

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1080 be amended to read as follows:

1 Page 4, between lines 27 and 28, begin a new paragraph and insert:
2 "SECTION 3. IC 35-42-3.5-1, AS AMENDED BY SEA 4-2012,
3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2012]: Sec. 1. (a) A person who, by force, threat of force, or
5 fraud, knowingly or intentionally recruits, harbors, or transports
6 another person:
7 (1) to engage the other person in:
8 (A) forced labor; or
9 (B) involuntary servitude; or
10 (2) to force the other person into:
11 (A) marriage;
12 (B) prostitution; or
13 (C) participating in sexual conduct (as defined by
14 IC 35-42-4-4);
15 commits promotion of human trafficking, a Class B felony.
16 (b) A person who knowingly or intentionally recruits, harbors, or
17 transports a child less than sixteen (16) years of age with the intent of:
18 (1) engaging the child in:
19 (A) forced labor; or
20 (B) involuntary servitude; or
21 (2) inducing or causing the child to:
22 (A) engage in prostitution; or
23 (B) participate in sexual conduct (as defined by IC 35-42-4-4);
24 commits promotion of human trafficking of a minor, a Class B felony.
25 **Except as provided in subsection (e)**, it is not a defense to a
26 prosecution under this subsection that the child consented to engage in
27 prostitution or to participate in sexual conduct.
28 (c) A person who is at least eighteen (18) years of age who
29 knowingly or intentionally sells or transfers custody of a child less than
30 sixteen (16) years of age for the purpose of prostitution or participating

1 in sexual conduct (as defined by IC 35-42-4-4) commits sexual
2 trafficking of a minor, a Class A felony.

3 (d) A person who knowingly or intentionally pays, offers to pay, or
4 agrees to pay money or other property to another person for an
5 individual who the person knows has been forced into:

- 6 (1) forced labor;
- 7 (2) involuntary servitude; or
- 8 (3) prostitution;

9 commits human trafficking, a Class C felony.

10 **(e) It is a defense to a prosecution under subsection (b)(2)(B) if:**

11 **(1) the child is at least fourteen (14) years of age but less than**
12 **sixteen (16) years of age and the person is less than eighteen**
13 **(18) years of age; or**

14 **(2) all the following apply:**

15 **(A) The person is not more than four (4) years older than**
16 **the victim.**

17 **(B) The relationship between the person and the victim was**
18 **a dating relationship or an ongoing personal relationship.**
19 **The term "ongoing personal relationship" does not include**
20 **a family relationship.**

21 **(C) The crime:**

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

24 **(ii) was not committed by using or threatening the use of**
25 **deadly force;**

26 **(iii) was not committed while armed with a deadly**
27 **weapon;**

28 **(iv) did not result in serious bodily injury;**

29 **(v) was not facilitated by furnishing the victim, without**
30 **the victim's knowledge, with a drug (as defined in**
31 **IC 16-42-19-2(1)) or a controlled substance (as defined in**
32 **IC 35-48-1-9) or knowing that the victim was furnished**
33 **with the drug or controlled substance without the**
34 **victim's knowledge; and**

35 **(vi) was not committed by a person having a position of**
36 **authority or substantial influence over the victim.**

37 **(D) The person has not committed another sex offense (as**
38 **defined in IC 11-8-8-5.2), including a delinquent act that**

- 1 **would be a sex offense if committed by an adult, against any other**
- 2 **person."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1080 as printed February 24, 2012.)

Senator HEAD