

2025 Regular Session

HOUSE BILL NO. 163

BY REPRESENTATIVE DICKERSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/VICTIMS: Provides relative to victims of certain sex-related crimes

## 1 AN ACT

2 To amend and reenact R.S. 15:539.1(F)(3) and 539.2, relative to victims of certain sex-  
3 related crimes; to provide for a mandatory monetary assessment for certain sex-  
4 related crimes; to provide relative to the Exploited Children's Survivor Special Fund;  
5 to provide for a renaming of the fund; to provide for distribution and use of monies  
6 deposited into the fund; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:539.1(F)(3) and 539.2 are hereby amended and reenacted to read  
9 as follows:

10 §539.1. Forfeited property related to certain sex crimes; exempt property; allocation  
11 of forfeited property

12 \* \* \*

13 F. Notwithstanding Subsection E of this Section, when the currency,  
14 instruments, securities, or other property is forfeited following a conviction for a  
15 violation of R.S. 14:46.2 (human trafficking), R.S. 14:46.3 (trafficking of children  
16 for sexual purposes), R.S. 14:81.1 (pornography involving juveniles), R.S. 14:81.3  
17 (computer-aided solicitation of a minor), R.S. 14:82.1 (prostitution; persons under  
18 eighteen; additional offenses), R.S. 14:83 (soliciting for prostitutes), R.S. 14:83.1  
19 (inciting prostitution), R.S. 14:83.2 (promoting prostitution), R.S. 14:84 (pandering),  
20 R.S. 14:85 (letting premises for prostitution), R.S. 14:86 (enticing persons into

1 prostitution), R.S. 14:104 (keeping a disorderly place), R.S. 14:105 (letting a  
2 disorderly place), and R.S. 14:282 (operation of places of prostitution), the currency,  
3 instruments, and securities and proceeds of the public sale or public auction shall pay  
4 the costs of the public sale or public auction, court costs, and fees related to the  
5 seizure and storage of the personal property and shall then be applied to any  
6 restitution granted to the victim. Any remaining currency, instruments, securities, or  
7 proceeds shall be distributed in the following manner:

8 \* \* \*

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

11 §539.2. ~~Exploited Children's~~ Survivor Special Fund

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(o) Prostitution with persons under eighteen under R.S. 14:82.1.

(p) Purchase of commercial sexual activity under R.S. 14:82.2.

(q) Soliciting for prostitutes under R.S. 14:83(B)(2) or (3).

(r) Promoting prostitution under R.S. 14:83.2(B)(2) or (3).

(s) Pandering under R.S. 14:84(B)(2) or (3).

(t) Enticing persons into prostitution under R.S. 14:86(B)(1)(b) or (c).

(u) Aggravated crime against nature under R.S. 14:89.1.

(v) Crime against nature by solicitation under R.S. 14:89.2(B)(3)(a) or (b).

(w) Sexual battery of persons with infirmities under R.S. 14:93.5.

(2) 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. Nothing in this Section shall alter the dispositions of fines and forfeitures ordered by the court under R.S. 15:571.11.

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.

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

1           (2)(a) Subject to appropriation by the legislature and except as provided in  
2           ~~Subparagraph (b) of this Paragraph~~ (3) of this Subsection, monies in the fund shall  
3           be used for the provision of services and treatment ~~administered by the Department~~  
4           ~~of Children and Family Services, such as securing residential housing, health~~  
5           ~~services, and social services, to sexually exploited children and adults. The~~  
6           ~~department may also use the funds for grants or to provide services for sexually~~  
7           ~~exploited children and adults~~ to adult and minor victims of human trafficking,  
8           domestic violence, and sexual assault.

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

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

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

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

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

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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)]

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HB 163 Engrossed

2025 Regular Session

Dickerson

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

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(B)(2) or (3)).
- (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(A)) further provides that the assessments provided by present law 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.

Proposed law retains present law and provides that nothing in present law shall alter the dispositions of fines and forfeitures ordered by the court under present law (R.S. 15:571.11).

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.

(Amends R.S. 15:539.1(F)(3) and 539.2)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Specify that the mandatory assessment of \$2,000 applies to a person who is convicted of or pleads guilty or nolo contendere to the present law offense of pandering that involves the prostitution of persons under the age of 18 years or 14 years, rather than pandering in general.
3. Clarify that the \$2,000 that is assessed for certain sex offenses shall not alter the dispositions of fines and forfeitures ordered by the court under present law (R.S. 15:571.11).
4. Restore provisions of present law relative to the distribution of fines related to convictions for solicitation of prostitutes and purchase of commercial sexual activity.