

SENATE BILL NO. 54

BY SENATORS MIZELL, ALARIO, ALLAIN, APPEL, BARROW, BISHOP, BOUDREAUX, CARTER, CHABERT, CLAITOR, COLOMB, CORTEZ, DONAHUE, ERDEY, FANNIN, GATTI, HEWITT, JOHNS, LAFLEUR, LAMBERT, LONG, LUNEAU, MARTINY, MILKOVICH, MILLS, MORRELL, MORRISH, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE (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 amend and reenact R.S. 46:1403.1 and Children's Code Article 116(25), the introductory
3 paragraph of Children's Code Article 606(A), 606(A)(7), the introductory paragraph
4 of Children's Code Article 622(B), 725.1, 725.2, and 725.3, to enact Children's Code
5 Article 622(B)(5), 725.4, 725.5, and 725.6, relative to human trafficking of children;
6 to provide findings and purpose; to provide for definitions; to provide for duties of
7 law enforcement; to provide for duties of the Department of Children and Family
8 Services; to provide housing at certain residential facilities; to provide for
9 confidentiality; to provide for terms, conditions, requirements, and procedures; and
10 to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Children's Code Article 116(25), the introductory paragraph of Children's
13 Code Article 606(A), 606(A)(7), the introductory paragraph of Children's Code Article
14 622(B), 725.1, 725.2, and 725.3 are hereby amended and reenacted and Children's Code
15 Articles 622(B)(5), 725.4, 725.5, and 725.6 are hereby enacted to read as follows:

16 Art. 116. Definitions

17 Except where the context clearly indicates otherwise, these definitions apply
18 for the following terms used throughout this Code.

19 * * *

20 (25) "Shelter care facility" means a licensed, physically unrestricting public

1 or private child caring facility, ~~or a youth~~ residential facility operated for runaway,
2 ~~or homeless youth,~~ **or sexually exploited children, or a safe house as defined in**
3 **Children's Code Article 725.1** which provides temporary care for children.

4 * * *

5 Art. 606. Grounds; child in need of care

6 A. Allegations that a child is in need of care **must shall** assert one or more of
7 the following grounds:

8 * * *

9 (7) The child is a victim of commercial sexual exploitation, human
10 trafficking, **as provided for in R.S. 14:46.2,** or trafficking of children for sexual
11 purposes, **as provided for in R.S. 14:46.3,** perpetrated by any person regardless of
12 ~~their~~ **the perpetrator's** relationship to the child.

13 * * *

14 Art. 622. Placement pending a continued custody hearing

15 * * *

16 B. Unless the best interest of the child requires a different placement, a child
17 who appears to be a child in need of care and ~~his~~ **whose** immediate removal is
18 necessary for his protection from further abuse or neglect shall be placed, pending
19 a continued custody hearing, in accordance with this priority:

20 * * *

21 **(5) In a shelter care facility if the child, who is not in the custody of the**
22 **department, has been the victim of human trafficking as provided for in R.S.**
23 **14:46.2 or trafficking of children for sexual purposes as provided for in R.S.**
24 **14:46.3.**

25 * * *

26 Art. 725.1. Definitions

27 As used in this Chapter, the following terms and phrases shall have the
28 following meaning, unless the context requires otherwise:

29 (1) "Department" means the Department of ~~Public Safety and Corrections,~~
30 ~~office of juvenile justice~~ **Children and Family Services.**

1 (2) "Safe house" means a residential facility or a shelter care facility
2 operated by an authorized agency, including a nonprofit agency, with experience in
3 providing services to sexually exploited children and approved by the department to
4 provide shelter for sexually exploited children.

5 (3) "Sexually exploited child" means any person under the age of eighteen
6 who has been subject to sexual exploitation because the person either:

7 (a) Is a victim of trafficking of children for sexual purposes under R.S.
8 14:46.3.

9 (b) Is a victim of child sex trafficking under 18 U.S.C. 1591.
10 Art. 725.2. Safe house for sexually exploited children

11 **A.(1) The department shall identify and maintain a current listing of safe**
12 **houses which are licensed residential homes that specialize in the provision of**
13 **services to sexually exploited children, regardless of whether those facilities**
14 **receive taxpayer funding. This listing shall be made available to courts,**
15 **prosecutors, and other stakeholders involved in proceedings pertaining to an**
16 **exploited child.**

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

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

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

27 B. Each safe house ~~operating under a contract~~ **listed** with the department to
28 provide services to sexually exploited children pursuant to the provisions of this
29 Article shall submit to the department an annual report on their operations including
30 information on the services offered, geographic areas served, number of children

1 served, and individual status updates on each child served. This information shall not
2 include the name, address, or other identifying information of the child served. The
3 department shall compile the data from all the reports submitted by each safe house
4 pursuant to the provisions of this Article and shall provide this information in an
5 annual report to the legislature on or before the first day of February each year.

6 Art. 725.3. Statewide protocol; **applicability of child in need of care procedure**

7 **(1) The department shall develop a statewide protocol for helping to**
8 **coordinate the delivery of services to sexually exploited children and shall work with**
9 **court intake officers to ensure that all state, federal, and community-based resources**
10 **for sexually exploited children are known and available to children who have been**
11 **granted diversion under Article 839.**

12 **(2) A child who is a victim of human trafficking is a child in need of care,**
13 **and unless otherwise specified in this Chapter, the provisions of Title VI of this**
14 **Code shall govern, when applicable.**

15 **Art. 725.4. Duties of law enforcement**

16 **The officer shall notify the Crime Victims Services Bureau of the**
17 **Department of Public Safety and Corrections that the child may be eligible for**
18 **special services and, as a mandatory reporter as required by Children's Code**
19 **Article 610, shall notify the Department of Children and Family Services that**
20 **the child is in need of protective services.**

21 **Art. 725.5. Duties of the Department of Children and Family Services**

22 **A. The department shall be responsible for investigating reports of abuse**
23 **or neglect where the abuser is believed to be a parent or caretaker, a person**
24 **who maintains an interpersonal dating or engagement relationship with the**
25 **parent or caretaker, or a person living in the same residence with the parent or**
26 **caretaker as a spouse whether married or not.**

27 **B. The department shall fully cooperate with law enforcement,**
28 **prosecutors, and court staff in the investigation and prosecution of child sexual**
29 **exploitation, including ensuring that all state, federal, and community-based**
30 **resources for sexually exploited children are known to the child.**

1 **C. The department shall maintain a current listing of licensed residential**
 2 **homes that specialize in the provision of services to exploited children. This**
 3 **listing shall be made available to courts, prosecutors, law enforcement, and**
 4 **other stakeholders involved in proceedings pertaining an exploited child.**

5 **D. The department shall cooperate with the prosecution of any**
 6 **perpetrator of child exploitation.**

7 **E. The department shall develop policies that reflect best practices. It**
 8 **shall consider all protocols developed by the Louisiana Human Trafficking**
 9 **Commission and assist in compiling data requested by the commission when**
 10 **available.**

11 **Art. 725.6. Victim confidentiality**

12 **In addition to the protections of Article 412, law enforcement officers,**
 13 **investigators, prosecutors, and service providers shall keep confidential all**
 14 **reports and records of sexual exploitation, including the existence of such**
 15 **records. The identity, pictures, and images of the child victim and his family**
 16 **shall be confidential except to the extent that disclosure is:**

17 **(1) Essential for the purposes of investigation or prosecution.**

18 **(2) Required by court order.**

19 **(3) Necessary to ensure services.**

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

21 §1403.1. Extended stay for completion of educational courses or other programs

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

28 B. Notwithstanding Subsection A of this Section and any other provision of
 29 law to the contrary, including but not limited to R.S. 46:1403(A)(1), a child housed
 30 at a residential home that does not receive Title IV-E funding pursuant to 42 U.S.C.

1 ~~670 et seq., may remain at such home~~ until his twenty-first birthday to complete any
2 educational course that he began at such facility, including but not limited to a
3 General Education Development course, and any other program offered by the
4 residential home.

5 Section 3. The Louisiana State Law Institute is hereby directed to prepare comments
6 to the provisions of this Act.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____