



This Bill Analysis reflects the contents of the bill as it was presented in committee.

SENATE BILL 539: Disclose Human Trafficking Conviction/Custody.

2021-2022 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 20, 2021
Introduced by:	Sen. Sanderson	Prepared by:	Jennifer H. Bedford
Analysis of:	First Edition		Staff Attorney

OVERVIEW: Senate Bill 539 would:

- Expand the disclosures required during a custody proceeding.
- Clarify that failure to make the required disclosures is perjury, a Class F felony.
- Expand the conduct prohibited by the human trafficking law.

CURRENT LAW AND BILL ANALYSIS:

G.S. 50-13.1 requires that a person disclose any conviction for a sexually violent offense during custody proceedings.

Section 1 of Senate Bill 539 would require a person to also disclose the following during custody proceedings:

- Any convictions for human trafficking.
- Any convictions for sexual exploitation of a minor.
- Any prior custody proceedings.
- If anything of value has been given or promised, in exchange for a minor child.

G.S. 14-209 makes knowingly and intentionally making a false statement under oath in any matter before the court, a Class F felony.

Section 1 of Senate Bill 539 would also clarify that the willful failure to make one of the required disclosures falls under perjury.

G.S. 14-43.11 prohibits human trafficking.

It is unlawful to recruit, entice, harbor, transport, provide, or obtain another person with the intent that the person be held in involuntary or sexual servitude.

If the victim is an adult, human trafficking is a Class C felony.

If the victim is a minor, human trafficking is a Class B2 felony.

Section 2 of Senate Bill 539 would expand the conduct prohibited by the human trafficking laws to include *patronizing* another person with the intent that the other person be held in involuntary servitude or sexual servitude.

EFFECTIVE DATE: This bill would become effective October 1, 2021, and apply to actions or proceedings commenced on or after that date.

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