

CCS HS HB 1487 -- CRIMES AGAINST PERSONS

This bill makes changes to the laws regarding crimes against persons.

The crime of child kidnapping is created, a class A felony, and is committed when a person who is not a relative within the third degree unlawfully removes or confines a child age 13 or younger without the consent of the child's parents or guardians. It is an affirmative defense that the person reasonably believed that the person's actions were necessary to preserve the child from danger to his or her welfare. This provision contains an emergency clause.

Several crimes regarding human trafficking are created and include:

(1) Abusing an individual through forced labor, a class B felony, is committed when a perpetrator obtains the services of a person through the use of threats of serious harm or physical restraint of the person or by abuse of the legal process;

(2) Trafficking for the purpose of slavery or involuntary servitude, a class B felony, is committed when a perpetrator recruits, harbors, transports, provides, or obtains a person for the purpose of slavery or involuntary servitude, peonage, or forced labor;

(3) Trafficking for the purpose of sexual exploitation, a class B felony, is committed when a perpetrator recruits, harbors, transports, provides, or obtains a person for the use or employment of the person in sexual conduct without his or her consent;

(4) Sexual trafficking of a child, a class A felony, is committed when a perpetrator recruits, entices, harbors, transports, provides, or obtains a person under the age of 18 to participate in a commercial sex act. It will not be an affirmative defense that the perpetrator believed that the person was age 18 or older; and

(5) Contributing to human trafficking through the misuse of documentation, a class D felony, is committed when the perpetrator restricts a person's ability to move or travel by controlling the person's identification documents or when the perpetrator destroys, conceals, or confiscates a governmental identification document or other immigration document of a victim while committing a trafficking crime.

As part of the sentencing for a human trafficking offense, the

court must order the perpetrator to pay restitution to the victim.

The laws regarding patronizing prostitution are modified. The bill:

(1) Makes it a class A misdemeanor to patronize a prostitute who is age 15 to 17 and clarifies that prosecution for this offense does not preclude a prosecution for statutory rape or sodomy. The current law is a class B misdemeanor and does not refer to the age of the prostitute; and

(2) Makes it a class D felony to patronize a prostitute who is age 14 or younger and clarifies that prosecution for this offense does not preclude a prosecution for statutory rape or sodomy.