

AN ACT

ENTITLED, An Act to define activities that constitute human trafficking.

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

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

22-49-1. No person may recruit, harbor, transport, provide, receive, or obtain, by any means, another person knowing that force, fraud, or coercion will be used to cause the person to engage in prostitution, forced labor, or involuntary servitude. No person may benefit financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in this section. Any violation of this section constitutes the crime of human trafficking. If the victim is under eighteen years of age, the crime of human trafficking need not involve force, fraud, or coercion.

For purposes of this section and § 22-49-3, the term, coercion, may include:

- (1) The use of a plan, statement, or pattern of behavior, with the intent of causing a person to believe that failure to perform an act will result in the use of physical force or violence against the person or will result in the person's restraint, isolation, confinement, or abduction;
- (2) Inducing a person to provide commercial sexual activity as payment toward or in satisfaction of a real or purported debt; and
- (3) The use of a person's physical or mental impairment, if that impairment has a substantial adverse effect on the person's cognitive or volitional function.

Section 2. That § 22-49-3 be amended to read:

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

- (1) Recruits, harbors, transports, provides, or obtains, by any means, another person knowing that force, fraud, or coercion, as defined in § 22-49-1, will be used to cause the person to engage in prostitution, forced labor, or involuntary servitude; or

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

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

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1198

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1198

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State