

## Committee on Criminal Justice

### **CS/CS/SB 1804 — Capital Human Trafficking of Vulnerable Persons for Sexual Exploitation**

by Fiscal Policy Committee; Appropriations Committee on Criminal and Civil Justice; and Senator Martin

The bill creates a new crime of Capital Human Trafficking of Vulnerable Persons for Sexual Exploitation. A person 18 years or older who knowingly initiates, organizes, plans, finances, directs, manages, or supervises a venture that has subjected a child less than 12 years of age, or a person who is mentally defective or mentally incapacitated, to sexual exploitation commits a capital felony. A person convicted of capital human trafficking must register as a sexual predator.

The bill requires a court to conduct a separate sentencing proceeding to determine whether a defendant convicted of capital human trafficking should be sentenced to death or life imprisonment. Specifically, the bill provides:

- A jury must unanimously find at least two aggravating factors beyond a reasonable doubt for the defendant to be eligible for a sentence of death.
- Aggravating factors and mitigating circumstances that are customized to the new crime for the jury's consideration in arriving at a sentencing recommendation.
- If at least eight jurors determine that the defendant should be sentenced to death, the jury's recommendation must be a sentence of death. If fewer than eight jurors determine that the defendant should be sentenced to death, the jury's recommendation must be a sentence of life imprisonment without the possibility of parole.
- The court has the discretion to enter a death sentence or a sentence of life imprisonment without the possibility of parole if the jury recommends a sentence of death.
- The prosecutor must present evidence of two or more aggravating factors before victim impact evidence may be introduced and argued by the prosecutor.
- The court must enter a written sentencing order regardless of the sentence imposed that includes the reasons for not accepting the jury's recommended sentence, if applicable.
- The state may appeal if the circuit court fails to comply with the sentencing procedures for this new crime.

Additionally, a reference to the new crime is added to various statutes to provide that:

- A defendant's confession or admission, is admissible, under certain circumstances, during trial even if the state is unable to independently prove each element of the crime.
- Parental consent is not required for a pelvic exam of a child who is a victim of capital human trafficking.
- A defendant convicted of capital human trafficking must submit to HIV testing.
- A person commits a life felony if he or she commits a kidnapping or false imprisonment on a person under the age of 13, and in the course of such crime commits capital human trafficking.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2025.

*Vote: Senate 27-11; House 95-17*