
DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 830 Reengrossed

2018 Regular Session

Stokes

Abstract: Requires age and work status verification of employees and independent contractors in sexually oriented businesses to prevent human trafficking.

Proposed law defines the term sexually oriented business as well as the various types of sexually oriented businesses.

Proposed law provides that, for purposes of proposed law, an employee is defined as any individual who performs any service on the premises of a sexually oriented business on a full- or part-time basis.

Proposed law provides that an employee is not someone who is exclusively on the premises for repair or maintenance of the premises, or for the delivery of goods.

Proposed law defines independent contractor as an individual who, exercising independent employment or engaging in an independent business enterprise, contracts with a sexually oriented business to do work according to his own methods and without being subject to the control of the person or business with which he has contracted.

Proposed law requires that an operator of a sexually oriented business verify the age and employment status of each potential employee through the U.S. Citizenship and Immigration Services E-Verify program or the completion of Form I-9 and retain the documentation proving such eligibility to work in his records for at least three years.

Proposed law requires that an operator of a sexually oriented business verify the age and work eligibility status of an independent contractor by requiring the independent contractor to submit 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.

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 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)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the original bill:

1. Define independent contractor.
2. Specifically add independent contractors to the provisions of proposed law.
3. Require the age and work eligibility status of an independent contractor to be verified by the submission of certain documents.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Change the name of the proposed law being enacted from the Human Trafficking

Prevention Act to Sexually Oriented Businesses.

3. Clarify the definition of an "adult cabaret" by specifying that a person being featured in a state of nudity or seminudity is doing so for the purpose of enticing sexual arousal or excitement in the customer or patron of the business.
4. Require that if an operator suspects that an employee, potential employee, or independent contractor is being trafficked, he notify proper authorities as soon as possible, but within twenty-four hours.
5. Require the operator to maintain records required by proposed law in a locked or otherwise secure location.