

1 with or without hard labor, for not more than two years, or both, ~~and one-half of the~~
2 ~~finest collected shall be distributed in accordance with R.S. 15:539.4.~~

3 (3) On a third and subsequent conviction, the offender shall be imprisoned,
4 with or without hard labor, for not less than two nor more than four years and shall
5 be fined not less than two thousand five hundred dollars nor more than four thousand
6 dollars ~~and one-half of the fines collected shall be distributed in accordance with~~
7 ~~R.S. 15:539.4.~~

8 (4) Whoever violates the provisions of this Section with a person the
9 offender knows to be under the age of eighteen years, or with a person the offender
10 knows to be a victim of human trafficking as defined by R.S. 14:46.2 or trafficking
11 of children for sexual purposes as defined by R.S. 14:46.3, shall be fined not less
12 than three thousand nor more than fifty thousand dollars, imprisoned at hard labor
13 for not less than fifteen years nor more than fifty years, or both, ~~and one-half of the~~
14 ~~finest collected shall be distributed in accordance with R.S. 15:539.4.~~

15 (5) Whoever violates the provisions of this Section with a person the
16 offender knows to be under the age of fourteen years shall be fined not less than five
17 thousand and not more than seventy-five thousand dollars, imprisoned at hard labor
18 for not less than twenty-five years nor more than fifty years, or both, ~~and one-half~~
19 ~~of the fines collected shall be distributed in accordance with R.S. 15:539.4.~~

20 * * *

21 §83. Soliciting for prostitutes

22 * * *

23 B.(1)(a) Whoever commits the crime of soliciting for prostitutes shall be
24 fined not more than seven hundred fifty dollars, imprisoned for not more than six
25 months, or both, ~~and one-half of the fines collected shall be distributed in accordance~~
26 ~~with R.S. 15:539.4.~~

27 (b) Whoever commits a second or subsequent offense for the crime of
28 soliciting for prostitutes shall be fined not less than one thousand five hundred
29 dollars nor more than two thousand dollars, imprisoned for not more than one year,

1 or both, ~~and one-half of the fines collected shall be distributed in accordance with~~
2 R.S. 15:539.4.

3 (2) Whoever commits the crime of soliciting for prostitutes when the person
4 being solicited is under the age of eighteen years shall be fined not less than three
5 thousand dollars nor more than fifty thousand dollars, imprisoned at hard labor for
6 not less than fifteen years nor more than fifty years, or both, ~~and one-half of the fines~~
7 ~~collected shall be distributed in accordance with R.S. 15:539.4.~~

8 (3) Whoever commits the crime of soliciting for prostitutes when the person
9 being solicited is under the age of fourteen years shall be fined not less than five
10 thousand dollars nor more than seventy-five thousand dollars, imprisoned at hard
11 labor for not less than twenty-five years nor more than fifty years, or both, ~~and~~
12 ~~one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.~~

13 * * *

14 Section 2. R.S. 15:539.1(F)(3) and 539.2 are hereby amended and reenacted to read
15 as follows:

16 §539.1. Forfeited property related to certain sex crimes; exempt property; allocation
17 of forfeited property

18 * * *

19 F. Notwithstanding Subsection E of this Section, when the currency,
20 instruments, securities, or other property is forfeited following a conviction for a
21 violation of R.S. 14:46.2 (human trafficking), R.S. 14:46.3 (trafficking of children
22 for sexual purposes), R.S. 14:81.1 (pornography involving juveniles), R.S. 14:81.3
23 (computer-aided solicitation of a minor), R.S. 14:82.1 (prostitution; persons under
24 eighteen; additional offenses), R.S. 14:83 (soliciting for prostitutes), R.S. 14:83.1
25 (inciting prostitution), R.S. 14:83.2 (promoting prostitution), R.S. 14:84 (pandering),
26 R.S. 14:85 (letting premises for prostitution), R.S. 14:86 (enticing persons into
27 prostitution), R.S. 14:104 (keeping a disorderly place), R.S. 14:105 (letting a
28 disorderly place), and R.S. 14:282 (operation of places of prostitution), the currency,
29 instruments, and securities and proceeds of the public sale or public auction shall pay

1 the costs of the public sale or public auction, court costs, and fees related to the
2 seizure and storage of the personal property and shall then be applied to any
3 restitution granted to the victim. Any remaining currency, instruments, securities, or
4 proceeds shall be distributed in the following manner:

5 * * *

6 (3) Fifty percent to the ~~Exploited Children's~~ Survivor Special Fund pursuant
7 to R.S. 15:539.2.

8 §539.2. ~~Exploited Children's~~ Survivor Special Fund

9 A.(1) Any person who is convicted or pleads guilty or nolo contendere to ~~an~~
10 ~~offense involving trafficking of children for sexual purposes under R.S. 14:46.3,~~
11 ~~prostitution with persons under seventeen under R.S. 14:82.1, or enticing persons~~
12 ~~into prostitution under R.S. 14:86~~ any of the following offenses shall be ordered to
13 pay a mandatory monetary assessment of two thousand dollars:;

14 (a) Battery of a dating partner under R.S. 14:34.9(E), (F), (L), (M), (N), (O),
15 or (P).

16 (b) Domestic abuse battery under R.S. 14:35.3(L), (M), (N), (O), or (P).

17 (c) First degree rape under R.S. 14:42.

18 (d) Second degree rape under R.S. 14:42.1.

19 (e) Sexual battery under R.S. 14:43.1(C)(2) or (3).

20 (f) Second degree sexual battery under R.S. 14:43.2.

21 (g) Oral sexual battery under R.S. 14:43.3.

22 (h) Aggravated kidnapping of a child under R.S. 14:44.2.

23 (i) Human trafficking under R.S. 14:46.2.

24 (j) Trafficking of children for sexual purposes under R.S. 14:46.3.

25 (k) Pornography involving juveniles under R.S. 14:81.1.

26 (l) Molestation of a juvenile or a person with a physical or mental disability
27 under R.S. 14:81.2.

28 (m) Computer-aided solicitation of a minor under R.S. 14:81.3.

29 (n) Possessing, trafficking, or importing a child sex doll under R.S. 14:81.6.

- 1 (o) Prostitution with persons under eighteen under R.S. 14:82.1.
- 2 (p) Purchase of commercial sexual activity under R.S. 14:82.2.
- 3 (q) Soliciting for prostitutes under R.S. 14:83(B)(2) or (3).
- 4 (r) Promoting prostitution under R.S. 14:83.2(B)(2) or (3).
- 5 (s) Pandering under R.S. 14:84.
- 6 (t) Enticing persons into prostitution under R.S. 14:86(B)(1)(b) or (c).
- 7 (u) Aggravated crime against nature under R.S. 14:89.1.
- 8 (v) Crime against nature by solicitation under R.S. 14:89.2(B)(3)(a) or (b).
- 9 (w) Sexual battery of persons with infirmities under R.S. 14:93.5.

10 (2) Notwithstanding any law to the contrary, the assessments provided by
11 this Section shall be in addition to and not in lieu of, and shall not be used to offset
12 or reduce, any fine authorized or required by law. If the court finds that the offender
13 is indigent and therefore unable to pay the mandatory assessment at the time of
14 conviction, the court shall order a periodic payment plan consistent with the person's
15 financial ability.

16 B.(1) There is established in the state treasury the ~~Exploited Children's~~
17 Survivor Special Fund, hereinafter referred to as the "fund". Appropriations by the
18 legislature and all monetary assessments paid and interest accrued on funds collected
19 pursuant to Subsection A of this Section shall be deposited into the Bond Security
20 and Redemption Fund, and after a sufficient amount is allocated from the Bond
21 Security and Redemption Fund to pay all the obligations secured by the full faith and
22 credit of the state which become due and payable within any fiscal year, the treasurer
23 shall pay the remainder of such monies into the fund. The fund shall be subject to
24 public audit.

25 (2)(a) Subject to appropriation by the legislature and except as provided in
26 ~~Subparagraph (b) of this Paragraph (3) of this Subsection,~~ monies in the fund shall
27 be used for the provision of services and treatment ~~administered by the Department~~
28 ~~of Children and Family Services, such as securing residential housing, health~~
29 ~~services, and social services, to sexually exploited children and adults. The~~

1 ~~department may also use the funds for grants or to provide services for sexually~~
2 ~~exploited children and adults~~ to adult and minor victims of human trafficking,
3 domestic violence, and sexual assault.

4 ~~(b) (3) Subject to appropriation by the legislature, and notwithstanding the~~
5 ~~provisions of Subparagraph (a) of this Paragraph, a portion of the monies in the fund,~~
6 ~~not to exceed fifty percent, may be used for the development of training programs~~
7 ~~relative to human trafficking and trafficking of children for sexual purposes and for~~
8 ~~the providing of law enforcement training programs administered by the Council of~~
9 ~~Peace Officer Standards and Training within the Louisiana Commission on Law~~
10 ~~Enforcement and the Administration of Criminal Justice, shall be administered to the~~
11 Office of Human Trafficking Prevention for disbursement as follows:

12 (a) Twenty-five percent of the monies to child advocacy centers, in
13 compliance with Children's Code Article 524, for programs to serve child victims of
14 sexual abuse, physical abuse, neglect, or human trafficking in this state.

15 (b) Twenty-five percent of the monies to the state domestic violence
16 coalition, as defined in 42 U.S.C. 10402, for distribution to member programs that
17 provide community services and shelter programs to victims of domestic violence
18 pursuant to R.S. 46:2124.

19 (c) Fifty percent of the monies to accredited sexual assault crisis centers
20 within this state, as defined in R.S. 46:2187(A)(2), to serve victims of sexual assault
21 and exploitation.

22 (4) The governor's office of human trafficking prevention is authorized to
23 retain not more than ten percent of the monies in the fund for necessary and
24 associated administrative expenses of the fund.

25 Section 3. R.S. 15:539.4 is hereby repealed in its entirety.

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)]

HB 163 Original

2025 Regular Session

Dickerson

Abstract: Provides relative to victims of certain sex-related crimes.

Present law (R.S. 14:82.2) provides for the crime of purchase of commercial sexual activity.

Proposed law retains present law.

Present law (R.S. 14:82.2(C)) provides for penalties that include the distribution of 1/2 of the fines collected in accordance with present law (R.S. 15:549.4).

Proposed law retains present law relative to the length of imprisonment and fine amounts, but removes the references to the distribution of 1/2 of the fines that are collected.

Present law (R.S. 14:83) provides for the crime of soliciting for prostitutes.

Proposed law retains present law.

Present law (R.S. 14:83(B)) provides for penalties that include the distribution of 1/2 of the fines collected in accordance with present law (R.S. 15:549.4).

Proposed law retains present law relative to the length of imprisonment and fine amounts, but removes the references to the distribution of 1/2 of the fines that are collected.

Present law (R.S. 15:539.1) provides for the forfeiture of property related to certain sex-related crimes.

Proposed law retains present law.

Present law (R.S. 15:539.1(F)) provides that any remaining currency, instruments, securities, or proceeds that are forfeited following a conviction for certain sex-related crimes shall be distributed in the following manner:

- (1) 25% to the seizing agency or agencies allocated among the seizing agencies in proportion to their participation in the management of the investigation, seizure, and forfeiture.
- (2) 25% to the prosecuting agency.
- (3) 50% to the Exploited Children's Special Fund pursuant to present law (R.S. 15:539.2).

Proposed law changes the name of the fund from the Exploited Children's Special Fund to the Survivor Special Fund.

Present law (R.S. 15:539.2) provides for the Exploited Children's Special Fund and use of monies in the fund.

Proposed law changes the name of the fund from the Exploited Children's Special Fund to the Survivor Special Fund.

Present law (R.S. 15:539.2(A)) provides that any person who is convicted or pleads guilty or nolo contendere to an offense involving trafficking of children for sexual purposes under present law (R.S. 14:46.3), prostitution with persons under 18 under present law (R.S. 14:82.1), or enticing persons into prostitution under present law (R.S. 14:86) shall be ordered to pay a mandatory monetary assessment of \$2,000.

Proposed law retains the present law offenses of trafficking of children for sexual purposes and prostitution with persons under 18 and adds the following offenses:

- (1) Battery of a dating partner under present law (R.S. 14:34.9(E), (F), (L), (M), (N), (O), or (P)).
- (2) Domestic abuse battery under present law (R.S. 14:35.3(L), (M), (N), (O), or (P)).
- (3) First degree rape under present law (R.S. 14:42).
- (4) Second degree rape under present law (R.S. 14:42.1).
- (5) Sexual battery under present law (R.S. 14:43.1(C)(2) or (3)).
- (6) Second degree sexual battery under present law (R.S. 14:43.2).
- (7) Oral sexual battery under present law (R.S. 14:43.3).
- (8) Aggravated kidnapping of a child under present law (R.S. 14:44.2).
- (9) Human trafficking under present law (R.S. 14:46.2).
- (10) Pornography involving juveniles under present law (R.S. 14:81.1).
- (11) Molestation of a juvenile or a person with a physical or mental disability under present law (R.S. 14:81.2).
- (12) Computer-aided solicitation of a minor under present law (R.S. 14:81.3).
- (13) Possessing, trafficking, or importing a child sex doll under present law (R.S. 14:81.6).
- (14) Purchase of commercial sexual activity under present law (R.S. 14:82.2).
- (15) Soliciting for prostitutes under present law (R.S. 14:83(B)(2) or (3)).
- (16) Promoting prostitution under present law (R.S. 14:83.2(B)(2) or (3)).
- (17) Pandering under present law (R.S. 14:84).
- (18) Enticing persons into prostitution under present law (R.S. 14:86(B)(1)(b) or (c)).
- (19) Aggravated crime against nature under present law (R.S. 14:89.1).
- (20) Crime against nature by solicitation under present law (R.S. 14:89.2(B)(3)(a) or (b)).
- (21) Sexual battery of persons with infirmities under present law (R.S. 14:93.5).

Present law (R.S. 15:539.2(B)) provides that monies in the fund shall be used for the provision of services and treatment administered by the DCFS, such as securing residential housing, health services, and social services, to sexually exploited children and adults.

Further provides that the department may also use the funds for grants or to provide services for sexually exploited children and adults.

Proposed law amends present law to provide that monies in the fund shall be used for the provisions of services and treatment to adult and minor victims of human trafficking, domestic violence, and sexual assault.

Present law (R.S. 15:539.2(B)) provides that a portion of the monies in the fund, not to exceed 50%, may be used for the development of training programs relative to human trafficking and trafficking of children for sexual purposes and for the providing of law enforcement training programs administered by the P.O.S.T. Council within the La. Commission on Law Enforcement.

Proposed law amends present law to provide that monies in the fund shall be administered to the governor's office of human trafficking prevention for disbursement as follows:

- (1) 25% of the monies to child advocacy centers, in compliance with present law (Ch.C. Art. 524), for programs to serve child victims of sexual abuse, physical abuse, neglect, or human trafficking in La.
- (2) 25% of the monies to the state domestic violence coalition, as defined in federal law (42 U.S.C. 10402), for distribution to member programs that provide community services and shelter programs to victims of domestic violence pursuant to present law (R.S. 46:2124).
- (3) 50% of the monies to accredited sexual assault crisis centers in La., as defined in present law (R.S. 46:2187(A)(2)) to serve victims of sexual assault and exploitation.

Proposed law provides that the governor's office of human trafficking prevention is authorized to retain not more than 10% of the monies in the fund for necessary and associated administrative expenses of the fund.

Present law (R.S. 15:539.4) provides for fines related to the present law crimes of solicitation of prostitutes and purchase of commercial sexual activity.

Present law further provides that when a fine is imposed pursuant to the provisions of present law (R.S. 14:82.2(C) or 83(B)(1), (2), or (3)), the sheriff or executive officer of the court shall distribute \$500 or 1/2 of the fine, whichever is greater, pursuant to the provisions of present law (R.S. 15:571.11) and the remainder of the fine shall be distributed as follows:

- (1) 50% of the proceeds from the imposition of the fine to the sheriff or law enforcement agency that made the arrest to be used for training officers in recognizing and the preventing of human trafficking.
- (2) 50% of the proceeds from the imposition of the fine to the district attorney, in furtherance of the administration of justice in the judicial district and to prevent future recidivism, to be paid to a program for victim services that counsels, treats, and helps victims of human trafficking or those who are charged or convicted of prostitution.

Proposed law repeals present law.

(Amends R.S. 14:82.2(C) and 83(B)(1)-(3) and R.S. 15:539.1(F)(3) and 539.2; Repeals R.S. 15:539.4)