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## DIGEST

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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.