
DIGEST

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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.