

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

292B0575

HOUSE JUDICIARY ENGROSSED NO. **HB 1198** 2/8/2019

Introduced by: Representatives Barthel and Hansen and Senators Kolbeck and Klumb

1 FOR AN ACT ENTITLED, An Act to define activities that constitute 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:

4 22-49-1. No person may recruit, harbor, transport, provide, receive, or obtain, by any means,
5 another person knowing that force, fraud, or coercion will be used to cause the person to engage
6 in prostitution, forced labor, or involuntary servitude. No person may benefit financially or by
7 receiving anything of value from participation in a venture that has engaged in acts set forth in
8 this section. Any violation of this section constitutes the crime of human trafficking. If the
9 victim is under eighteen years of age, the crime of human trafficking need not involve force,
10 fraud, or coercion.

11 For purposes of this section and § 22-49-3, the term, coercion, may include:

12 (1) The use of a plan, statement, or pattern of behavior, with the intent of causing a
13 person to believe that failure to perform an act will result in the use of physical force
14 or violence against the person or will result in the person's restraint, isolation,
15 confinement, or abduction;



1 (2) Inducing a person to provide commercial sexual activity as payment toward or in
2 satisfaction of a real or purported debt; and

3 (3) The use of a person's physical or mental impairment, if that impairment has a
4 substantial adverse effect on the person's cognitive or volitional function.

5 Section 2. That § 22-49-3 be amended to read:

6 22-49-3. A person is guilty of human trafficking in the second degree if that person:

7 (1) Recruits, harbors, transports, provides, or obtains, by any means, another person
8 knowing that force, fraud, or coercion, as defined in § 22-49-1, will be used to cause
9 the person to engage in prostitution, forced labor, or involuntary servitude; or

10 (2) Benefits financially or by receiving anything of value from participation in a venture
11 that has engaged in acts set forth in this section.

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