FOR OFFICE USE ONLY

HOUSE FLOOR AMENDMENTS

2025 Regular Session

Amendments proposed by Representative Jackson to Engrossed House Bill No. 5 by Representative Jackson

1 AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and at the beginning of line 2 3 3, delete "R.S. 15:541(24)(a) and to enact R.S. 14:83(C)" and insert "R.S. 14:46.3(A)(1) and 4 (D)(2), 82.2(C)(1), (4), and (5), 83(B)(1)(b), (2), and (3), 83.1(B)(2) and (3), 83.2(B)(2) and 5 (3), 84(B)(2) and (3), 85(B)(2) and (3), 86(B)(1)(b) and (c), 89.2(B)(3), 104(B)(2) and (3), 6 105(B)(2) and (3), and 282(B)(2) and (3), R.S. 15:539.1(A), 539.2(A), 541(24)(a), R.S. 46:1844(W)(2)(a), and Code of Criminal Procedure Article 571.1, to enact R.S. 7 14:46.3(A)(7) and 83(C), and to repeal R.S. 14:82.1 and R.S. 15:541(25)(g) and 8 9 1352(A)(47)"

10 AMENDMENT NO. 2

On page 1, line 4, after "prostitution;" delete the remainder of the line and delete line 5 in
its entirety and insert "to provide for certain prostitution offenses; to provide for"

13 AMENDMENT NO. 3

14 On page 1, delete lines 9 and 10 in their entirety and insert the following:

15 "Section 1. R.S. 14:46.3(A)(1) and (D)(2), 82.2(C)(1), (4), and (5), 83(B)(1)(b), (2), 16 and (3), 83.1(B)(2) and (3), 83.2(B)(2) and (3), 84(B)(2) and (3), 85(B)(2) and (3), 17 86(B)(1)(b) and (c), 89.2(B)(3), 104(B)(2) and (3), 105(B)(2) and (3), and 282(B)(2) and (3) 18 are hereby amended and reenacted and R.S. 14:46.3(A)(7) and 83(C) are hereby enacted to 19 read as follows:

- 20 §46.3. Trafficking of children for sexual purposes 21 A. It shall be unlawful: 22 (1) For any person to knowingly recruit, harbor, transport, provide, sell, purchase, receive, isolate, entice, obtain, or maintain the use of a person under the 23 24 age of eighteen years for the purpose of engaging in commercial sexual activity. 25 (7) For any person to knowingly solicit or purchase a person under the age 26 27 of eighteen years for the purpose of engaging in commercial sexual activity. 28 29 D.(1) 30 (2) Whoever violates the provisions of Paragraph (A)(3) or (7) of this 31 Section shall be fined not more than fifty thousand dollars, imprisoned at hard labor 32 33 for not less than fifteen nor more than fifty years, or both, with at least five years 34 being served without benefit of probation, parole, or suspension of sentence. Whoever violates the provisions of Paragraph (A)(3) of this Section when the victim 35 is under the age of fourteen years shall be fined not more than seventy-five thousand 36 37 dollars and imprisoned at hard labor for not less than twenty-five nor more than fifty 38 years, with at least ten years being served without benefit of probation, parole, or 39 suspension of sentence.
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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1 AMENDMENT NO. 4

- On page 2, line 2, after "be" delete the remainder of the line and delete lines 3 through 6 in
 their entirety and insert "punished in accordance with R.S. 14:46.3(D)(2)."
- 4 AMENDMENT NO. 5
- 5 On page 2, line 8, after "shall be" delete the remainder of the line and delete lines 9 through 6 12 in their entirety and insert "punished in accordance with R.S. 14:46.3(D)(2)."
- 7 AMENDMENT NO. 6
- 8 On page 2, between lines 22 and 23, insert the following:

9 "(2) Whoever commits the crime of soliciting for prostitutes when the person 10 being solicited is under the age of eighteen years shall be fined not less than three 11 thousand dollars nor more than fifty thousand dollars, imprisoned at hard labor for 12 not less than fifteen years nor more than fifty years, or both, and one-half of the fines 13 collected shall be distributed in accordance with R.S. 15:539.4 punished in 14 accordance with R.S. 14:46.3(D)(2).

(3) Whoever commits the crime of soliciting for prostitutes when the person
 being solicited is under the age of fourteen years shall be fined not less than five
 thousand dollars nor more than seventy-five thousand dollars, imprisoned at hard
 labor for not less than twenty-five years nor more than fifty years, or both, and
 one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4
 punished in accordance with R.S. 14:46.3(D)(2).

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21 AMENDMENT NO. 7

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22 On page 3, between lines 4 and 5, insert the following:

"§83.1. Inciting prostitution

25 B. 26 27 (2) Whoever commits the crime of inciting prostitution of persons under the 28 age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned 29 at hard labor for not less than fifteen years nor more than fifty years, or both 30 punished in accordance with R.S. 14:46.3(D)(2). 31 (3) Whoever commits the crime of inciting prostitution of persons under the 32 age of fourteen years shall be fined not more than seventy-five thousand dollars, 33 imprisoned at hard labor for not less than twenty-five years nor more than fifty years, 34 or both punished in accordance with R.S. 14:46.3(D)(2). 35 §83.2. Promoting prostitution 36 37 B. 38 39 (2) Whoever commits the crime of promoting prostitution of persons under the age of eighteen years shall be fined not more than fifty thousand dollars, 40 41 imprisoned at hard labor for not less than fifteen years nor more than fifty years, or 42 both punished in accordance with R.S. 14:46.3(D)(2).

(3) Whoever commits the crime of promoting prostitution of persons under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both punished in accordance with R.S. 14:46.3(D)(2).

47 §84. Pandering

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

B.	*	*	*		
 (2) Whoever commits the crime of pandering involving the prostitution of persons under the age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both punished in accordance with R.S. 14:46.3(D)(2). (3) Whoever commits the crime of pandering involving the prostitution of persons under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both punished in accordance with R.S. 14:46.3(D)(2). 					
§85. Letting premise	s for prostitut *	tion *	*		
В.	*	*	*		
persons under the age dollars, imprisoned at years, or both punishe (3) Whoever persons under the age thousand dollars, imp	of eighteen y thard labor f ed in accorda commits th e of fourteen prisoned at ha	years sl for not nce wit e crime years s ard labe	e of letting premises for prostitution hall be fined not more than fifty thousa less than fifteen years nor more than fi th R.S. $14:46.3(D)(2)$. e of letting premises for prostitution shall be fined not more than seventy-fi or for not less than twenty-five years r accordance with R.S. $14:46.3(D)(2)$.	ind fty of ive	
§86. Enticing person	s into prostitu *	ution *	*		
B.(1)(a)	*	*	*		
the person being ention fined not more than fir fifteen years nor more 14:46.3(D)(2).	ed into prost fty thousand e than fifty y	itution dollars, /cars, o	of enticing persons into prostitution which is under the age of eighteen years shall the imprisoned at hard labor for not less the punished in accordance with R	be an S.	
the person being ention fined not more than se	ed into prost eventy-five th years nor mor	itution 10usano	of enticing persons into prostitution wh is under the age of fourteen years shall d dollars, imprisoned at hard labor for 1 fifty years, or both punished in accordar	be not	
§89.2. Crime against	nature by so	licitatio			
B.	*	*	*		
being solicited is und thousand dollars, imp than fifty years, or bo (b) Whoever solicited is under the a thousand dollars, imp more than fifty years,	 (3)(a) Whoever violates the provisions of this Section, when the person being solicited is under the age of eighteen years, shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both punished in accordance with R.S. 14:46.3(D)(2). (b) Whoever violates the provisions of this Section, when the person being solicited is under the age of fourteen years, shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both. Twenty-five years of the sentence imposed shall be without benefit of parole, probation, or suspension of sentence punished in 				
accordance with R.S.				<u>111</u>	
§104. Keeping a disc	*	*	*		
В.	*	*	*		
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1 2	(2) Whoever commits the crime of keeping a disorderly place for the purpose of prostitution of persons under the age of eichteen wars shall be fined not more
23	of prostitution of persons under the age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years
4	nor more than fifty years, or both punished in accordance with R.S. 14:46.3(D)(2).
5	(3) Whoever commits the crime of keeping a disorderly place for the purpose
6	of prostitution of persons under the age of fourteen years shall be fined not more than
7	seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five
8	years nor more than fifty years, or both punished in accordance with R.S.
9	14:46.3(D)(2).
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10	§105. Letting a disorderly place
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12	B.
13	* * *
14	(2) Whoever commits the crime of letting a disorderly place for the purpose
15	of prostitution of persons under the age of eighteen years shall be fined not more
16	than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years
17	nor more than fifty years, or both punished in accordance with R.S. 14:46.3(D)(2).
18	(3) Whoever commits the crime of letting a disorderly place for the purpose
19	of prostitution of persons under the age of fourteen years shall be fined not more than
20	seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five
21	years nor more than fifty years, or both punished in accordance with R.S.
22 23	<u>14:46.3(D)(2)</u> .
23 24	
24 25	§282. Operation of places of prostitution prohibited; penalty $*$
23 26	В.
20 27	D. * * *
28	(2) Whoever violates any provision of this Section for the purpose of
29	lewdness, assignation, or prostitution of persons under the age of eighteen shall be
30	fined not more than fifty thousand dollars, imprisoned at hard labor for not less than
31	fifteen years nor more than fifty years, or both punished in accordance with R.S.
32	14:46.3(D)(2).
33	(3) Whoever violates any provision of this Section for the purpose of
34	lewdness, assignation, or prostitution of persons under the age of fourteen years shall
35	be fined not more than seventy-five thousand dollars, imprisoned at hard labor for
36	not less than twenty-five years nor more than fifty years, or both punished in
37	accordance with R.S. 14:46.3(D)(2)."
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38	<u>AMENDMENT NO. 8</u>
39	On page 3, delete line 5 in its entirety and insert the following:
57	on page 5, delete fine 5 in its entirety and insert the following.
40	"Section 2. R.S. 15:539.1(A), 539.2(A), and 541(24)(a) are hereby amended and
41	reenacted to read as follows:
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43	§539.1. Forfeited property related to certain sex crimes; exempt property; allocation
44	of forfeited property
45	A. Upon conviction of a human trafficking-related offense as defined in R.S.
46	46:1844(W), any felony sex offense as defined in R.S. 46:1844(W), R.S. 14:40.3
47	(cyberstalking), R.S. 14:46.2 (human trafficking), R.S. 14:46.3 (trafficking of
48	children for sexual purposes), R.S. 14:81.1.1 (sexting; prohibited acts; penalties),
49 50	R.S. 14:283.2 (nonconsensual disclosure of a private image), R.S. 14:78 (incest) as
50	that offense existed prior to its repeal by Act Nos. 177 and 602 of the 2014 Regular
51 52	Session of the Legislature, R.S. 14:78.1 (aggravated incest) as that offense existed
52 53	prior to its repeal by Act Nos. 177 and 602 of the 2014 Regular Session of the
53 54	Legislature, R.S. 14:89 (crime against nature), or R.S. 14:89.1 (aggravated crime against nature), the court shall order that the personal property used in the
54 55	commission of the offense be seized or impounded and sold at public sale or auction
	commission of the oriense of seried of impounded and sold at public sure of duction

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1 by the district attorney or otherwise distributed or disposed of in accordance with the 2 provisions of this Section. The personal property made subject to seizure and 3 disposition pursuant to this Section may include any electronic communication 4 devices, computers, computer-related equipment, motor vehicles, photographic 5 equipment used to record or create still or moving visual images of any victim that are recorded on paper, film, video tape, disc, or any other type of digital recording 6 7 media, currency, instruments, or securities. Forfeiture of personal property under the 8 provisions of this Section shall not preclude the application of any other remedy, 9 civil or criminal, under any other provision of law. All materials seized as evidence 10 in an offense enumerated in this Section shall constitute contraband. The court, upon 11 motion of the prosecuting attorney, after contradictory hearing, shall order the destruction of the contraband when it is determined that it is no longer needed as 12 13 evidence. The contraband shall be presumed necessary as evidence if an appeal of 14 the conviction is pending, if the convicted person is pursuing post-conviction 15 remedies, or the time for pursuing an appeal or post-conviction remedies has not 16 expired.

18 §539.2. Exploited Children's Special Fund

A. Any person who is convicted or pleads guilty or nolo contendere to an offense involving trafficking of children for sexual purposes under R.S. 14:46.3, prostitution with persons under seventeen under R.S. 14:82.1, or enticing persons into prostitution under R.S. 14:86 shall be ordered to pay a mandatory monetary assessment of two thousand dollars. Notwithstanding any law to the contrary, the assessments provided by this Section shall be in addition to and not in lieu of, and shall not be used to offset or reduce, any fine authorized or required by law. If the court finds that the offender is indigent and therefore unable to pay the mandatory assessment at the time of conviction, the court shall order a periodic payment plan consistent with the person's financial ability.

30 AMENDMENT NO. 9

31 On page 4, after line 11, add the following:

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32 "Section 3. R.S. 46:1844(W)(2)(a) is hereby amended and reenacted to read as 33 follows:

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§1844. Basic rights for victim and witness

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- - (2) For purposes of this Section:

39 (a) "Human trafficking-related offense" shall include the perpetration or 40 attempted perpetration of R.S. 14:46.2, or R.S. 14:46.3, or any other crime involving 41 commercial sexual exploitation including R.S. 14:81.1, 81.3, 82, 82.1, 82.2, 83, 83.1, 42 83.2, 83.3, 83.4, 84, 85, 86, 89.2, 104, 105, and or 282. 43

- 44 Section 4. Code of Criminal Procedure Article 571.1 is hereby amended and 45 reenacted to read as follows:
- 46 Art. 571.1. Time limitation for certain sex offenses

47 Except as provided by Article 572, the time within which to institute 48 prosecution of the following sex offenses, regardless of whether the crime involves 49 force, serious physical injury, death, or is punishable by imprisonment at hard labor 50 shall be thirty years: attempted first degree rape, also formerly titled aggravated rape 51 (R.S. 14:27, R.S. 14:42), attempted second degree rape, also formerly titled forcible 52 rape (R.S. 14:27, R.S. 14:42.1), sexual battery (R.S. 14:43.1), second degree sexual 53 battery (R.S. 14:43.2), oral sexual battery (R.S. 14:43.3), human trafficking (R.S. 14:46.2(B)(2) or (3)), trafficking of children for sexual purposes (R.S. 14:46.3), 54

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felony carnal knowledge of a juvenile (R.S. 14:80), indecent behavior with juveniles
(R.S. 14:81), pornography involving juveniles (R.S. 14:81.1), prostitution of persons
under eighteen (R.S. 14:82.1), enticing persons into prostitution (R.S. 14:86), crime
against nature (R.S. 14:89), aggravated crime against nature (R.S. 14:89.1), crime
against nature by solicitation (R.S. 14:89.2(B)(3)) that involves a victim under
eighteen years of age. This thirty-year period begins to run when the victim attains
the age of eighteen.

8 Section 5. R.S. 14:82.1 and R.S. 15:541(25)(g) and 1352(A)(47) are hereby repealed
9 in their entirety."