

2025 Regular Session

HOUSE BILL NO. 5

BY REPRESENTATIVE JACKSON

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

CRIME/SEX OFFENSES: Provides relative to penalties for certain sex offenses

## 1 AN ACT

2 To amend and reenact R.S. 14:82.2(C)(1), (4), and (5) and 83(B)(1)(b) and R.S.  
3 15:541(24)(a) and to enact R.S. 14:83(C), relative to offenses concerning  
4 prostitution; to provide relative to the crime of purchase of commercial sexual  
5 activity; to provide relative to the crime of solicitation of prostitution; to provide for  
6 penalties; to provide for a definition; to provide with respect to sex offender  
7 registration and notification requirements; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:82.2(C)(1), (4), and (5) and 83(B)(1)(b) are hereby amended and  
10 reenacted and R.S. 14:83(C) is hereby enacted to read as follows:

11 §82.2. Purchase of commercial sexual activity; penalties

12 \* \* \*

13 C.(1) Whoever violates the provisions of this Section shall be fined not more  
14 than ~~seven hundred fifty~~ one thousand dollars, ~~or be imprisoned with or without hard~~  
15 labor for not more than ~~six months~~ one year, or both, ~~and one-half~~. One-half of the  
16 fines collected pursuant to this Paragraph shall be distributed in accordance with R.S.  
17 15:539.4.

18 \* \* \*

19 (4) Whoever violates the provisions of this Section with a person the  
20 offender knows to be under the age of eighteen years, or with a person the offender

1 knows to be a victim of human trafficking as defined by R.S. 14:46.2 or trafficking  
2 of children for sexual purposes as defined by R.S. 14:46.3, shall be fined not less  
3 than ~~three~~ five thousand nor more than fifty thousand dollars, imprisoned at hard  
4 labor for not less than fifteen years nor more than fifty years, or both, ~~and one-half~~.  
5 One-half of the fines collected pursuant to this Paragraph shall be distributed in  
6 accordance with R.S. 15:539.4.

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

13 \* \* \*

14 §83. Soliciting for prostitutes

15 \* \* \*

16 B.(1)

17 \* \* \*

18 (b) Whoever commits a second or subsequent offense for the crime of  
19 soliciting for prostitutes shall be fined not less than one thousand five hundred  
20 dollars nor more than two thousand dollars, imprisoned at hard labor for not more  
21 than one year, or both, and one-half of the fines collected shall be distributed in  
22 accordance with R.S. 15:539.4.

23 \* \* \*

24 C.(1) Any child who is identified to be a victim of the crime of soliciting for  
25 prostitutes shall be referred and be eligible for specialized services for victims of  
26 human trafficking pursuant to R.S. 14:46.2 or trafficking of children for sexual  
27 purposes pursuant to R.S. 14:46.3. In accordance with R.S. 14:46.3(E), no victim  
28 of trafficking of children for sexual purposes shall be prosecuted for a violation of  
29 this Section if such violation is committed as a direct result of being trafficked.

1                   (2) Any other person who is eighteen years of age or older who is identified  
2                   as a victim of the crime of soliciting for prostitutes shall be notified of any treatment  
3                   or specialized services for sexually exploited persons to the extent that such services  
4                   are available.

5       Section 2. R.S. 15:541(24)(a) is hereby amended and reenacted to read as follows:

6       §541. Definitions

7 For the purposes of this Chapter, the definitions of terms in this Section shall  
8 apply:

9 \* \* \*

(24)(a) "Sex offense" means deferred adjudication, adjudication withheld, or conviction for the perpetration or attempted perpetration of or conspiracy to commit human trafficking when prosecuted under the provisions of R.S. 14:46.2(B)(2), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:89 (crime against nature), R.S. 14:89.1 (aggravated crime against nature), R.S. 14:89.2(B)(3) (crime against nature by solicitation), R.S. 14:80 (felony carnal knowledge of a juvenile), R.S. 14:81 (indecent behavior with juveniles), R.S. 14:81.1 (pornography involving juveniles), R.S. 14:81.2 (molestation of a juvenile or a person with a physical or mental disability), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:81.4 (prohibited sexual conduct between an educator and student), R.S. 14:82.1 (prostitution; persons under eighteen), R.S. 14:82.2(C)(4) ~~and~~ or (5) (purchase of commercial sexual activity), R.S. 14:83(B)(2) or (3) (soliciting for prostitutes), R.S. 14:92(A)(7) (contributing to the delinquency of juveniles), R.S. 14:93.5 (sexual battery of persons with infirmities), R.S. 14:106(A)(5) (obscenity by solicitation of a person under the age of seventeen), R.S. 14:283 (video voyeurism), R.S. 14:41 (rape), R.S. 14:42 (aggravated or first degree rape), R.S. 14:42.1 (forcible or second degree rape), R.S. 14:43 (simple or third degree rape), R.S. 14:43.1 (sexual battery), R.S. 14:43.2 (second degree sexual battery), R.S. 14:43.3 (oral sexual battery), R.S. 14:43.5 (intentional exposure to HIV), a second or subsequent conviction of R.S. 14:283.1 (voyeurism), or a second

1 or subsequent conviction of R.S. 14:89.3 (sexual abuse of an animal), committed on  
2 or after June 18, 1992, or committed prior to June 18, 1992, if the person, as a result  
3 of the offense, is under the custody of the Department of Public Safety and  
4 Corrections on or after June 18, 1992. A conviction for any offense provided in this  
5 definition includes a conviction for the offense under the laws of another state, or  
6 military, territorial, foreign, tribal, or federal law which is equivalent to an offense  
7 provided for in this Chapter, unless the tribal court or foreign conviction was not  
8 obtained with sufficient safeguards for fundamental fairness and due process for the  
9 accused as provided by the federal guidelines adopted pursuant to the Adam Walsh  
10 Child Protection and Safety Act of 2006.

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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 5 Engrossed

2025 Regular Session

Jackson

**Abstract:** Provides relative to penalties for certain sex offenses and adds soliciting for prostitutes under certain circumstances to the enumerated sex offenses for purposes of sex offender registration and notification requirements.

Present law (R.S. 14:82.2) provides for the offense of purchase of commercial sexual activity and provides for various penalties.

Proposed law retains present law generally.

Present law (R.S. 14:82.2(C)(1)) provides that whoever commits the crime of purchase of commercial sexual activity shall be fined not more than \$750 or be imprisoned for not more than six months, or both, and 1/2 of the fines collected shall be distributed in accordance with present law (R.S. 15:539).

Proposed law amends present law to change the maximum fine from \$750 to \$1,000 and to change the maximum term of imprisonment from six months to one year with or without hard labor.

Present law (R.S. 14:82.2(C)(4)) provides that whoever commits the crime of purchase of commercial sexual activity with a person the offender knows to be under the age of 18 years, or with a person the offender knows to be a victim of human trafficking or trafficking of children for sexual purposes shall be fined not less than \$3,000 nor more than \$50,000, imprisoned at hard labor for not less than 15 years nor more than 15 years, or both, and 1/2 of the fines collected shall be distributed in accordance with present law (R.S. 15:539).

Proposed law amends present law to change the minimum fine from \$3,000 to \$5,000.

Present law (R.S. 14:82.2(C)(5)) provides that whoever commits the crime of purchase of commercial sexual activity with a person the offender knows to be under the age of 14 years shall be fined not less than \$5,000 and not more than \$75,000, imprisoned at hard labor for not less than 25 years nor more than 50 years, or both, and 1/2 of the fines collected shall be distributed in accordance with present law (R.S. 15:539.4).

Proposed law amends present law to change the minimum fine from \$5,000 to \$10,000.

Present law (R.S. 14:83) provides for the offense of soliciting for prostitutes and provides for various penalties.

Proposed law retains present law generally.

Present law (R.S. 14:83(B)(1)(b)) provides that whoever commits a second or subsequent offense of soliciting for prostitutes shall be fined not less than \$1,500 nor more than \$2,000, imprisoned for not more than one year, or both. Present law further provides that 1/2 of the fines collected shall be distributed in accordance with present law (R.S. 15:539.4).

Proposed law amends present law to provide that for a second or subsequent offense of soliciting for prostitutes, the term of imprisonment shall be at hard labor.

Proposed law provides that any child who is identified to be a victim of the crime of soliciting for prostitutes shall be referred and eligible for specialized services for victims of human trafficking pursuant to present law (R.S. 14:46.2) or trafficking of children for sexual purposes pursuant to present law (R.S. 14:46.3). Further provides that in accordance with present law (R.S. 14:46.3(E)), no victim of trafficking of children for sexual purposes shall be prosecuted for a violation of present law (R.S. 14:83) if such violation is committed as a direct result of being trafficked.

Proposed law provides that any other person who is 18 years of age or older who is identified as a victim of the crime of soliciting for prostitutes shall be notified of any treatment or specialized services for sexually exploited persons to the extent that such services are available.

Present law (R.S. 15:541) provides for definitions relative to sex offenders.

Proposed law retains present law.

Present law (R.S. 15:541(24)(a)) defines the term "sex offense".

Proposed law amends present law to include the crime of soliciting for prostitutes when the person being solicited is under the age of 18 or 14 within the term "sex offense".

(Amends R.S. 14:82.2(C)(1), (4) and (5) and 83(B)(1)(b) and R.S. 15:541(24)(a); Adds R.S. 14:83(C))

#### 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. Within the present law crime (R.S. 14:82.2) of purchase of commercial sexual activity, change the penalties as follows:

- (a) For a first offense, change the maximum fine from \$750 to \$1,000 and change the maximum term of imprisonment from six months to one year with or without hard labor.
  - (b) For an offense involving a person under 18 years of age or a person the offender knows to be a victim of human trafficking or trafficking of children for sexual purposes, change the minimum fine from \$3,000 to \$5,000.
  - (c) For an offense involving a person under 14 years of age, change the minimum fine from \$5,000 to \$10,000.
- 3. Provide eligibility for specialized services that are provided to victims of the present law crimes of human trafficking or trafficking of children for sexual purposes to any child who is identified to be a victim of the present law crime of soliciting for prostitutes (R.S. 14:83).
  - 4. Clarify that no victim of the present law crime of soliciting for prostitutes (R.S. 14:83) shall be prosecuted for a violation of soliciting for prostitutes if such violation is committed as a direct result of being trafficked.
  - 5. Clarify that any other person who is 18 years of age or older who is identified as a victim of the present law crime of soliciting for prostitutes (R.S. 14:83) shall be notified of any treatment or specialized services for sexually exploited persons to the extent that such services are available.
  - 6. Designate as a sex offense the present law crime of soliciting for prostitutes when the person being solicited is under the age of 18 or under the age of 14 rather than a second or subsequent offense of soliciting for prostitutes.