

SENATE BILL NO. 170

BY SENATORS JOHNS, ABRAHAM, ALLAIN, BARROW, BERNARD, BOUDREAUX, BOUIE, CARTER, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FIELDS, FOIL, HARRIS, HENRY, HENSGENS, HEWITT, JACKSON, LUNEAU, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, PRICE, REESE, SMITH, TALBOT, TARVER, WARD, WHITE AND WOMACK AND REPRESENTATIVES ADAMS, BUTLER, CARRIER, WILFORD CARTER, COX, DAVIS, FARNUM, HARRIS, HORTON, TRAVIS JOHNSON, LYONS, MCKNIGHT, MOORE, NEWELL, CHARLES OWEN, SCHEXNAYDER, THOMPSON AND WRIGHT

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

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AN ACT

To amend and reenact R.S. 46:2161(C), 2161.1(A) and (C), 2165(A) and (B)(2) and (6), 2166(D), 2167(D), and Children's Code Art. 725.2(A)(1) and (B), to enact R.S. 36:4(J) and R.S. 46:2166(A)(18) and Part III of Chapter 28-B of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2169-2169.1, and to repeal R.S. 46:62, relative to human trafficking; to create the governor's office of human trafficking prevention; to provide for powers and duties; to provide for an executive director and other staff; to provide for budget oversight; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:4(J) is hereby enacted to read as follows:

§4. Structure of executive branch of state government

\* \* \*

**J. The office of human trafficking prevention, as provided for in R.S. 46:2169 et seq., shall be placed within the office of the governor and shall exercise its powers, duties, and functions as provided by law. The Louisiana Human Trafficking Prevention Commission and Advisory Board, as provided for in R.S. 46:2165 et seq., shall be placed within the office of human trafficking prevention.**

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Section 2. R.S. 46:2161(C), 2161.1(A) and (C), 2165(A) and (B)(2) and (6), 2166(D), and 2167(D) are hereby amended and reenacted and R.S. 46:2166(A)(18) and Part III of Chapter 28-B of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2169-2169.1, are hereby enacted to read as follows:

§2161. Human trafficking victims services plan; **children**

\* \* \*

C.**(1)** Each private entity that provides services to victims pursuant to the provisions of this Section shall submit to the **governor's office of human trafficking prevention and to the** Department of Children and Family Services an annual report on their operations including information on the services offered, geographic areas served, the number of persons served, and individual status updates on each person served. This information shall not include the name, address, or other identifying information of the person served. The ~~Department of Children and Family Services~~ **governor's office of human trafficking prevention** shall compile the data from all the reports submitted pursuant to the provisions of this Subsection and shall provide this information to the legislature on or before the first day of February each year.

**(2) Each statewide and local law enforcement entity that investigates cases of human trafficking or related sexual offenses and that provides services to victims pursuant to the provisions of this Section shall submit to the governor's office of human trafficking prevention and to the Department of Children and Family Services an annual report on their operations including information on type of investigation, outcome of the investigation, and any services offered to victims, and demographic information related to the case and services offered.**

§2161.1. Human trafficking victims services plan; adults

A. With respect to ~~persons~~ **any person** referred to the Department of Children and Family Services who ~~are~~ **is** eighteen years of age or older and who ~~are~~ **is** found to be ~~victims~~ **a victim** of human trafficking in which the ~~services include~~

1 **trafficking activity included** commercial sexual activity or any sexual conduct  
 2 constituting a crime under the laws of this state, the department shall refer the person  
 3 to the appropriate department, agency, or entity to provide the person with the  
 4 following:

5 (1) ~~Assist the victim~~ **Assistance** in applying for federal and state benefits and  
 6 services to which the victim may be entitled.

7 (2) ~~Coordinate~~ **Coordination of** the delivery of health **care**, mental health  
 8 **care**, housing, education, job training, child care, victims' compensation, legal, and  
 9 other services available to victims of human or sex trafficking.

10 (3) ~~Refer the victim~~ **Referral** to the appropriate community-based services  
 11 to the extent that such services are available.

12 (4) ~~Assist the victim~~ **Assistance** with family reunification or returning to the  
 13 victim's place of origin, if the victim so desires.

14 \* \* \*

15 C.**(1)** Each private entity that provides services to victims pursuant to the  
 16 provisions of this Section shall submit to the **governor's office of human**  
 17 **trafficking prevention and to the** Department of Children and Family Services an  
 18 annual report on their operations including information on the services offered,  
 19 **training or certifications received specific to human trafficking**, geographic areas  
 20 served, the number of persons served, and individual status updates on each person  
 21 served. This information shall not include the name, address, or other identifying  
 22 information of the person served. The ~~Department of Children and Family Services~~  
 23 **governor's office of human trafficking prevention** shall compile the data from all  
 24 the reports submitted pursuant to the provisions of this Subsection and shall provide  
 25 this information to the legislature on or before the first day of February each year.

26 **(2) Each statewide and local law enforcement entity that investigates**  
 27 **cases of human trafficking or related sexual offenses and that provides services**  
 28 **to victims pursuant to the provisions of this Section shall submit to the**  
 29 **governor's office of human trafficking prevention and to the Department of**  
 30 **Children and Family Services an annual report on their operations including**

1 information on the type of investigation, outcome of the investigation, and any  
2 services offered to victims, and demographic information related to the case and  
3 services offered.

4 \* \* \*

5 §2165. Louisiana Human Trafficking Prevention Commission

6 A. The Louisiana Human Trafficking Prevention Commission is hereby  
7 created within the office of the governor and placed within the office of human  
8 trafficking prevention.

9 B. The commission shall do the following:

10 \* \* \*

11 (2) Conduct a continuing comprehensive review of all existing public and  
12 private human trafficking victim assistance programs to identify gaps in prevention  
13 and intervention services.

14 \* \* \*

15 (6) Establish a method to transition human trafficking victim assistance  
16 service providers toward evidence-based national best practices focusing on outreach  
17 and prevention.

18 \* \* \*

19 §2166. Composition of the commission

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

21 \* \* \*

22 (18) The executive director of the governor's office of human trafficking  
23 prevention.

24 \* \* \*

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

1 (2) The proxy appointed by a member shall not be subject to the same  
2 nominating and appointment procedures ~~as is~~ **that are** required for the member for  
3 whom he is serving.

4 (3) ~~An~~ **No** individual shall ~~not~~ serve as proxy pursuant to the provisions of  
5 this Subsection for more than one member of the commission.

6 \* \* \*

7 §2167. Meetings

8 \* \* \*

9 D. The office of human trafficking prevention within the office of the  
10 governor shall provide to the commission such clerical, administrative, and technical  
11 assistance and support as may be necessary to enable the commission to accomplish  
12 its goals.

13 \* \* \*

14 **PART III. OFFICE OF HUMAN TRAFFICKING PREVENTION**

15 **§2169. Office of human trafficking prevention**

16 **A. The office of human trafficking prevention is hereby created within**  
17 **the office of the governor for the purpose of coordinating resources of public**  
18 **and private entities that develop, manage, operate, and support services and**  
19 **programs for human trafficking victims. The office shall exercise the powers**  
20 **and duties provided in this Part or otherwise provided by law.**

21 **B. The office shall be administered by an executive director who shall be**  
22 **appointed by the governor, subject to confirmation by the Senate, to serve at his**  
23 **pleasure.**

24 **C. The executive director shall employ necessary staff to carry out the**  
25 **duties and functions of the office as provided in this Part or as otherwise**  
26 **provided by law.**

27 **§2169.1. Powers and duties**

28 **The office shall have the following powers and duties:**

29 **(1) To collect all relevant information including facts and statistics**  
30 **related to human trafficking.**

1                   (2) To conduct studies of human trafficking activity in Louisiana.

2                   (3) To identify and make available to state agencies and other  
3                   stakeholders the information on the best practices related to human trafficking  
4                   activities and the prevention thereof in Louisiana and throughout the nation.

5                   (4) To develop and implement a comprehensive strategic plan to prevent  
6                   human trafficking and address the needs of human trafficking victims, which  
7                   shall be provided to the legislature, the Department of Children and Family  
8                   Services, and any entity required to submit a report under the provisions of R.S.  
9                   46:2161(C) and Children's Code Article 725.2(B) by February 1, 2022.

10                  (5) To assist state agencies in reducing duplication of effort in the  
11                  prevention of human trafficking and the provision of services to human  
12                  trafficking victims.

13                  (6) To monitor availability of funds from federal and other sources for  
14                  financing the provision of services to and programs for human trafficking  
15                  victims and seek funding where appropriate.

16                  (7) To assist state departments and agencies and other stakeholders in  
17                  drafting plans to maximize the impact of the use of such funds.

18                  (8) To maintain a current list of public and private stakeholders  
19                  providing services to and programs for human trafficking victims.

20                  (9) To monitor and evaluate the effectiveness and efficiency of programs  
21                  that provide services to and programs for human trafficking victims, and  
22                  annually report its findings and recommendations to the legislature, the  
23                  Department of Children and Family Services, and any entity required to submit  
24                  a report under the provisions of R.S. 46:2161(C) and Children's Code Article  
25                  725.2(B).

26                  (10) To provide the leadership and clerical, administrative, and technical  
27                  assistance and support necessary for the Louisiana Human Trafficking  
28                  Prevention Commission and the Human Trafficking Prevention Commission  
29                  Advisory Board to fulfill their duties.

30                  (11) To create and submit reports as required by law.

1                   (12) To compile and submit data to the legislature as provided by law.

2                   (13) To perform all functions reasonably necessary to accomplish the  
3                   purposes for which the office is created.

4                   Section 3. Children's Code Art. 725.2(A)(1) and (B) are hereby amended and  
5                   reenacted to read as follows:

6                   Art. 725.2. Safe house for sexually exploited children

7                         A.(1) The department shall identify and maintain a current listing of safe  
8                   houses which are licensed residential homes that specialize in the provision of  
9                   services to sexually exploited children, regardless of whether those facilities receive  
10                   taxpayer funding. This listing shall be made available to **the governor's office of**  
11                   **human trafficking prevention and to** courts, prosecutors, and other stakeholders  
12                   involved in proceedings pertaining to an exploited child.

13   \*           \*           \*

14                         B. Each safe house listed with the department to provide services to sexually  
15                   exploited children pursuant to the provisions of this Article shall submit to the  
16                   **governor's office of human trafficking prevention and to the** department an  
17                   annual report on their operations including information on the services offered, **a**  
18                   **listing of credentials, training, and licenses specific to survivor-centered and**  
19                   **trauma-informed services for human trafficking survivors,** geographic areas  
20                   served, number of children served, and individual status updates on each child  
21                   served. This information shall not include the name, address, or other identifying  
22                   information of the child served. The ~~department~~ **governor's office of human**  
23                   **trafficking prevention** shall compile the data from all the reports submitted by each  
24                   safe house pursuant to the provisions of this Article and shall provide this  
25                   information in an annual report to the legislature on or before the first day of  
26                   February each year.

27                   Section 4. R.S. 46:62 is hereby repealed.

28                   Section 5. This Act shall become effective upon signature by the governor or, if not  
29                   signed by the governor, upon expiration of the time for bills to become law without signature  
30                   by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

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