

2017 Regular Session

SENATE BILL NO. 42

BY SENATORS JOHNS, ALARIO, ALLAIN, BARROW, BISHOP, BOUDREAUX,
CARTER, CORTEZ, DONAHUE, ERDEY, GATTI, HEWITT, LONG,
LUNEAU, MILKOVICH, MILLS, MIZELL, MORRISH, PERRY,
RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON AND
WALSWORTH (On Recommendation of the Louisiana State Law
Institute)

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

PUBLIC HEALTH. Creates the Louisiana Human Trafficking Prevention Commission and
Advisory Board. (8/1/17)

1 AN ACT

2 To enact Part II of Chapter 28-B of Title 46 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 46:2165 through 2168, relative to human trafficking; to provide
4 for the Louisiana Human Trafficking Prevention Commission; to provide for the
5 Louisiana Human Trafficking Prevention Commission Advisory Board; to provide
6 for duties; to provide for reporting; to provide for the composition of the commission
7 and board; to provide for meetings; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part II of Chapter 28-B of Title 46 of the Louisiana Revised Statutes of
10 1950, comprised of R.S. 46:2165 through 2168, is hereby enacted to read as follows:

11 **§2165. Louisiana Human Trafficking Prevention Commission**

12 **A. The Louisiana Human Trafficking Prevention Commission is hereby**
13 **created within the office of the governor.**

14 **B. The commission shall do the following:**

15 **(1) Assist state and local leaders in developing and coordinating human**
16 **trafficking prevention programs.**

17 **(2) Conduct a continuing comprehensive review of all existing public and**

1 private human trafficking programs to identify gaps in prevention and
2 intervention services.

3 (3) Increase coordination among public and private programs to
4 strengthen prevention and intervention services.

5 (4) Make recommendations with respect to human trafficking prevention
6 and intervention.

7 (5) Develop a state needs assessment and a comprehensive and integrated
8 service delivery approach that meets the needs of all human trafficking victims.

9 (6) Establish a method to transition human trafficking service providers
10 toward evidence-based national best practices focusing on outreach and
11 prevention.

12 (7) Develop a plan that ensures that Louisiana laws on human trafficking
13 are properly implemented and provide training to law enforcement, the
14 judiciary, and service providers.

15 (8) Review the statutory response to human trafficking, analyze the
16 impact and effectiveness of strategies contained in Louisiana law, and make
17 recommendations on legislation to further anti-trafficking efforts.

18 (9) Develop mechanisms to promote public awareness of human
19 trafficking, including promotion of the national twenty-four-hour toll-free
20 hotline telephone service on human trafficking.

21 (10) Promote training courses and other educational materials for use by
22 persons required to undergo training on the handling of, and response
23 procedures for, suspected human trafficking activities.

24 (11) Develop a framework to collect and integrate data and measure
25 program outcomes.

26 (12) Receive reports and recommendations from the Human Trafficking
27 Prevention Commission Advisory Board.

28 (13) Do all other things reasonably necessary to accomplish the purposes
29 for which the commission is created.

C. In order to carry out its purposes and functions, the commission may request data and assistance from state departments and agencies. When the commission requests a state department or agency to provide needed data or assistance, the department or agency shall give priority to the request and shall provide the data or assistance as requested. The commission shall maintain the confidentiality of any information or records provided to it by state departments and agencies, as required by laws relative to such information and records.

D. The commission shall annually issue a report of its findings and recommendations to the governor, the speaker of the House of Representatives, and the president of the Senate. The commission shall issue its initial report on or before February 1, 2018, and shall issue annual reports no later than the first day of February each year thereafter. The report may include any recommendations for legislation that the commission deems necessary and appropriate. Legislation may be recommended by the commission only upon approval by a two-thirds vote of the commission members present.

Comments - 2017

Part II of Chapter 28-B of Title 46 of the Revised Statutes is modeled on Senate Concurrent Resolution No. 58 of the 2011 Regular Session and Senate Concurrent Resolution No. 27 of the 2013 Regular Session. It is also modeled on laws from other states. See, e.g., New Jersey Commission on Human Trafficking, N.J. Rev. Stat. §52:17 B-237; Washington state task force against the trafficking of persons, RCW 7.68.350, and Washington Statewide coordinating committee on sex trafficking, RCW 43.280.091; Delaware Human Trafficking Coordinating Council, 11 Del. C. §787(k); R.S. 46:2603.

§2166. Composition of the commission

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

(1) The president of the Louisiana Senate or his designee.

(2) The speaker of the Louisiana House of Representatives or his

1 designee.

2 (3) The attorney general of the state of Louisiana or his designee.

3 (4) The secretary of the Louisiana Workforce Commission or his
4 designee.

5 (5) The state superintendent of education or his designee.

6 (6) The deputy secretary of the office of juvenile justice of the
7 Department of Public Safety and Corrections or his designee.

8 (7) The secretary of the Department of Children and Family Services or
9 his designee.

10 (8) The secretary of the Louisiana Department of Health or his designee.

11 (9) The secretary of the Department of Public Safety and Corrections or
12 his designee.

13 (10) The superintendent of the Louisiana State Police or his designee.

14 (11) The president of the Louisiana Association of Chiefs of Police or his
15 designee.

16 (12) The executive director of the Louisiana Sheriffs' Association or his
17 designee.

18 (13) The chief justice of the Louisiana Supreme Court or his designee.

19 (14) A representative of the Human Trafficking Prevention Commission
20 Advisory Board selected by its members.

21 (15) The executive director of the Louisiana Commission on Law
22 Enforcement and Administration of Criminal Justice.

23 (16) The State Public Defender or his designee.

24 (17) The executive director of the Louisiana District Attorneys
25 Association or his designee.

26 B. At the first meeting, the members of the commission shall elect from
27 their membership a chairman and a secretary and such other offices as the
28 commission may deem advisable. The president of the Senate or his designee
29 shall preside over the commission until a chairman is elected by the commission.

1 C. Each member of the commission shall serve for a term concurrent
2 with that of the governor.

3 D.(1) Each member shall be entitled to designate a single individual to
4 serve as his proxy for the duration of the member's term on any occasion that
5 the member is unable to attend a meeting of the commission. The term of the
6 designated proxy shall be the same as that of the member. A member
7 appointing a designated proxy shall make his appointment known to the
8 chairperson and to the secretary of the commission.

9 (2) The proxy appointed by a member shall not be subject to the same
10 nominating and appointment procedures as is required for the member for
11 whom he is serving.

12 (3) An individual shall not serve as proxy pursuant to the provisions of
13 this Subsection for more than one member of the commission.

14 E. Legislative members of the commission shall receive the same per
15 diem and reimbursement of travel expenses as is provided for legislative
16 committees under the rules of the respective houses in which they serve.
17 Nonlegislative commission members shall serve without compensation or per
18 diem.

19 §2167. Meetings

20 A. The commission shall hold public meetings quarterly except as
21 otherwise provided by vote of the commission or by order of the chairperson.
22 The governor shall call the first meeting by August 1, 2017.

23 B. A simple majority of the commission membership shall constitute a
24 quorum for the transaction of business.

25 C. The commission may establish subcommittees within the commission
26 and appoint members to those subcommittees, including persons outside of the
27 commission membership, as it deems necessary and appropriate to accomplish
28 its goals.

29 D. The office of the governor shall provide to the commission such

1 clerical, administrative, and technical assistance and support as may be
2 necessary to enable the commission to accomplish its goals.

3 **§2168. Human Trafficking Prevention Commission Advisory Board**

4 **A. The Human Trafficking Prevention Commission Advisory Board,**
5 **hereinafter referred to as the advisory board, is hereby created. The purpose**
6 **of the advisory board shall be to provide information and recommendations**
7 **from the perspective of advocacy groups, service providers, and victims.**
8 **Primary responsibilities of the Human Trafficking Prevention Commission**
9 **Advisory Board are the following:**

10 **(1) To ensure information sharing between governmental and**
11 **nongovernmental entities serving victims of human trafficking.**

12 **(2) To make recommendations to the Human Trafficking Prevention**
13 **Commission as requested by the commission.**

14 **(3) To make recommendations to the Human Trafficking Prevention**
15 **Commission as determined to be necessary by the advisory board.**

16 **(4) To make recommendations by August thirty-first of each year to the**
17 **Human Trafficking Prevention Commission as to the budget priorities for the**
18 **coming year.**

19 **(5) To make recommendations by November thirtieth of each year to the**
20 **Human Trafficking Prevention Commission as to specific budget items to be**
21 **supported in the Children's Budget.**

22 **(6) To make an annual report by January thirty-first of each year to the**
23 **legislature, Senate Committee on Health and Welfare, the House Committee on**
24 **Health and Welfare, Select Committee on Women and Children and any other**
25 **legislative committee requesting a copy of the annual report, which shall**
26 **summarize the well-being of Louisiana's children, the accomplishments of the**
27 **past year, and specific goals and priorities for the next fiscal year.**

28 **B. The advisory board shall be composed of the following members**
29 **appointed by the governor:**

1 (1) A public defender nominated by the Louisiana Public Defender
2 Board or its designee.

3 (2) A member nominated by the Louisiana District Attorneys
4 Association.

5 (3) A member nominated by the Louisiana Association of Juvenile and
6 Family Court Judges.

7 (4) A member nominated by the Louisiana Chapter, American College
8 of Emergency Physicians.

9 (5) A member nominated by the Louisiana Chapter, National Association
10 of Social Workers.

11 (6) An individual with expertise in advocacy for adult victims of human
12 trafficking.

13 (7) The executive director of a residential program for victims of human
14 trafficking.

15 (8) The executive director of a direct service program for victims of
16 human trafficking.

17 (9) An individual with expertise in advocacy for child victims of human
18 trafficking, nominated by the executive director of the Children's Cabinet or his
19 designee.

20 (10) At least two individuals who are adult survivors of human
21 trafficking, nominated by nonprofit organizations serving victims.

22 (11) A member nominated by Prevent Child Abuse Louisiana.

23 (12) A member nominated by the Juvenile Justice and Delinquency
24 Prevention Advisory Board.

25 (13) A member nominated by the Louisiana Families In Need of Services
26 Association.

27 (14) A member nominated by LouisianaChildren.org.

28 (15) A member nominated by the Louisiana Association of Nonprofit
29 Organizations.

1 (16) A member with experience related to exploitation, nominated by the
2 Louisiana Council of Child and Adolescent Psychiatry or its designee.

3 (17) A member nominated by the Louisiana School Counselors
4 Association.

5 (18) A member nominated by the Louisiana Association of Children and
6 Family Agencies.

7 (19) A member nominated by Louisiana Children's Advocacy Centers.

8 (20) A licensed psychologist with experience related to exploitation,
9 nominated by the Louisiana State Board of Examiners of Psychologists.

10 (21) A member nominated by the Foundation Against Sexual Assault.

11 C. Each member shall serve for a term concurrent with that of the
12 governor. All members shall serve without compensation.

13 D. The advisory board shall be invited to all commission meetings and
14 may participate in its discussions but shall have no vote on any matter brought
15 before the commission.

16 E. The advisory board shall elect as officers a chairperson, vice
17 chairperson, and secretary from its membership and shall meet as needed. The
18 advisory board shall create its own bylaws. Unless the bylaws provide for a
19 greater quorum requirement, the presence in person or by proxy of one-third
20 of the members who have been appointed by the governor shall constitute a
21 quorum at the meetings of the advisory board.

22 F. The advisory board may appoint from time to time, to serve at its
23 pleasure, additional members to serve on matters about which such additional
24 members have expertise or experience. In the consideration of those matters for
25 which an additional member is appointed, he shall have the same powers and
26 duties during the period of his service as are enjoyed by the membership
27 provided by Subsection B of this Section.

The original instrument was prepared by Thomas L. Tyler. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jeanne Johnston.

DIGEST

SB 42 Reengrossed

2017 Regular Session

Johns

Proposed law creates the Louisiana Human Trafficking Prevention Commission within the office of the governor with the following duties:

- (1) Assist state and local leaders in developing and coordinating human trafficking prevention programs.
- (2) Conduct a continuing comprehensive review of all existing public and private human trafficking programs to identify gaps in prevention and intervention services.
- (3) Increase coordination among public and private programs to strengthen prevention and intervention services.
- (4) Make recommendations with respect to human trafficking prevention and intervention.
- (5) Develop a state needs assessment and a comprehensive and integrated service delivery approach that meets the needs of all human trafficking victims.
- (6) Establish a method to transition human trafficking service providers toward evidence-based national best practices focusing on outreach and prevention.
- (7) Develop a plan that ensures that Louisiana laws on human trafficking are properly implemented and provide training to law enforcement, the judiciary, and service providers.
- (8) Review the statutory response to human trafficking, analyze the impact and effectiveness of strategies contained in Louisiana law, and make recommendations on legislation to further anti-trafficking efforts.
- (9) Develop mechanisms to promote public awareness of human trafficking, including promotion of the national twenty-four-hour toll-free hotline telephone service on human trafficking.
- (10) Promote training courses and other educational materials for use by persons required to undergo training on the handling of, and response procedures for, suspected human trafficking activities.
- (11) Develop a framework to collect and integrate data and measure program outcomes.
- (12) Receive reports and recommendations from the Human Trafficking Prevention Commission Advisory Board.
- (13) Do all other things reasonably necessary to accomplish the purposes for which the commission is created.

Proposed law provides that the commission shall be composed of the following members:

- (1) The president of the Senate or his designee.
- (2) The speaker of the House of Representatives or his designee.

- (3) The attorney general or his designee.
- (4) The secretary of the La. Workforce Commission or his designee.
- (5) The superintendent of education or his designee.
- (6) The deputy secretary of the office of juvenile justice of the Dept. of Public Safety and Corrections or his designee.
- (7) The secretary of the Dept. of Children and Family Services or his designee.
- (8) The secretary of the Dept. of Health or his designee.
- (9) The secretary of the Dept. of Public Safety and Corrections or his designee.
- (10) The superintendent of the La. State Police or his designee.
- (11) The president of the La. Association of Chiefs of Police or his designee.
- (12) The executive director of the La. Sheriffs' Association or his designee.
- (13) The chief justice of the supreme court or his designee.
- (14) A representative of the Human Trafficking Prevention Commission Advisory Board selected by its members.
- (15) The executive director of the La. Commission on Law Enforcement and Administration of Criminal Justice.
- (16) The State Public Defender or his designee.
- (17) The executive director of the La. District Attorneys Association or his designee.

Proposed law provides that, at the first meeting, the members of the commission shall elect a chairman, a secretary, and such other officers as deemed advisable from among the commission's membership. Further provides that the Senate president or his designee shall preside over the commission until a chairman is elected.

Proposed law provides for the appointment of a proxy.

Proposed law provides that legislative members shall receive per diem and reimbursement for travel expenses and nonlegislative members shall serve without compensation.

Proposed law requires the commission to hold its first meeting by August 1, 2017, and provides that a simple majority constitutes a quorum.

Proposed law provides that the office of the governor shall provide clerical and technical support as needed.

Proposed law creates the Human Trafficking Prevention Commission Advisory Board to provide information and recommendations to the commission. Further provides that the advisory board shall be composed of the following members:

- (1) A public defender nominated by the Louisiana Public Defender Board or its designee.
- (2) A member nominated by the Louisiana District Attorneys Association.

- (3) A member nominated by the Louisiana Association of Juvenile and Family Court Judges.
- (4) A member nominated by the Louisiana Chapter, American College of Emergency Physicians.
- (5) A member nominated by the Louisiana Chapter, National Association of Social Workers.
- (6) An individual with expertise in advocacy for adult victims of human trafficking.
- (7) The executive director of a residential program for victims of human trafficking.
- (8) The executive director of a direct service program for victims of human trafficking.
- (9) An individual with expertise in advocacy for child victims of human trafficking, nominated by the executive director of the Children's Cabinet or his designee.
- (10) At least two individuals who are adult survivors of human trafficking, nominated by nonprofit organizations serving victims.
- (11) A member nominated by Prevent Child Abuse Louisiana.
- (12) A member nominated by the Juvenile Justice and Delinquency Prevention Advisory Board.
- (13) A member nominated by the Louisiana Families In Need of Services Association.
- (14) A member nominated by LouisianaChildren.org.
- (15) A member nominated by the Louisiana Association of Nonprofit Organizations.
- (16) A member with experience related to exploitation, nominated by the Louisiana Council of Child and Adolescent Psychiatry or its designee.
- (17) A member nominated by the Louisiana School Counselors Association.
- (18) A member nominated by the Louisiana Association of Children and Family Agencies.
- (19) A member nominated by Louisiana Children's Advocacy Centers.
- (20) A licensed psychologist with experience related to exploitation, nominated by the Louisiana State Board of Examiners of Psychologists.
- (21) A member nominated by the Foundation Against Sexual Assault.

Proposed law provides that the board shall elect officers, adopt bylaws, and all members shall serve without compensation.

Effective August 1, 2017.

(Adds R.S. 46:2165 – 2168)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Add option of the designee of the executive director of the La. District Attorneys Association to commission membership.
2. Add option of the designee of the State Public Defender to commission membership.

Senate Floor Amendments to engrossed bill

1. Allows the commission to elect its own officers in lieu of gubernatorial appointment.
2. Replaces the Louisiana Court Appointed Special Advocate Association with LouisianaChildren.org as an appointing authority to the advisory board.
3. Makes technical corrections.