
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."