

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. 14:46.3(A)(1) and (D)(2), 82.2(C)(1), (4), and (5), 83(B)(1)(b),  
3 (2), and (3), 83.1(B)(2) and (3), 83.2(B)(2) and (3), 84(B)(2) and (3), 85(B)(2) and  
4 (3), 86(B)(1)(b) and (c), 89.2(B)(3), 104(B)(2) and (3), 105(B)(2) and (3), and  
5 282(B)(2) and (3), R.S. 15:539.1(A), 539.2(A), 541(24)(a), R.S. 46:1844(W)(2)(a),  
6 and Code of Criminal Procedure Article 571.1, to enact R.S. 14:46.3(A)(7) and  
7 83(C), and to repeal R.S. 14:82.1 and R.S. 15:541(25)(g) and 1352(A)(47), relative  
8 to offenses concerning prostitution; to provide for certain prostitution offenses; to  
9 provide for penalties; to provide for a definition; to provide with respect to sex  
10 offender registration and notification requirements; and to provide for related  
11 matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 14:46.3(A)(1) and (D)(2), 82.2(C)(1), (4), and (5), 83(B)(1)(b), (2),  
14 and (3), 83.1(B)(2) and (3), 83.2(B)(2) and (3), 84(B)(2) and (3), 85(B)(2) and (3),  
15 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)  
16 are hereby amended and reenacted and R.S. 14:46.3(A)(7) and 83(C) are hereby enacted to  
17 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.

\* \* \*

§82.2. Purchase of commercial sexual activity; penalties

\* \* \*

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

\* \* \*

(4) Whoever violates the provisions of this Section with a person the offender knows to be under the age of eighteen years, or with a person the offender knows to be a victim of human trafficking as defined by R.S. 14:46.2 or trafficking of children for sexual purposes as defined by R.S. 14:46.3, shall be ~~fin~~~~ed not less than three thousand 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).

(5) Whoever violates the provisions of this Section with a person the offender knows to be under the age of fourteen years shall be ~~fin~~~~ed not less than five thousand and 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, 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).

\* \* \*

§83. Soliciting for prostitutes

\* \* \*

B.(1)

\* \* \*

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

(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~~

1     ~~collected shall be distributed in accordance with R.S. 15:539.4~~ punished in  
2     accordance with R.S. 14:46.3(D)(2).

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

9 \* \* \*

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

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

20 §83.1. Inciting prostitution

21 \* \* \*

22 B.

23 \* \* \*

(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).

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

5 §83.2. Promoting prostitution

6 \* \* \*

7 B.

8 \* \* \*

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

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

17 §84. Pandering

18 \* \* \*

19 B.

20 \* \* \*

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

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

§85. Letting premises for prostitution

\* \* \*

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

\* \* \*

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

\* \* \*

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).

1           §105. Letting a disorderly place

2   \*           \*           \*

3                   B.

4   \*           \*           \*

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

9                   (3) Whoever commits the crime of letting a disorderly place for the purpose  
10 of prostitution of persons under the age of fourteen years shall be ~~fin~~~~ed not more than~~  
11 ~~seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five~~  
12 ~~years nor more than fifty years, or both~~ punished in accordance with R.S.  
13 14:46.3(D)(2).

14   \*           \*           \*

15           §282. Operation of places of prostitution prohibited; penalty

16   \*           \*           \*

17                   B.

18   \*           \*           \*

19                   (2) Whoever violates any provision of this Section for the purpose of  
20 lewdness, assignation, or prostitution of persons under the age of eighteen shall be  
21 ~~fin~~~~ed not more than fifty thousand dollars, imprisoned at hard labor for not less than~~  
22 ~~fifteen years nor more than fifty years, or both~~ punished in accordance with R.S.  
23 14:46.3(D)(2).

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



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

3           §539.1. Forfeited property related to certain sex crimes; exempt property; allocation  
4           of forfeited property

5           A. Upon conviction of a human trafficking-related offense as defined in R.S.  
6 46:1844(W), any felony sex offense as defined in R.S. 46:1844(W), R.S. 14:40.3  
7 (cyberstalking), R.S. 14:46.2 (human trafficking), R.S. 14:46.3 (trafficking of  
8 children for sexual purposes), R.S. 14:81.1.1 (sexting; prohibited acts; penalties),  
9 R.S. 14:283.2 (nonconsensual disclosure of a private image), R.S. 14:78 (incest) as  
10 that offense existed prior to its repeal by Act Nos. 177 and 602 of the 2014 Regular  
11 Session of the Legislature, R.S. 14:78.1 (aggravated incest) as that offense existed  
12 prior to its repeal by Act Nos. 177 and 602 of the 2014 Regular Session of the  
13 Legislature, R.S. 14:89 (crime against nature), or R.S. 14:89.1 (aggravated crime  
14 against nature), the court shall order that the personal property used in the  
15 commission of the offense be seized or impounded and sold at public sale or auction  
16 by the district attorney or otherwise distributed or disposed of in accordance with the  
17 provisions of this Section. The personal property made subject to seizure and  
18 disposition pursuant to this Section may include any electronic communication  
19 devices, computers, computer-related equipment, motor vehicles, photographic  
20 equipment used to record or create still or moving visual images of any victim that  
21 are recorded on paper, film, video tape, disc, or any other type of digital recording  
22 media, currency, instruments, or securities. Forfeiture of personal property under the  
23 provisions of this Section shall not preclude the application of any other remedy,  
24 civil or criminal, under any other provision of law. All materials seized as evidence  
25 in an offense enumerated in this Section shall constitute contraband. The court, upon  
26 motion of the prosecuting attorney, after contradictory hearing, shall order the  
27 destruction of the contraband when it is determined that it is no longer needed as  
28 evidence. The contraband shall be presumed necessary as evidence if an appeal of  
29 the conviction is pending, if the convicted person is pursuing post-conviction

1 remedies, or the time for pursuing an appeal or post-conviction remedies has not  
2 expired.

3 \* \* \*

4 §539.2. Exploited Children's Special Fund

5 A. Any person who is convicted or pleads guilty or nolo contendere to an  
6 offense involving trafficking of children for sexual purposes under R.S. 14:46.3,  
7 ~~prostitution with persons under seventeen under R.S. 14:82.1~~, or enticing persons  
8 into prostitution under R.S. 14:86 shall be ordered to pay a mandatory monetary  
9 assessment of two thousand dollars. Notwithstanding any law to the contrary, the  
10 assessments provided by this Section shall be in addition to and not in lieu of, and  
11 shall not be used to offset or reduce, any fine authorized or required by law. If the  
12 court finds that the offender is indigent and therefore unable to pay the mandatory  
13 assessment at the time of conviction, the court shall order a periodic payment plan  
14 consistent with the person's financial ability.

15 \* \* \*

16 §541. Definitions

17 For the purposes of this Chapter, the definitions of terms in this Section shall  
18 apply:

19 \* \* \*

20 (24)(a) "Sex offense" means deferred adjudication, adjudication withheld,  
21 or conviction for the perpetration or attempted perpetration of or conspiracy to  
22 commit human trafficking when prosecuted under the provisions of R.S.  
23 14:46.2(B)(2), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:89  
24 (crime against nature), R.S. 14:89.1 (aggravated crime against nature), R.S.  
25 14:89.2(B)(3) (crime against nature by solicitation), R.S. 14:80 (felony carnal  
26 knowledge of a juvenile), R.S. 14:81 (indecent behavior with juveniles), R.S. 14:81.1  
27 (pornography involving juveniles), R.S. 14:81.2 (molestation of a juvenile or a  
28 person with a physical or mental disability), R.S. 14:81.3 (computer-aided  
29 solicitation of a minor), R.S. 14:81.4 (prohibited sexual conduct between an educator  
30 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 or subsequent conviction of R.S. 14:89.3 (sexual abuse of an animal), committed on or after June 18, 1992, or committed prior to June 18, 1992, if the person, as a result of the offense, is under the custody of the Department of Public Safety and Corrections on or after June 18, 1992. A conviction for any offense provided in this definition includes a conviction for the offense under the laws of another state, or military, territorial, foreign, tribal, or federal law which is equivalent to an offense provided for in this Chapter, unless the tribal court or foreign conviction was not obtained with sufficient safeguards for fundamental fairness and due process for the accused as provided by the federal guidelines adopted pursuant to the Adam Walsh Child Protection and Safety Act of 2006.

\* \* \*

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

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

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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 Reengrossed

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. 14:46.3) provides for the offense of trafficking of children for sexual purposes and provides for various penalties.

Proposed law retains present law generally.

Proposed law adds, as a circumstance under which an offender shall be prosecuted under present law, when any person knowingly solicits or purchases a person under the age of 18 years for the purpose of engaging in commercial sexual activity.

Proposed law further provides a penalty in present law (R.S. 14:46.3(D)(2)) for an offender convicted under this circumstance that consists of a fine of not more than \$50,000, imprisonment at hard labor for not less than 15 nor more than 50 years, or both, with at least five years being served without benefit of probation, parole, or suspension of sentence.

Present law (R.S. 14:82.1) provides for the crime of prostitution with a person under 18.

Proposed law repeals present law and removes all cross-references to present law.

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. 14:83) 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. 14:82.2, 83, 83.1, 83.2, 84, 85, 86, 89.2, 104, 105, 282) provides for various prostitution-related offenses and provides for penalties.

Proposed law retains present law generally, but amends present law to provide that the punishment under certain circumstances for these offenses shall be in accordance with the present law penalty for trafficking of children for sexual purposes (R.S. 14:46.3(D)(2)).

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. 14:46.3(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 C.Cr.P. Art. 571.1; Adds, R.S. 14:46.3(A)(7) and 83(C); Repeals R.S. 14:82.1 and R.S. 15:541(25)(g) and 1352(A)(47))

#### 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.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Add a circumstance that constitutes the present law offense of trafficking of children for sexual purposes (R.S. 14:46.3).
3. Change the penalties for various present law sex offenses to align with the present law penalty for trafficking of children for sexual purposes (R.S. 14:46.3(D)(2)).
4. Repeal the present law crime of prostitution with persons under the age of 18 (R.S. 14:82.1) and remove cross-references to this offense.