

# State of South Dakota

## NINETIETH SESSION LEGISLATIVE ASSEMBLY, 2015

337W0411

## SENATE BILL NO. 95

Introduced by: Senators Holien, Brown, Haggar (Jenna), Jensen (Phil), Monroe, Novstrup (David), Omdahl, Rampelberg, and Rusch and Representatives Craig, Campbell, Greenfield (Lana), Hickey, Qualm, Rasmussen, Stalzer, and Zikmund

1 FOR AN ACT ENTITLED, An Act to revise provisions related to human trafficking.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 22-49-1 be amended to read as follows:

4 22-49-1. No person may recruit, harbor, transport, provide, or obtain, by any means, another  
5 person, eighteen years of age or older, knowing that force, fraud, or coercion will be used to  
6 cause the person to engage in prostitution, forced labor, or involuntary servitude. Nor may any  
7 person benefit financially or by receiving anything of value, including services, from  
8 participation in a venture that has engaged in acts set forth in this section. Any violation of this  
9 section constitutes the crime of human trafficking.

10 Section 2. That § 22-49-2 be amended to read as follows:

11 22-49-2. If the acts or the venture set forth in § 22-49-1:

- 12 (1) Involve committing or attempting to commit kidnapping;
- 13 (2) Involve a ~~victim~~ person under the age of ~~sixteen~~ eighteen years;
- 14 (3) Involve prostitution or procurement for prostitution; or



1       (4)    Result in the death of a ~~victim~~ person;

2   any person guilty has committed human trafficking in the first degree, which is a Class 2 felony.

3       Section 3. That § 22-49-3 be amended to read as follows:

4       22-49-3. A person is guilty of human trafficking in the second degree if that person:

5       (1)    Recruits, harbors, transports, provides, or obtains, by any means, another person  
6            knowing that force, fraud, or coercion will be used to cause the person to engage in  
7            prostitution, forced labor, or involuntary servitude; or

8       (2)    Benefits financially or by receiving anything of value, including services, from  
9            participation in a venture that has engaged in acts set forth in this section.

10      Human trafficking in the second degree is a Class 4 felony.