

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

853S0627

SENATE JUDICIARY ENGROSSED NO. **SB 176** - 2/15/2011

Introduced by: Senators Cutler, Adelstein, Buhl, Holien, Kraus, Olson (Russell), Peters, Putnam, Rhoden, Schlekeway, and Sutton and Representatives Moser, Abdallah, Conzet, Deelstra, Fargen, Gosch, Haggar, Hansen (Jon), Hickey, Hubbel, Liss, Lust, Magstadt, Nelson (Stace), Novstrup (David), Rozum, Sly, Steele, Street, Wick, and Willadsen

1 FOR AN ACT ENTITLED, An Act to provide for the crime of human trafficking, to establish
2 the elements and degrees of the crime, and to provide penalties for the violation thereof.

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

4 Section 1. No person may recruit, harbor, transport, provide, 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. Nor may any person benefit financially
7 or by receiving anything of value from participation in a venture that has engaged in acts set
8 forth in this section. Any violation of this section constitutes the crime of human trafficking.

9 Section 2. If the acts or the venture set forth in section 1 of this Act:

- 10 (1) Involve committing or attempting to commit kidnaping;
11 (2) Involve a victim under the age of sixteen years;
12 (3) Involve prostitution or procurement for prostitution; or
13 (4) Result in the death of a victim;



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

2 Section 3. A person is guilty of human trafficking in the second degree if that person:

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

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

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

9 Section 4. Any person under the age of sixteen who performs a commercial sex act is
10 considered a victim of human trafficking regardless of whether force, fraud, or coercion were
11 present.