HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Re-Reengrossed Senate Bill No. 88 by Senator Broome

1   AMENDMENT NO. 1

2   On page 1, line 4, delete "Louisiana"

3   AMENDMENT NO. 2

4   On page 1, at the beginning of line 5, delete "Louisiana"

5   AMENDMENT NO. 3

6   On page 1, line 5, after "728(6)," delete the remainder of the line

7   AMENDMENT NO. 4

8   On page 1, at the beginning of line 6, delete "Art. 930.10," and insert "804(9), 839(D), and
9   923,"

10   AMENDMENT NO. 5

11   On page 1, line 14, after "circumstances;" and before "and" insert "to provide with respect
12   to informal adjustment agreements;"

13   AMENDMENT NO. 6

14   On page 2, at the end of line 10, delete "**in an equitable**"

15   AMENDMENT NO. 7

16   On page 2, delete line 11 in its entirety and insert "**allocated among the seizing agencies**
17   **in proportion to their participation in the management of the investigation, seizure, and**
18   **forfeiture.**"

19   AMENDMENT NO. 8

20   On page 2, at the end of line 23, add "**If the court finds that the offender is indigent and**
21   **therefore unable to pay the mandatory assessment at the time of conviction, the court**
22   **shall order a periodic payment plan consistent with the person's financial ability.**"

23   AMENDMENT NO. 9

24   On page 3, delete line 22 in its entirety and insert "**services engaged in by the victim**"

25   AMENDMENT NO. 10

26   On page 3, at the end of line 23 insert "**In the case of sex trafficking, the victim shall be**
27   **entitled to restitution for the income he would have earned, had he not been victimized,**
28   **as guaranteed under the minimum wage and overtime provisions of the federal Fair**
29   **Labor Standards Act.**"

30   AMENDMENT NO. 11

31   On page 5, at the end of line 21, change "**a**" to "**an**"

1   AMENDMENT NO. 12

2   On page 5, at the beginning of line 22, delete "**vulnerable adult,**" and insert "**adult in need**
3   **of protective services pursuant to the provisions of the Adult Protective Services Act,**"

4   AMENDMENT NO. 13

5   On page 6, line 17, delete "Louisiana"

6   AMENDMENT NO. 14

7   On page 6, line 18, after "728(6)," delete the remainder of the line and insert "804(9), 839(D)
8   and 923 are hereby enacted to read as follows:"

9   AMENDMENT NO. 15

10 On page 7, delete lines 28 and 29 in their entirety

11 AMENDMENT NO. 16

12 On page 8, delete line 1 in its entirety

13 AMENDMENT NO. 17

14 On page 9, delete lines 14 through 29 in their entirety

15 AMENDMENT NO. 18

16 On page 10, delete lines 1 through 15 in their entirety and insert the following:

17   "Art. 839. Availability of an informal adjustment agreement
18   *   *   *
19   **D.(1) Where a petition involves an allegation of an act of prostitution**
20 **pursuant to R.S. 14:82, prostitution by massage pursuant to R.S. 14:83.3 or**
21 **83.4, or crimes against nature by solicitation pursuant to R.S. 14:89.2 and it is**
22 **the child's first offense and the child expresses a willingness to cooperate and**
23 **receive specialized services for sexually exploited children, the district attorney**
24 **may effect an informal adjustment agreement which includes specialized**
25 **services for the child.**
26   **(2) If, however, the child has previously been adjudicated a delinquent**
27 **in violation of R.S. 14:82, 83.3, 83.4, or 89.2 or is unwilling to cooperate with**
28 **specialized services for sexually exploited children, continuing with the**
29 **delinquency proceeding shall be within the discretion of the district attorney.**
30   **(3) The specialized services referenced in Paragraph (1) of this**
31 **Subsection may include but is not limited to safe and stable housing,**
32 **comprehensive on-site case management, integrated mental health and chemical**
33 **dependency services, including specialized trauma recovery services, education**
34 **and employment training, and referrals to off-site specialized services, as**
35 **appropriate.**
36   *   *   *
37 **Art. 923. Expungement of adjudications involving human trafficking victims**
38   **A. A motion to set aside an adjudication pursuant to the provisions of**
39 **this Article, may be filed and served upon the district attorney at any time**
40 **following an adjudication of delinquency and completion of the disposition**
41 **relating thereto involving the offenses of prostitution pursuant to R.S. 14:82,**
42 **prostitution by massage pursuant to R.S. 14:83.3 or 83.4, or crime against**
43 **nature by solicitation pursuant to R.S. 14:89.2 when the child's participation in**
44 **the offense was a result of having been a victim of human trafficking under R.S.**

1   **14:46.2 or a victim of a severe form of trafficking under the federal Trafficking**
2   **Victims Protection Act (22 U.S.C. 7101 et seq.).**
3   **B. The motion shall be in writing, shall describe the supporting evidence**
4   **with particularity, and shall include copies of any documents showing that the**
5   **child is entitled to relief under this Article.**
6   **C. The motion shall not be denied without a contradictory hearing**
7   **unless it appears on the face of the motion that, as a matter of law, the child is**
8   **not entitled to the relief sought.**
9   **D. The court shall grant the motion if the court finds by a**
10   **preponderance of the evidence that the violation was a result of the child having**
11   **been a victim of human trafficking. Documentation of a child's status as a**
12   **victim of human trafficking provided by a federal, state, or local government**
13   **agency shall create a presumption that the child's adjudication was obtained as**
14   **a result of having been a victim of human trafficking. However, such**
15   **documentation shall not be required to grant a motion under this Section.**
16   **E. If the motion is granted, the court shall order the expungement of the**
17   **record of the delinquency proceedings including but not limited to all records**
18   **and files related to the child's arrest, citation, investigation, charge, delinquency**
19   **proceedings, adjudication, and probation for the offense.**"

20   AMENDMENT NO. 19

21   On page 10, at the beginning of line 16, change "Section 5." to "Section 4."