

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 830

2018 Regular Session

Stokes

HUMAN TRAFFICKING: Requires age and work status verification prior to work in a sexually oriented business to prevent human trafficking

Synopsis of Senate Amendments

1. Changes the definition of "employee", "independent contractor", and "operator", and adds definitions for "nudity", "seminudity", "specified anatomical area", and "specified sexual activity".
2. Changes the methods of employee age and work eligibility status from a requirement that a U.S. Citizenship and Immigration Services Form I-9 List A document or a List B document along with a completed Internal Revenue Service Form W-9 with a verified social security number be submitted to a requirement that the employee furnish a Louisiana driver's license or special identification card containing a photograph, a driver's license or special identification card from another state containing a photograph, a current military or other federal identification card containing a photograph and date of birth, or a valid current passport or visa with a photograph and date of birth, in combination with verification by the U.S. Citizenship and Immigration Services E-Verify program with a signed Internal Revenue Service W-2 form or a verified social security number with a signed Internal Revenue Service W-2 form.
3. Changes the methods of independent contractor age and work eligibility status from a requirement that a U.S. Citizenship and Immigration Services Form I-9 List A document or a List B document along with a completed Internal Revenue Service Form W-9 with a verified social security number be submitted to a requirement that the employee furnish a Louisiana driver's license or special identification card containing a photograph, a driver's license or special identification card from another state containing a photograph, a current military or other federal identification card containing a photograph and date of birth, or a valid current passport or visa with a photograph and date of birth, in combination with a signed Internal Revenue Service W-9 form with a verified social security number or a United States Citizenship and Immigration Services Form I-9 List A document or one United States Citizenship and Immigration Services Form I-9 List B document and C document and a completed and signed Internal Revenue Service W-9 form.
4. Provides that identification shall not be accepted for verification purposes if it is expired, defaced, mutilated, or altered, however a duplicate driver's license shall be approved as lawful identification as long as the information is correct.
5. Makes technical changes.

Digest of Bill as Finally Passed by Senate

Proposed law defines the term sexually oriented business as well as the various types of sexually oriented businesses. Proposed law further provides definitions to certain terms that arise in proposed law regarding activity, performance, or presentation in certain sexually oriented businesses.

Proposed law provides that, for purposes of proposed law, an employee is defined as any individual who is employed by a sexually oriented business for remuneration pursuant to any

contract for hire but does not include an independent contractor.

Proposed law defines independent contractor as an individual who enters into a contract to perform services for a sexually oriented business on a non-exclusive basis.

Proposed law defines operator and requires that an operator of a sexually oriented business verify the age and employment status of each potential employee using a driver's license or special identification card, military or federal identification, or a valid passport or visa in combination with confirmation by the federal E-Verify program, completion of a Form I-9 with a completed and signed Internal Revenue Service W-2 form, or a social security number with a completed and signed Internal Revenue Service W-2 form.

Proposed law Proposed law requires that an operator of a sexually oriented business verify the age and employment status of each independent contractor using a driver's license or special identification card, military or federal identification, or a valid passport or visa in combination with a signed Internal Revenue Service W-9 form with a verified social security number or a United States Citizenship and Immigration Services Form I-9 List A document or one United States Citizenship and Immigration Services Form I-9 List B document and C document and a completed and signed Internal Revenue Service W-9 form.

Proposed law provides that identification shall not be accepted if it is expired, defaced, mutilated, or altered however, proposed law provides that a duplicate driver's license shall be approved as lawful identification as long as the information is correct.

Proposed law requires that before hiring an employee or independent contractor, the operator shall require the potential employee or independent contractor to answer a questionnaire, provided by La. Workforce Commission (LWC), and retain the answers for his record. This questionnaire includes questions to give an indication whether or not a potential employee or independent contractor could be a victim of human trafficking.

Proposed law requires that the questionnaire as well as any documentation used to verify age and work eligibility status be retained by the operator for a period of three years after the last day of work and that it be stored in a locked or otherwise secure location.

Proposed law requires that if an operator suspects that a potential employee, employee, or independent contractor is a victim of human trafficking that he contact local law enforcement or the National Human Trafficking Resource Center Hotline as soon as possible within 24 hours.

Proposed law requires that notices regarding human trafficking be posted in English and Spanish.

Proposed law allows the executive director of LWC, the commissioner of the office of alcohol and tobacco control, or a law enforcement agency of the state or its political subdivisions to conduct an investigation of an operator for violations of proposed law and that if the investigation shows that an operator has violated proposed law, the agency representative may notify the attorney general who may pursue civil charges against the operator in the 19th Judicial District Court.

Proposed law provides that upon a finding that a violation has occurred, the court shall issue penalties as follows:

- (1) For a first violation, a fine of \$1,000.
- (2) For a second violation, a fine of \$5,000.
- (3) For a third and any subsequent violation, a fine of \$10,000.

(Adds R.S. 23:1019.1-1019.6)