

SENATE BILL NO. 306

BY SENATORS CATHEY, ABRAHAM, BARROW, HODGES, KLEINPETER, MIGUEZ  
AND MORRIS

1 AN ACT

2 To amend and reenact R.S. 14:46.2(A)(1)(a), (B)(2), and (F)(1), and 46.3(D), relative to the  
3 penalties for human trafficking; to increase the penalties for human trafficking  
4 committed against certain victims; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:46.2(A)(1)(a), (B)(2), and (F)(1) and 46.3(D) are hereby amended  
7 and reenacted to read as follows:

8 §46.2. Human trafficking

9 A. It shall be unlawful:

10 (1)(a) For any person to knowingly recruit, harbor, transport, provide, solicit,  
11 sell, receive, isolate, entice, obtain, patronize, procure, purchase, hold, restrain,  
12 induce, threaten, subject, or maintain the use of another person through fraud, force,  
13 or coercion to provide services or labor.

14 \* \* \*

15 B. \* \* \*

16 (2)(a) Whoever commits the crime of human trafficking when the services  
17 include commercial sexual activity or ~~any sexual conduct constituting a crime under~~  
18 ~~the laws of this state~~ a sex offense as defined in R.S. 15:541 shall be fined not more  
19 than fifteen thousand dollars and shall be imprisoned at hard labor for not more than  
20 twenty years.

21 (b)Whoever commits the crime of human trafficking in violation of the  
22 provisions of Subparagraph (A)(1)(b) of this Section involving a person under the  
23 age of twenty-one years but eighteen years or older shall be fined not more than  
24 fifty thousand dollars, imprisoned at hard labor for not less than fifteen years, nor  
25 more than fifty years, or both.

26 (c) Whoever commits the crime of human trafficking in violation of the

provisions of Subparagraph (A)(1)(b) of this Section when the trafficking involves a person under the age of eighteen years shall be punished by life imprisonment at hard labor without benefit of probation, parole, or suspension of sentence and fined not more than seventy-five thousand dollars.

\* \* \*

F.(1) A victim of trafficking involving services that include commercial sexual activity or ~~any sexual contact which constitutes a crime pursuant to the laws of this state~~ **a sex offense as defined in R.S. 15:541** shall have an affirmative defense to prosecution for any of the following offenses which were committed as a direct result of being trafficked:

- (a) R.S. 14:82 (Prostitution).
- (b) R.S. 14:83.3 (Prostitution by massage).
- (c) R.S. 14:83.4 (Massage; sexual conduct prohibited).
- (d) R.S. 14:89 (Crime against nature).
- (e) R.S. 14:89.2 (Crime against nature by solicitation).

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§46.3. Trafficking of children for sexual purposes

\* \* \*

D.(1)~~(a)~~ Whoever violates the provisions of Paragraph (A)(1), (2), (4), (5), or (6) of this Section shall be **punished by life imprisonment at hard labor without benefit of probation, parole, or suspension of sentence and** fined not more than ~~fifty~~ **seventy-five** thousand dollars, ~~imprisoned at hard labor for not less than fifteen, nor more than fifty years, or both.~~

~~(b) Whoever violates the provisions of Paragraph (A)(1), (2), (4), (5), or (6) of this Section when the victim is under the age of fourteen years shall be fined not more than seventy-five thousand dollars and imprisoned at hard labor for not less than twenty-five years nor more than fifty years. At least twenty-five years of the sentence imposed shall be served without benefit of probation, parole, or suspension of sentence.~~

~~(c) Any person who violates the provisions of Paragraph (A)(1), (2), (4), (5),~~

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1 or (6) of this Section, who was previously convicted of a sex offense as defined in  
2 R.S. 15:541 when the victim of the sex offense was under the age of eighteen years,  
3 shall be fined not more than one hundred thousand dollars and shall be imprisoned  
4 at hard labor for not less than fifty years or for life. At least fifty years of the  
5 sentence imposed shall be served without benefit of parole, probation, or suspension  
6 of sentence.

7 (2) Whoever violates the provisions of Paragraph (A)(3) of this Section shall  
8 be **fined not more than fifty thousand dollars, imprisoned at hard labor for not**  
9 **less than fifteen nor more than fifty years or both with** shall be required to serve  
10 at least five years **being served** of the sentence provided for in Subparagraph  
11 (D)(1)(a) of this Section without benefit of probation, parole, or suspension of  
12 sentence. Whoever violates the provisions of Paragraph (A)(3) when the victim is  
13 under the age of fourteen years shall be **fined not more than seventy-five thousand**  
14 **dollars and imprisoned at hard labor for not less than twenty-five nor more**  
15 **than fifty years, with** required to serve at least ten years **being served** of the  
16 sentence provided for in Subparagraph (D)(1)(b) of this Section without benefit of  
17 probation, parole, or suspension of sentence.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_