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HOUSE FLOOR AMENDMENTS
2025 Regular Session

Amendments proposed by Representative Jackson to Engrossed House Bill No. 5 by Representative Jackson

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and at the beginning of line 3, delete "R.S. 15:541(24)(a) and to enact R.S. 14:83(C)" and insert "R.S. 14:46.3(A)(1) and (D)(2), 82.2(C)(1), (4), and (5), 83(B)(1)(b), (2), and (3), 83.1(B)(2) and (3), 83.2(B)(2) and (3), 84(B)(2) and (3), 85(B)(2) and (3), 86(B)(1)(b) and (c), 89.2(B)(3), 104(B)(2) and (3), 105(B)(2) and (3), and 282(B)(2) and (3), R.S. 15:539.1(A), 539.2(A), 541(24)(a), R.S. 46:1844(W)(2)(a), and Code of Criminal Procedure Article 571.1, to enact R.S. 14:46.3(A)(7) and 83(C), and to repeal R.S. 14:82.1 and R.S. 15:541(25)(g) and 1352(A)(47)"

AMENDMENT NO. 2

On page 1, line 4, after "prostitution;" delete the remainder of the line and delete line 5 in its entirety and insert "to provide for certain prostitution offenses; to provide for"

AMENDMENT NO. 3

On page 1, delete lines 9 and 10 in their entirety and insert the following:

"Section 1. R.S. 14:46.3(A)(1) and (D)(2), 82.2(C)(1), (4), and (5), 83(B)(1)(b), (2), and (3), 83.1(B)(2) and (3), 83.2(B)(2) and (3), 84(B)(2) and (3), 85(B)(2) and (3), 86(B)(1)(b) and (c), 89.2(B)(3), 104(B)(2) and (3), 105(B)(2) and (3), and 282(B)(2) and (3) are hereby amended and reenacted and R.S. 14:46.3(A)(7) and 83(C) are hereby enacted to read as follows:

§46.3. Trafficking of children for sexual purposes

A. It shall be unlawful:

(1) For any person to knowingly recruit, harbor, transport, provide, sell, ~~purchase~~, receive, isolate, entice, obtain, or maintain the use of a person under the age of eighteen years for the purpose of engaging in commercial sexual activity.

* * *

(7) For any person to knowingly solicit or purchase a person under the age of eighteen years for the purpose of engaging in commercial sexual activity.

* * *

D.(1)

* * *

(2) Whoever violates the provisions of Paragraph (A)(3) or (7) of this Section shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen nor more than fifty years, or both, with at least five years being served without benefit of probation, parole, or suspension of sentence. Whoever violates the provisions of Paragraph (A)(3) 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 nor more than fifty years, with at least ten years being served without benefit of probation, parole, or suspension of sentence.

* * *

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AMENDMENT NO. 4

On page 2, line 2, after "be" delete the remainder of the line and delete lines 3 through 6 in their entirety and insert "punished in accordance with R.S. 14:46.3(D)(2)."

AMENDMENT NO. 5

On page 2, line 8, after "shall be" delete the remainder of the line and delete lines 9 through 12 in their entirety and insert "punished in accordance with R.S. 14:46.3(D)(2)."

AMENDMENT NO. 6

On page 2, between lines 22 and 23, insert the following:

"(2) Whoever commits the crime of soliciting for prostitutes when the person being solicited is under the age of eighteen years shall be ~~fin~~ed not less than three thousand dollars nor more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both, and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4 punished in accordance with R.S. 14:46.3(D)(2).

(3) Whoever commits the crime of soliciting for prostitutes when the person being solicited is under the age of fourteen years shall be ~~fin~~ed not less than five thousand dollars nor more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both, and ~~one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4~~ punished in accordance with R.S. 14:46.3(D)(2).

AMENDMENT NO. 7

On page 3, between lines 4 and 5, insert the following:

"§83.1. Inciting prostitution

* * *

B.

* * *

(2) Whoever commits the crime of inciting prostitution of persons under the age of eighteen years shall be ~~fin~~~~ed not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both~~ punished in accordance with R.S. 14:46.3(D)(2).

(3) Whoever commits the crime of inciting prostitution of persons under the age of fourteen years shall be ~~fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both~~ punished in accordance with R.S. 14:46.3(D)(2).

§83.2. Promoting prostitution

* * *

B.

* * *

(2) Whoever commits the crime of promoting prostitution of persons under the age of eighteen years shall be ~~fin~~~~ed not more than fifty thousand dollars,~~ ~~imprisoned at hard labor for not less than fifteen years nor more than fifty years, or~~ ~~both~~ punished in accordance with R.S. 14:46.3(D)(2).

(3) Whoever commits the crime of promoting prostitution of persons under the age of fourteen years shall be ~~fin~~~~ed not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both~~ punished in accordance with R.S. 14:46.3(D)(2).

§84. Pandering

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B.

* * *

(2) Whoever commits the crime of pandering involving the prostitution of persons under the age of eighteen years shall be ~~fin~~~~ed not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both~~ punished in accordance with R.S. 14:46.3(D)(2).

(3) Whoever commits the crime of pandering involving the prostitution of persons under the age of fourteen years shall be ~~fin~~~~ed not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both~~ punished in accordance with R.S. 14:46.3(D)(2).

§85. Letting premises for prostitution

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B.

* * *

(2) Whoever commits the crime of letting premises for prostitution of persons under the age of eighteen years shall be ~~fin~~~~ed not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both~~ punished in accordance with R.S. 14:46.3(D)(2).

(3) Whoever commits the crime of letting premises for prostitution of persons under the age of fourteen years shall be ~~fin~~~~ed not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both~~ punished in accordance with R.S. 14:46.3(D)(2).

§86. Enticing persons into prostitution

* * *

B.(1)(a)

* * *

(b) Whoever commits the crime of enticing persons into prostitution when the person being enticed into prostitution is under the age of eighteen years shall be ~~fin~~~~ed not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both~~ punished in accordance with R.S. 14:46.3(D)(2).

(c) Whoever commits the crime of enticing persons into prostitution when the person being enticed into prostitution is under the age of fourteen years shall be ~~fin~~~~ed not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both~~ punished in accordance with R.S. 14:46.3(D)(2).

* * *

§89.2. Crime against nature by solicitation

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B.

* * *

(3)(a) Whoever violates the provisions of this Section, when the person being solicited is under the age of eighteen years, shall be ~~fin~~~~ed not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both~~ punished in accordance with R.S. 14:46.3(D)(2).

(b) Whoever violates the provisions of this Section, when the person being solicited is under the age of fourteen years, shall be ~~fin~~~~ed not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both. Twenty-five years of the sentence imposed shall be without benefit of parole, probation, or suspension of sentence~~ punished in accordance with R.S. 14:46.3(D)(2).

* * *

§104. Keeping a disorderly place

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B.

* * *

(2) Whoever commits the crime of keeping a disorderly place for the purpose of prostitution of persons under the age of eighteen years shall be ~~fin~~~~ed not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both~~ punished in accordance with R.S. 14:46.3(D)(2).

(3) Whoever commits the crime of keeping a disorderly place for the purpose of prostitution of persons under the age of fourteen years shall be ~~fin~~~~ed not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both~~ punished in accordance with R.S. 14:46.3(D)(2).

§105. Letting a disorderly place

B.

(2) Whoever commits the crime of letting a disorderly place for the purpose of prostitution of persons under the age of eighteen years shall be ~~fin~~~~ed not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both~~ punished in accordance with R.S. 14:46.3(D)(2).

(3) Whoever commits the crime of letting a disorderly place for the purpose of prostitution of persons under the age of fourteen years shall be ~~fin~~~~ed not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both~~ punished in accordance with R.S. 14:46.3(D)(2).

§282. Operation of places of prostitution prohibited; penalty

B.

(2) Whoever violates any provision of this Section for the purpose of lewdness, assignation, or prostitution of persons under the age of eighteen shall be ~~fin~~~~ed not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both~~ punished in accordance with R.S. 14:46.3(D)(2).

(3) Whoever violates any provision of this Section for the purpose of lewdness, assignation, or prostitution of persons under the age of fourteen years shall be ~~fin~~~~ed not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both~~ punished in accordance with R.S. 14:46.3(D)(2)."

AMENDMENT NO. 8

On page 3, delete line 5 in its entirety and insert the following:

"Section 2. R.S. 15:539.1(A), 539.2(A), and 541(24)(a) are hereby amended and reenacted to read as follows:

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

A. Upon conviction of a human trafficking-related offense as defined in R.S. 46:1844(W), any felony sex offense as defined in R.S. 46:1844(W), R.S. 14:40.3 (cyberstalking), R.S. 14:46.2 (human trafficking), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:81.1.1 (sexting; prohibited acts; penalties), R.S. 14:283.2 (nonconsensual disclosure of a private image), R.S. 14:78 (incest) as that offense existed prior to its repeal by Act Nos. 177 and 602 of the 2014 Regular Session of the Legislature, R.S. 14:78.1 (aggravated incest) as that offense existed prior to its repeal by Act Nos. 177 and 602 of the 2014 Regular Session of the Legislature, R.S. 14:89 (crime against nature), or R.S. 14:89.1 (aggravated crime against nature), the court shall order that the personal property used in the commission of the offense be seized or impounded and sold at public sale or auction

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by the district attorney or otherwise distributed or disposed of in accordance with the provisions of this Section. The personal property made subject to seizure and disposition pursuant to this Section may include any electronic communication devices, computers, computer-related equipment, motor vehicles, photographic equipment used to record or create still or moving visual images of any victim that are recorded on paper, film, video tape, disc, or any other type of digital recording media, currency, instruments, or securities. Forfeiture of personal property under the provisions of this Section shall not preclude the application of any other remedy, civil or criminal, under any other provision of law. All materials seized as evidence in an offense enumerated in this Section shall constitute contraband. The court, upon motion of the prosecuting attorney, after contradictory hearing, shall order the destruction of the contraband when it is determined that it is no longer needed as evidence. The contraband shall be presumed necessary as evidence if an appeal of the conviction is pending, if the convicted person is pursuing post-conviction remedies, or the time for pursuing an appeal or post-conviction remedies has not expired.

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§539.2. Exploited Children's Special Fund

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

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AMENDMENT NO. 9

On page 4, after line 11, add the following:

"Section 3. R.S. 46:1844(W)(2)(a) is hereby amended and reenacted to read as follows:

§1844. Basic rights for victim and witness

* * *

W.

* * *

(2) For purposes of this Section:

(a) "Human trafficking-related offense" shall include the perpetration or attempted perpetration of R.S. 14:46.2, ~~or R.S. 14:46.3~~, or any other crime involving commercial sexual exploitation including R.S. 14:81.1, 81.3, 82, ~~82.1~~, 82.2, 83, 83.1, 83.2, 83.3, 83.4, 84, 85, 86, 89.2, 104, 105, ~~and or~~ 282.

* * *

Section 4. Code of Criminal Procedure Article 571.1 is hereby amended and reenacted to read as follows:

Art. 571.1. Time limitation for certain sex offenses

Except as provided by Article 572, the time within which to institute prosecution of the following sex offenses, regardless of whether the crime involves force, serious physical injury, death, or is punishable by imprisonment at hard labor shall be thirty years: attempted first degree rape, also formerly titled aggravated rape (R.S. 14:27, R.S. 14:42), attempted second degree rape, also formerly titled forcible rape (R.S. 14:27, R.S. 14:42.1), sexual battery (R.S. 14:43.1), second degree sexual battery (R.S. 14:43.2), oral sexual battery (R.S. 14:43.3), human trafficking (R.S. 14:46.2(B)(2) or (3)), trafficking of children for sexual purposes (R.S. 14:46.3),

1 felony carnal knowledge of a juvenile (R.S. 14:80), indecent behavior with juveniles
2 (R.S. 14:81), pornography involving juveniles (R.S. 14:81.1), ~~prostitution of persons~~
3 ~~under eighteen (R.S. 14:82.1)~~, enticing persons into prostitution (R.S. 14:86), crime
4 against nature (R.S. 14:89), aggravated crime against nature (R.S. 14:89.1), crime
5 against nature by solicitation (R.S. 14:89.2(B)(3)) that involves a victim under
6 eighteen years of age. This thirty-year period begins to run when the victim attains
7 the age of eighteen.

8 Section 5. R.S. 14:82.1 and R.S. 15:541(25)(g) and 1352(A)(47) are hereby repealed
9 in their entirety."