

# SENATE BILL No. 18

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-42-3.5.

**Synopsis:** Penalties for human trafficking offenses. Increases by one felony level the penalty for: (1) promotion of human labor trafficking; (2) promotion of human sexual trafficking; (3) promotion of child sexual trafficking; (4) promotion of sexual trafficking of a younger child; and (5) human trafficking.

**Effective:** July 1, 2019.

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## Merritt

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January 3, 2019, read first time and referred to Committee on Corrections and Criminal Law.

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First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 18

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 35-42-3.5-1, AS AMENDED BY P.L.144-2018,  
2 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 1. A person who, by force, threat of force,  
4 coercion, or fraud, knowingly or intentionally recruits, harbors,  
5 provides, obtains, or transports an individual to engage the individual  
6 in labor or services commits promotion of human labor trafficking, a  
7 ~~Level 4 felony.~~ **Level 3 felony.**

8 SECTION 2. IC 35-42-3.5-1.1, AS ADDED BY P.L.144-2018,  
9 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2019]: Sec. 1.1. A person who knowingly or intentionally uses  
11 force, threat of force, coercion, or fraud to recruit, entice, harbor, or  
12 transport an individual with the intent of causing the individual to:  
13 (1) marry another person;  
14 (2) engage in prostitution; or  
15 (3) participate in sexual conduct;  
16 commits promotion of human sexual trafficking, a ~~Level 4 felony.~~  
17 **Level 3 felony.**



1 SECTION 3. IC 35-42-3.5-1.2, AS ADDED BY P.L.144-2018,  
 2 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2019]: Sec. 1.2. (a) A person who knowingly or intentionally  
 4 recruits, entices, harbors, or transports a child less than eighteen (18)  
 5 years of age with the intent of causing the child to engage in:

- 6 (1) prostitution or juvenile prostitution; or
- 7 (2) a performance or incident that includes sexual conduct in  
 8 violation of IC 35-42-4-4(b) or IC 35-42-4-4(c) (child  
 9 exploitation);

10 commits promotion of child sexual trafficking, a ~~Level 3 felony~~: **Level**  
 11 **2 felony**.

12 (b) It is not a defense to a prosecution under this section that the:

- 13 (1) child consented to engage in prostitution or juvenile  
 14 prostitution or to participate in sexual conduct; or
- 15 (2) intended victim of the offense is a law enforcement officer.

16 (c) A person who knowingly or intentionally recruits, entices,  
 17 harbors, or transports a child less than sixteen (16) years of age with  
 18 the intent of inducing or causing the child to participate in sexual  
 19 conduct commits promotion of sexual trafficking of a younger child, a  
 20 ~~Level 3 felony~~: **Level 2 felony**. It is a defense to a prosecution under  
 21 this subsection if:

- 22 (1) the child is at least fourteen (14) years of age but less than  
 23 sixteen (16) years of age and the person is less than eighteen (18)  
 24 years of age; or

25 (2) all the following apply:

26 (A) The person is not more than four (4) years older than the  
 27 victim.

28 (B) The relationship between the person and the victim was a  
 29 dating relationship or an ongoing personal relationship. The  
 30 term "ongoing personal relationship" does not include a family  
 31 relationship.

32 (C) The crime:

33 (i) was not committed by a person who is at least twenty-one  
 34 (21) years of age;

35 (ii) was not committed by using or threatening the use of  
 36 deadly force;

37 (iii) was not committed while armed with a deadly weapon;

38 (iv) did not result in serious bodily injury;

39 (v) was not facilitated by furnishing the victim, without the  
 40 victim's knowledge, with a drug (as defined in  
 41 IC 16-42-19-2(1)) or a controlled substance (as defined in  
 42 IC 35-48-1-9) or knowing that the victim was furnished with



1           the drug or controlled substance without the victim's  
2           knowledge; and  
3           (vi) was not committed by a person having a position of  
4           authority or substantial influence over the victim.  
5           (D) The person has not committed another sex offense (as  
6           defined in IC 11-8-8-5.2), including a delinquent act that  
7           would be a sex offense if committed by an adult, against any  
8           other person.  
9           (E) The person is not promoting prostitution (as defined in  
10          IC 35-45-4-4) with respect to the victim even though the  
11          person has not been charged with or convicted of the offense.  
12          SECTION 4. IC 35-42-3.5-1.4, AS ADDED BY P.L.144-2018,  
13          SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14          JULY 1, 2019]: Sec. 1.4. A person who knowingly or intentionally pays  
15          to, offers to pay to, agrees to pay money or other property to, or benefits  
16          in some other manner another person for a human trafficking victim or  
17          an act performed by a human trafficking victim commits human  
18          trafficking, a ~~Level 5 felony~~. **Level 4 felony.**

