

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

625X0499

SENATE BILL NO. 168

Introduced by: Senators Holien, Fiegen, Haggar (Jenna), Heineman (Phyllis), Monroe, Peterson (Jim), Rusch, and Sutton and Representatives Craig, Campbell, Otten (Herman), Qualm, and Wiik

1 FOR AN ACT ENTITLED, An Act to revise provisions related to human trafficking and to
2 provide a penalty therefor.

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

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

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

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

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

- 12 (1) Involve committing or attempting to commit ~~kidnaping~~ kidnapping;
- 13 (2) Involve a victim 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;
2 any person guilty has committed human trafficking in the first degree, which is a Class 2 felony.

3 Section 3. That chapter 22-49 be amended by adding a NEW SECTION to read:

4 It is a Class 6 felony for a person to hire or attempt to hire another person for a fee to engage
5 in sexual activity, as defined in § 22-23-1.1, if the person knew or should have known the other
6 person was being forced to engage in the activity through human trafficking.

7 Section 4. That chapter 22-49 be amended by adding a NEW SECTION to read:

8 Each abortion facility, as defined in subdivision 34-23A-1(1A), and each adult theater, as
9 defined in subdivision 11-12-1(7), shall prominently post a sign that includes the name and the
10 telephone number of the National Human Trafficking Resource Center.