

Regular Session, 2010

HOUSE BILL NO. 825

BY REPRESENTATIVE ABRAMSON

CRIME/SEX OFFENSES: Adds the crimes of human trafficking and trafficking of children for sexual purposes to the list of sex offenses and crimes of violence

1 AN ACT

2 To amend and reenact R.S. 15:541(24) and to enact R.S. 14:2(B)(42) and (43), relative to
3 crimes involving trafficking; to add the crimes of human trafficking and trafficking
4 of children for sexual purposes to the list of crimes of violence and sex offenses; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:2(B)(42) and (43) are hereby enacted to read as follows:

8 §2. Definitions

9 * * *

10 B. In this Code, "crime of violence" means an offense that has, as an
11 element, the use, attempted use, or threatened use of physical force against the
12 person or property of another, and that, by its very nature, involves a substantial risk
13 that physical force against the person or property of another may be used in the
14 course of committing the offense or an offense that involves the possession or use
15 of a dangerous weapon. The following enumerated offenses and attempts to commit
16 any of them are included as "crimes of violence":

17 * * *

18 (42) Trafficking of children for sexual purposes.

19 (43) Human trafficking.

1 Section 2. R.S. 15:541(24) is hereby amended and reenacted to read as follows:

2 §541. Definitions

3 For the purposes of this Chapter, the definitions of terms in this Section shall
4 apply:

5 * * *

6 (24) "Sex offense" means deferred adjudication, adjudication withheld, or
7 conviction for the perpetration or attempted perpetration of or conspiracy to commit
8 R.S. 14:46.2 (human trafficking), R.S. 14:46.3 (trafficking of children for sexual
9 purposes), R.S. 14:78 (incest), R.S. 14:78.1 (aggravated incest), R.S. 14:89 (crime
10 against nature), R.S. 14:89.1 (aggravated crime against nature), R.S. 14:80 (felony
11 carnal knowledge of a juvenile), R.S. 14:81 (indecent behavior with juveniles),
12 R.S.14:81.1 (pornography involving juveniles), R.S. 14:81.2 (molestation of a
13 juvenile), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:81.4
14 (prohibited sexual conduct between an educator and student), R.S. 14:92(A)(7)
15 (contributing to the delinquency of juveniles), R.S. 14:93.5 (sexual battery of the
16 infirm), R.S. 14:106(A)(5) (obscenity by solicitation of a person under the age of
17 seventeen), R.S. 14:283 (video voyeurism), any provision of Subpart C of Part II of
18 Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, or a second or
19 subsequent conviction of R.S. 14:283.1 (voyeurism), committed on or after June 18,
20 1992, or committed prior to June 18, 1992, if the person, as a result of the offense,
21 is under the custody of the Department of Public Safety and Corrections on or after
22 June 18, 1992. A conviction for any offense provided in this definition includes a
23 conviction for the offense under the laws of another state, or military, territorial,
24 foreign, tribal, or federal law which is equivalent to an offense provided for in this
25 Chapter, unless the tribal court or foreign conviction was not obtained with sufficient
26 safeguards for fundamental fairness and due process for the accused as provided by
27 the federal guidelines adopted pursuant to the Adam Walsh Child Protection and
28 Safety Act of 2006.

29 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Abramson

HB No. 825

Abstract: Adds the crimes of human trafficking and trafficking of children for sexual purposes to enumerated crimes of violence and sex offenses.

Present law provides for the crimes of human trafficking and trafficking of children for sexual purposes.

Present law provides for the following listing of crimes designated as crimes of violence: solicitation for murder; first degree murder; second degree murder; manslaughter; aggravated battery; second degree battery; aggravated assault; mingling harmful substances; aggravated rape; forcible rape; simple rape; sexual battery; aggravated sexual battery; intentional exposure to AIDS virus; aggravated kidnapping; second degree kidnapping; simple kidnapping; aggravated arson; aggravated criminal damage to property; aggravated burglary; armed robbery; first degree robbery; simple robbery; purse snatching; extortion; assault by drive-by shooting; aggravated crime against nature; carjacking; illegal use of weapons or dangerous instrumentalities; aggravated second degree battery; aggravated assault upon a peace officer with a firearm; aggravated assault with a firearm; armed robbery, use of firearm; aggravated robbery; disarming of a peace officer; stalking; second degree cruelty to juveniles; aggravated flight from an officer; terrorism; aggravated incest and battery of a police officer.

Proposed law retains the provisions of present law and adds trafficking of children for sexual purposes and human trafficking to this list.

Present law provides for an enumerated list of sex offenses.

Proposed law retains the provisions of present law and adds the crime of trafficking of children for sexual purposes to this list.

(Amends R.S. 15:541(24); Adds R.S. 14:2(B)(42) and (43))