



1 NOW INTO HONORABLE COURT, comes

2  Defendant, OR

3  Defendant through undersigned Counsel,

4 who moves that the conviction pursuant to Louisiana Code of Criminal Procedure

5  Article 894(B) Misdemeanors, OR

6  Article 893(E) Felonies, **OR**

7  **Article 987.1 Offenses related to human trafficking**

8 in the above numbered case be set aside and that the prosecution dismissed in accordance with the Code

9 of Criminal Procedure in that:

10  ~~the~~ **The** period of the deferred sentence has run and petitioner has successfully completed the

11 terms of his probation: **OR**

12  **The defendant was convicted of an offense related to human trafficking.**

13  
14 The mover is further identified below:

15 DOCKET NUMBER: \_\_\_\_\_

16 CHARGE: \_\_\_\_\_

17 DATE OF ARREST: \_\_\_\_\_

18 ARRESTING AGENCY: \_\_\_\_\_

19 CITY/PARISH OF ARREST: \_\_\_\_\_

20 The Mover prays that, after a contradictory hearing with the District Attorney's Office, the Court

21 order the above numbered case be set aside and that the prosecution dismissed in accordance with the

22 Code of Criminal Procedure.

23 Respectfully submitted,

24 \_\_\_\_\_

25 Signature of Attorney for Mover/Defendant

26 \_\_\_\_\_

27 Attorney for Mover/Defendant Name

28 \_\_\_\_\_

29 Attorney's Bar Roll No.

30 \_\_\_\_\_

31 Address

32 \_\_\_\_\_

33 City, State, ZIP Code

34 \_\_\_\_\_

35 Telephone Number

36 \_\_\_\_\_

37 **If not represented by counsel:**

38 \_\_\_\_\_

39 Signature of Mover/Defendant

40 \_\_\_\_\_

41 Mover/Defendant Name

42 \_\_\_\_\_

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**STATE OF LOUISIANA  
JUDICIAL DISTRICT FOR THE PARISH OF**

\_\_\_\_\_  
**No.:** \_\_\_\_\_ **Division:** " \_\_\_\_\_ "  
**State of Louisiana**  
**vs.**

**RULE TO SHOW CAUSE**

**IT IS HEREBY ORDERED**, that the District Attorney show cause on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_\_ o'clock \_\_m why the foregoing motion should not be granted.

**THUS ORDERED AND SIGNED** this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_\_, Louisiana, \_\_\_\_\_.

\_\_\_\_\_  
JUDGE

PLEASE SERVE:

- 1. District Attorney: \_\_\_\_\_
- 2. Attorney for Defendant and/or Defendant \_\_\_\_\_

**STATE OF LOUISIANA  
JUDICIAL DISTRICT FOR THE PARISH OF**

\_\_\_\_\_  
**No.:** \_\_\_\_\_ **Division:** " \_\_\_\_\_ "  
**State of Louisiana**  
**vs.**

**ORDER OF DISMISSAL**

Considering the Motion to Set Aside Conviction and Dismiss Prosecution, the hearing conducted on the representation of the State of Louisiana of its consent hereto, and that there is no opposition for any good cause appearing herein;

IT IS ORDERED, ADJUDGED AND DECREED that this conviction is set aside and the prosecution dismissed for purposes of expungement.

**THUS ORDERED AND SIGNED** this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_\_, Louisiana.

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\_\_\_\_\_  
JUDGE

PLEASE SERVE:

- 1. District Attorney: \_\_\_\_\_
- 2. Attorney for Defendant and/or Defendant \_\_\_\_\_ "

**Art. 987.1. Motion to set aside conviction of certain offenses related to human trafficking; expungement and sealing of record of arrest and conviction**

**A. A motion to set aside a conviction pursuant to the provisions of this Article may be filed and served upon the district attorney at any time following a conviction involving the offenses of prostitution pursuant to R.S. 14:82, prostitution by massage pursuant to R.S. 14:83.3 or 83.4, crime against nature pursuant to R.S. 14:89, or crime against nature by solicitation pursuant to R.S. 14:89.2, or any other nonviolent offense, when the defendant's participation in the offense was a result of having been a victim of human trafficking under R.S. 14:46.2, trafficking of children for sexual purposes under R.S. 14:46.3, or a victim of a severe form of trafficking under the federal Trafficking Victims Protection Act, 22 U.S.C. 7101 et seq.**

**B. The motion shall be in writing, shall describe the supporting evidence with particularity, and shall include copies of any documents showing that the defendant is entitled to relief under this Article.**

**C. The motion shall not be denied without a contradictory hearing unless it appears on the face of the motion that, as a matter of law, the defendant is not entitled to the relief sought.**

**D. The court shall grant the motion if it finds by a preponderance of the evidence that the violation was a result of the defendant having been a victim of human trafficking. Documentation of the defendant's status as a victim of human trafficking provided by a federal, state, or local government agency shall create a presumption that the defendant's conviction was obtained as a result of having been a victim of human trafficking. However, such documentation shall not be required to grant a motion under this Article.**

1                    **E. If the motion is granted, the court shall order the expungement and**  
 2                    **sealing, without cost to the defendant, of the record of arrest and conviction.**  
 3                    **The court shall further order that copies of all records and files related to the**  
 4                    **defendant's arrest, citation, investigation, charge, conviction, probation, and**  
 5                    **sentence for the offense be provided to the defendant without cost.**

6                    Section 2. R.S. 14:46.2(A)(1), (C)(1) and (3)(b) and (f), and (D) are hereby amended  
 7                    and reenacted and R.S. 14:46.2(C)(3)(k) and (l) are hereby enacted to read as follows:

8                    §46.2. Human trafficking

9                    A. It shall be unlawful:

10                    (1)(a) For any person to knowingly recruit, harbor, transport, provide, solicit,  
 11                    receive, isolate, entice, obtain, **patronize, procure, purchase, hold, restrain,**  
 12                    **induce, threaten, subject,** or maintain the use of another person through fraud,  
 13                    force, or coercion to provide services or labor.

14                    (b) For any person to knowingly recruit, harbor, transport, provide, solicit,  
 15                    sell, purchase, **patronize, procure, hold, restrain, induce, threaten, subject,**  
 16                    receive, isolate, entice, obtain, or maintain the use of a person under the age of  
 17                    twenty-one years for the purpose of engaging in commercial sexual activity  
 18                    regardless of whether the person was recruited, harbored, transported, provided,  
 19                    solicited, sold, purchased, received, isolated, enticed, obtained, or maintained  
 20                    through fraud, force, or coercion. It shall not be a defense to prosecution for a  
 21                    violation of the provisions of this Subparagraph that the person did not know the age  
 22                    of the victim or that the victim consented to the prohibited activity.

23                    \*           \*           \*

24                    C. For purposes of this Section:

25                    (1) "Commercial sexual activity" means any sexual act performed or  
 26                    conducted when anything of value has been given, promised, or received by any  
 27                    person, **directly or indirectly, including the production of pornography.**

28                    \*           \*           \*

29                    (3) "Fraud, force, or coercion" shall include but not be limited to any of the

1 following:

2 \* \* \*

3 (b) Physically restraining, **isolating, confining,** or threatening to physically  
4 restrain, **isolate, or confine** another person.

5 \* \* \*

6 (f) The actual or threatened destruction, concealment, removal, **withholding,**  
7 confiscation, or possession of any actual or purported passport or other immigration  
8 document, or any other actual or purported government identification document, of  
9 another person.

10 \* \* \*

11 **(k) Exposing or threatening to expose any fact or information that would**  
12 **subject an individual to criminal or immigration proceedings.**

13 **(l) Causing or threatening to cause financial harm to an individual or**  
14 **using financial control over an individual.**

15 \* \* \*

16 D. It shall not be a defense to prosecution for a violation of this Section that  
17 the person being recruited, harbored, transported, provided, solicited, received,  
18 isolated, **patronized, procured, purchased,** enticed, obtained, or maintained is  
19 actually a law enforcement officer or peace officer acting within the official scope  
20 of his duties.

21 \* \* \*

22 Section 3. This Act shall become effective upon signature by the governor or, if not  
23 signed by the governor, upon expiration of the time for bills to become law without signature  
24 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
25 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
26 effective on the day following such approval.

