

RÉSUMÉ DIGEST

ACT 130 (SB 148)

Mizell

Prior law provided definitions and penalties for the crimes of human trafficking and trafficking of children for sexual purposes.

New law retains prior law and adds other offenses to the definition of human trafficking and commercial sexual activity.

Prior law provided for the expungement of a record, fees, collection, exemptions, and disbursement for offenses.

New law retains prior law and 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".

New law provides that the "certification of human trafficking victim status" will indicate 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.

New 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.

New law provides that the certification is 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.

New law provides that all applicable time delays pertaining to expungement provided by prior law are waived when the certification is presented to the clerk of court with the application for expungement.

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

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

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

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

New law is known as the "Michelle Johnson Act".

Effective May 26, 2022.

(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))