

SENATE BILL No. 76

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-3.5.

Synopsis: Human trafficking. Provides that money or property paid in human trafficking may be paid to a human trafficking victim or a third party. Increases the penalty if the human trafficking victim is less than 18 years of age, and specifies that: (1) consent by the human trafficking victim; (2) a belief that the human trafficking victim was at least 18 years of age; or (3) the intended victim is a law enforcement officer; is not a defense to a prosecution.

Effective: July 1, 2021.

Crider

January 5, 2021, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

SENATE BILL No. 76



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-42-3.5-0.5, AS ADDED BY P.L.144-2018,
2 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 0.5. (a) The following definitions apply
4 throughout this chapter:
5 (1) "Human trafficking" means an offense described in sections
6 1 through 1.4 of this chapter.
7 (2) "Human trafficking victim" means a person who is ~~the a~~
8 victim of ~~human trafficking~~ **any offense under this chapter**.
9 (3) "Sexual conduct" has the meaning set forth in IC 35-42-4-4.
10 (b) As used in this chapter, "force", "threat of force", "coercion", or
11 "fraud" means but is not limited to a person:
12 (1) causing or threatening to cause physical harm to a human
13 trafficking victim;
14 (2) physically restraining or threatening to physically restrain a
15 human trafficking victim;
16 (3) abusing or threatening to abuse the law or legal process to
17 further the act of human trafficking;



1 (4) knowingly destroying, concealing, removing, confiscating, or
 2 possessing any actual or purported passport or other immigration
 3 document, or any other actual or purported government
 4 identification document of the human trafficking victim;

5 (5) using blackmail or threatening to cause financial harm for the
 6 purpose of exercising financial control over the human trafficking
 7 victim; or

8 (6) facilitating or controlling a human trafficking victim's access
 9 to a controlled substance.

10 SECTION 2. IC 35-42-3.5-1.4, AS ADDED BY P.L.144-2018,
 11 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2021]: Sec. 1.4. **(a)** A person who knowingly or intentionally:

13 **(1)** pays, ~~to,~~ **or offers or agrees to pay, to, ~~agrees to pay~~ money or
 14 other property; **or****

15 **(2)** ~~to,~~ ~~or benefits in some other manner another person offers a~~
 16 **benefit;**

17 **to for** a human trafficking victim or **a third party for** an act performed
 18 by a human trafficking victim commits human trafficking, a Level 5
 19 felony. **However, the offense is a Level 4 felony if the human**
 20 **trafficking victim is less than eighteen (18) years of age.**

21 **(b) It is not a defense to a prosecution under this section that:**

22 **(1) the human trafficking victim consented;**

23 **(2) the person believed the human trafficking victim to be at**
 24 **least eighteen (18) years of age; or**

25 **(3) the intended victim of the offense is a law enforcement**
 26 **officer.**

