
DIGEST

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CONFERENCE COMMITTEE REPORT DIGEST

HB 830

2018 Regular Session

Stokes

Keyword and oneliner of the instrument as it left the House

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

Report rejects Senate amendments which would have:

1. Required that an employee present an Internal Revenue Service form W-2 for employment eligibility verification.
2. Changed the documents required for work eligibility verification.
3. Changed and added certain definitions.

Report amends the bill to:

1. Make technical changes.
2. Clarify definitions.
3. Restore federal work eligibility documentation requirements for age and work status verification.
4. Retain the nature of the Senate amendments which change the definitions to "employee", "independent contractor", and "operator" and add definitions of "nudity", "seminudity", "specified anatomical area", and "specified sexual activity", while rejecting the actual amendments in order to make technical changes.

Digest of the bill as proposed by the Conference Committee

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 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 or taxpayer identification 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)