

AN ACT

ENTITLED, An Act to revise provisions related to human trafficking and to provide a penalty therefor.

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. Nor may any person 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.

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

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

- (1) Involve committing or attempting to commit kidnapping;
- (2) Involve a victim under the age of eighteen years;
- (3) Involve prostitution or procurement for prostitution; or
- (4) Result in the death of a victim;

any person guilty has committed human trafficking in the first degree, which is a Class 2 felony.

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

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

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I certify that the attached Act
originated in the

SENATE as Bill No. 168

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 168
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