

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

337W0411

HOUSE ENGROSSED NO. **SB 95** - 03/09/2015

Introduced by: Senators Holien, Brown, Haggar (Jenna), Jensen (Phil), Monroe, Novstrup (David), Omdahl, Rampelberg, and Rusch and Representatives Craig, Campbell, Greenfield (Lana), Hickey, Qualm, Rasmussen, Stalzer, and Zikmund

1 FOR AN ACT ENTITLED, An Act to revise provisions related to human trafficking.

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

3 Section 1. That § 22-49-1 be amended to read as follows:

4 22-49-1. No person may recruit, harbor, transport, provide, or obtain, by any means, another
5 person knowing that force, fraud, or coercion will be used to cause the person to engage in
6 prostitution, forced labor, or involuntary servitude. Nor may any person benefit financially or
7 by receiving anything of value, including services, from ~~participation in a venture that has~~
8 ~~engaged in acts set forth~~ knowingly participating in one or more of the acts described in this
9 section for the purposes described therein. Any violation of this section constitutes the crime
10 of human trafficking.

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

12 22-49-2. If the acts or the venture set forth in § 22-49-1:

13 (1) Involve committing or attempting to commit kidnaping;

14 (2) Involve a victim under the age of ~~sixteen~~ eighteen years;



1 (3) Involve prostitution or procurement for prostitution; or

2 (4) Result in the death of a victim;

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

4 Section 3. That § 22-49-3 be amended to read as follows:

5 22-49-3. A person is guilty of human trafficking in the second degree if that person:

6 (1) Recruits, harbors, transports, provides, or obtains, by any means, another person
7 knowing that force, fraud, or coercion will be used to cause the person to engage in
8 prostitution, forced labor, or involuntary servitude; or

9 (2) Benefits financially or by receiving anything of value ~~from participation in a venture~~
10 ~~that has engaged in acts set forth in this section, including services, and has~~
11 knowingly participated in one or more of the acts described in subdivision (1) for the
12 purposes described therein.

13 Human trafficking in the second degree is a Class 4 felony.