The original instrument was prepared by Whitney Kauffeld. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

## DIGEST 2022 Regular Session

Mizell

<u>Present law</u> provides definitions and penalties for the crimes of human trafficking and trafficking of children for sexual purposes.

Proposed law retains present law.

SB 148 Reengrossed

<u>Proposed law</u> adds other offenses to the definition of human trafficking and commercial sexual activity.

<u>Present law</u> provides for the expungement of a record, fees, collection, exemptions, and disbursement for offenses.

Proposed law retains present law.

<u>Proposed law</u> 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".

<u>Proposed law</u> provides that the "certification of human trafficking victim status" indicates 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.

<u>Proposed law</u> 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.

<u>Proposed law</u> provides that the certification shall be 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.

<u>Proposed law</u> provides that all applicable time delays pertaining to expungement provided by <u>present law</u> shall be waived when the certification is presented to the clerk of court with the application for expungement.

<u>Proposed law</u> provides that an applicant for the expungement of a record of offense who was a victim of human trafficking shall not be required to pay any fees to the clerk of court, the Louisiana Bureau of Criminal Identification and Information, the sheriff, the district attorney, or any other agency.

<u>Proposed law</u> provides that utilization of this process shall not preclude any applicant from seeking additional expungement to which they are entitled.

<u>Proposed law</u> requires the Louisiana District Attorneys Association to submit annually, prior to February 1st, a report to the Legislature that includes the number of applications for, denials of, and approvals of the certification of human trafficking.

<u>Present law</u> provides forms for the motion to set aside conviction and dismiss prosecution provided for by present law.

<u>Proposed law</u> provides a form for the "certification of human trafficking victim status" that must be filled out by the district attorney.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(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))

## Summary of Amendments Adopted by Senate

## Senate Floor Amendments to engrossed bill

- 1. Remove the motion to set aside a conviction if the court finds by a preponderance of evidence that the crime was committed as a result of the defendant being a victim of human trafficking.
- 2. Remove the form for a motion to set aside a conviction of certain offenses related to human trafficking.
- 3. Add 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".
- 4. Add detailed steps of the process, requires no fees for the process, and creates a form that must be filled out by the district attorney.
- 5. Requires the Louisiana District Attorneys Association to annually report to the legislature the number of application for, denials of, and approval of the certification of human trafficking victim status no later than the first of February.