4 his designee.

5 (10) The superintendent of the Louisiana State Police or his designee.

6 (11) The president of the Louisiana Association of Chiefs of Police or his  
7 designee.

8 (12) The executive director of the Louisiana Sheriffs' Association or his  
9 designee.

10 (13) The chief justice of the Louisiana Supreme Court or his designee.

11 (14) A representative of the Human Trafficking Prevention Commission  
12 Advisory Board selected by its members.

13 (15) The executive director of the Louisiana Commission on Law  
14 Enforcement and Administration of Criminal Justice.

15 (16) The state public defender or his designee.

16 (17) The executive director of the Louisiana District Attorneys  
17 Association or his designee.

18 B. At the first meeting, the members of the commission shall elect from  
19 their membership a chairman and a secretary and such other offices as the  
20 commission may deem advisable. The president of the Senate or his designee  
21 shall preside over the commission until a chairman is elected by the commission.

22 C. Each member of the commission shall serve for a term concurrent  
23 with that of the governor.

24 D.(1) Each member shall be entitled to designate a single individual to  
25 serve as his proxy for the duration of the member's term on any occasion that  
26 the member is unable to attend a meeting of the commission. The term of the  
27 designated proxy shall be the same as that of the member. A member  
28 appointing a designated proxy shall make his appointment known to the  
29 chairperson and to the secretary of the commission.

30 (2) The proxy appointed by a member shall not be subject to the same

1 nominating and appointment procedures as is required for the member for  
2 whom he is serving.

3 (3) An individual shall not serve as proxy pursuant to the provisions of  
4 this Subsection for more than one member of the commission.

5 E. Legislative members of the commission shall receive the same per  
6 diem and reimbursement of travel expenses as is provided for legislative  
7 committees under the rules of the respective houses in which they serve.  
8 Nonlegislative commission members shall serve without compensation or per  
9 diem.

10 §2167. Meetings

11 A. The commission shall hold public meetings quarterly except as  
12 otherwise provided by vote of the commission or by order of the chairperson.  
13 The governor shall call the first meeting by August 1, 2017.

14 B. A simple majority of the commission membership shall constitute a  
15 quorum for the transaction of business.

16 C. The commission may establish subcommittees within the commission  
17 and appoint members to those subcommittees, including persons outside of the  
18 commission membership, as it deems necessary and appropriate to accomplish  
19 its goals.

20 D. The office of the governor shall provide to the commission such  
21 clerical, administrative, and technical assistance and support as may be  
22 necessary to enable the commission to accomplish its goals.

23 §2168. Human Trafficking Prevention Commission Advisory Board

24 A. The Human Trafficking Prevention Commission Advisory Board,  
25 hereinafter referred to as "advisory board", is hereby created. The purpose of  
26 the advisory board shall be to provide information and recommendations from  
27 the perspective of advocacy groups, service providers, and victims. Primary  
28 responsibilities of the Human Trafficking Prevention Commission Advisory  
29 Board are the following:

30 (1) To ensure information sharing between governmental and

1 nongovernmental entities serving victims of human trafficking.

2 (2) To make recommendations to the Human Trafficking Prevention  
3 Commission as requested by the commission.

4 (3) To make recommendations to the Human Trafficking Prevention  
5 Commission as determined to be necessary by the advisory board.

6 (4) To make recommendations by August thirty-first of each year to the  
7 Human Trafficking Prevention Commission as to the budget priorities for the  
8 coming year.

9 (5) To make recommendations by November thirtieth of each year to the  
10 Human Trafficking Prevention Commission as to specific budget items to be  
11 supported in the Children's Budget.

12 (6) To make an annual report by January thirty-first of each year to the  
13 legislature, Senate Committee on Health and Welfare, the House Committee on  
14 Health and Welfare, Select Committee on Women and Children, and any other  
15 legislative committee requesting a copy of the annual report, which shall  
16 summarize the well-being of Louisiana's children, the accomplishments of the  
17 past year, and specific goals and priorities for the next fiscal year.

18 B. The advisory board shall be composed of the following members  
19 appointed by the governor:

20 (1) A public defender nominated by the Louisiana Public Defender  
21 Board or its designee.

22 (2) A member nominated by the Louisiana District Attorneys  
23 Association.

24 (3) A member nominated by the Louisiana Association of Juvenile and  
25 Family Court Judges.

26 (4) A member nominated by the Louisiana Chapter, American College  
27 of Emergency Physicians.

28 (5) A member nominated by the Louisiana Chapter, National Association  
29 of Social Workers.

30 (6) An individual with expertise in advocacy for adult victims of human

1           trafficking.

2                   (7) The executive director of a residential program for victims of human  
3           trafficking.

4                   (8) The executive director of a direct service program for victims of  
5           human trafficking.

6                   (9) An individual with expertise in advocacy for child victims of human  
7           trafficking, nominated by the executive director of the Children's Cabinet or his  
8           designee.

9                   (10) At least two individuals who are adult survivors of human  
10          trafficking, nominated by nonprofit organizations serving victims.

11                  (11) A member nominated by Prevent Child Abuse Louisiana.

12                  (12) A member nominated by the Juvenile Justice and Delinquency  
13          Prevention Advisory Board.

14                  (13) A member nominated by the Louisiana Families In Need of Services  
15          Association.

16                  (14) A member nominated by LouisianaChildren.org.

17                  (15) A member nominated by the Louisiana Association of Nonprofit  
18          Organizations.

19                  (16) A member with experience related to exploitation, nominated by the  
20          Louisiana Council of Child and Adolescent Psychiatry or its designee.

21                  (17) A member nominated by the Louisiana School Counselors  
22          Association.

23                  (18) A member nominated by the Louisiana Association of Children and  
24          Family Agencies.

25                  (19) A member nominated by Louisiana Children's Advocacy Centers.

26                  (20) A licensed psychologist with experience related to exploitation,  
27          nominated by the Louisiana State Board of Examiners of Psychologists.

28                  (21) A member nominated by the Foundation Against Sexual Assault.

29                  (22) A member nominated by the Louisiana Chapter of the American  
30          Academy of Pediatrics or its designee.

1                    C. Each member shall serve for a term concurrent with that of the  
 2                    governor. All members shall serve without compensation.

3                    D. The advisory board shall be invited to all commission meetings and  
 4                    may participate in its discussions but shall have no vote on any matter brought  
 5                    before the commission.

6                    E. The advisory board shall elect as officers a chairperson, vice  
 7                    chairperson, and secretary from its membership and shall meet as needed. The  
 8                    advisory board shall create its own bylaws. Unless the bylaws provide for a  
 9                    greater quorum requirement, the presence in person or by proxy of one-third  
 10                   of the members who have been appointed by the governor shall constitute a  
 11                   quorum at the meetings of the advisory board.

12                   F. The advisory board may appoint from time to time, to serve at its  
 13                   pleasure, additional members to serve on matters about which such additional  
 14                   members have expertise or experience. In the consideration of those matters for  
 15                   which an additional member is appointed, he shall have the same powers and  
 16                   duties during the period of his service as are enjoyed by the membership  
 17                   provided by Subsection B of this Section.

18                   Section 2. This Act shall become effective upon signature by the governor or, if not  
 19                   signed by the governor, upon expiration of the time for bills to become law without signature  
 20                   by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 21                   vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 22                   effective on the day following such approval.

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 PRESIDENT OF THE SENATE

\_\_\_\_\_  
 SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_