

ACT No. 230

2025 Regular Session

HOUSE BILL NO. 5

BY REPRESENTATIVES JACKSON AND KNOX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

AN ACT

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), (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)(a), 104(B)(2) and (3), 105(B)(2) and (3), and 282(B)(2) and (3), R.S. 15:539.1(A) and 541(24)(a), and R.S. 46:1844(W)(2)(a) and to enact R.S. 14:46.3(A)(7) and 83(C), relative to offenses concerning prostitution; to provide for certain prostitution offenses; to provide for penalties; to provide for a definition; to provide with respect to sex offender registration and notification requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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)(a), 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:

1 §46.3. Trafficking of children for sexual purposes

2 A. It shall be unlawful:

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

6 * * *

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

9 * * *

10 D.(1)

11 * * *

12 (2) Whoever violates the provisions of Paragraph (A)(3) or (7) of this
13 Section shall be fined not more than fifty thousand dollars, imprisoned at hard labor
14 for not less than fifteen nor more than fifty years, or both, with at least five years
15 being served without benefit of probation, parole, or suspension of sentence.
16 Whoever violates the provisions of Paragraph (A)(3) of this Section when the victim
17 is under the age of fourteen years shall be fined not more than seventy-five thousand
18 dollars and imprisoned at hard labor for not less than twenty-five nor more than fifty
19 years, with at least ten years being served without benefit of probation, parole, or
20 suspension of sentence.

21 * * *

22 §82.2. Purchase of commercial sexual activity; penalties

23 * * *

24 C.(1) Whoever violates the provisions of this Section shall be fined not more
25 than ~~seven hundred fifty~~ one thousand dollars, ~~or be imprisoned with or without hard~~
26 labor for not more than ~~six months~~ one year, or both, ~~and one-half~~. One-half of the
27 fines collected pursuant to this Paragraph shall be distributed in accordance with R.S.
28 15:539.4.

29 * * *

1 (4) Whoever violates the provisions of this Section with a person the offender
 2 knows to be under the age of eighteen years, or with a person the offender knows to
 3 be a victim of human trafficking as defined by R.S. 14:46.2 or trafficking of children
 4 for sexual purposes as defined by R.S. 14:46.3, shall be fined not ~~less than three~~
 5 ~~thousand~~ and not more than fifty thousand dollars, imprisoned at hard labor for not less
 6 than fifteen years nor more than fifty years, or both, with at least five years being
 7 served without benefit of probation, parole, or suspension of sentence. ~~and one-half~~
 8 One-half of the fines collected pursuant to this Paragraph shall be distributed in
 9 accordance with R.S. 15:539.4.

10 (5) Whoever violates the provisions of this Section with a person the
 11 offender knows to be under the age of fourteen years shall be fined not ~~less than five~~
 12 ~~thousand~~ and not more than seventy-five thousand dollars, imprisoned at hard labor
 13 for not less than twenty-five years nor more than fifty years, or both, with at least ten
 14 years being served without benefit of probation, parole, or suspension of sentence.
 15 ~~and one-half~~ One-half of the fines collected pursuant to this Paragraph shall be
 16 distributed in accordance with R.S. 15:539.4.

17 * * *

18 §83. Soliciting for prostitutes

19 * * *

20 B.(1)

21 * * *

22 (b) Whoever commits a second or subsequent offense for the crime of
 23 soliciting for prostitutes shall be fined not less than one thousand five hundred
 24 dollars nor more than two thousand dollars, imprisoned, with or without hard labor,
 25 for not more than one year, or both, and one-half of the fines collected shall be
 26 distributed in accordance with R.S. 15:539.4.

27 (2) Whoever commits the crime of soliciting for prostitutes when the person
 28 being solicited is under the age of eighteen years shall be fined not ~~less than three~~
 29 ~~thousand dollars~~ nor more than fifty thousand dollars, imprisoned at hard labor for
 30 not less than fifteen years nor more than fifty years, or both, with at least five years

1 being served without benefit of probation, parole, or suspension of sentence. and
2 ~~one-half~~ One-half of the fines collected pursuant to this Paragraph shall be
3 distributed in accordance with R.S. 15:539.4.

4 (3) Whoever commits the crime of soliciting for prostitutes when the person
5 being solicited is under the age of fourteen years shall be fined not ~~less than five~~
6 ~~thousand dollars nor~~ more than seventy-five thousand dollars, imprisoned at hard
7 labor for not less than twenty-five years nor more than fifty years, or both, with at
8 least ten years being served without benefit of probation, parole, or suspension of
9 sentence. and ~~one-half~~ One-half of the fines collected pursuant to this Paragraph
10 shall be distributed in accordance with R.S. 15:539.4.

11 * * *

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

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

22 §83.1. Inciting prostitution

23 * * *

24 B.

25 * * *

26 (2) Whoever commits the crime of inciting prostitution of persons under the
27 age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned
28 at hard labor for not less than fifteen years nor more than fifty years, or both, with

1 at least five years being served without benefit of probation, parole, or suspension
2 of sentence.

3 (3) Whoever commits the crime of inciting prostitution of persons under the
4 age of fourteen years shall be fined not more than seventy-five thousand dollars,
5 imprisoned at hard labor for not less than twenty-five years nor more than fifty years,
6 or both, with at least ten years being served without benefit of probation, parole, or
7 suspension of sentence.

8 §83.2. Promoting prostitution

9 * * *

10 B.

11 * * *

12 (2) Whoever commits the crime of promoting prostitution of persons under
13 the age of eighteen years shall be fined not more than fifty thousand dollars,
14 imprisoned at hard labor for not less than fifteen years nor more than fifty years, or
15 both, with at least five years being served without benefit of probation, parole, or
16 suspension of sentence.

17 (3) Whoever commits the crime of promoting prostitution of persons under
18 the age of fourteen years shall be fined not more than seventy-five thousand dollars,
19 imprisoned at hard labor for not less than twenty-five years nor more than fifty years,
20 or both, with at least ten years being served without benefit of probation, parole, or
21 suspension of sentence.

22 §84. Pandering

23 * * *

24 B.

25 * * *

26 (2) Whoever commits the crime of pandering involving the prostitution of
27 persons under the age of eighteen years shall be fined not more than fifty thousand
28 dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty
29 years, or both, with at least five years being served without benefit of probation,
30 parole, or suspension of sentence.

1 (c) Whoever commits the crime of enticing persons into prostitution when the
 2 person being enticed into prostitution is under the age of fourteen years shall be fined
 3 not more than seventy-five thousand dollars, imprisoned at hard labor for not less
 4 than twenty-five years nor more than fifty years, or both, with at least ten years being
 5 served without benefit of probation, parole, or suspension of sentence.

6 * * *

7 §89.2. Crime against nature by solicitation

8 * * *

9 B.

10 * * *

11 (3)(a) Whoever violates the provisions of this Section, when the person being
 12 solicited is under the age of eighteen years, shall be fined not more than fifty
 13 thousand dollars, imprisoned at hard labor for not less than fifteen years nor more
 14 than fifty years, or both, with at least five years being served without benefit of
 15 probation, parole, or suspension of sentence.

16 * * *

17 §104. Keeping a disorderly place

18 * * *

19 B.

20 * * *

21 (2) Whoever commits the crime of keeping a disorderly place for the purpose
 22 of prostitution of persons under the age of eighteen years shall be fined not more
 23 than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years
 24 nor more than fifty years, or both, with at least five years being served without
 25 benefit of probation, parole, or suspension of sentence.

26 (3) Whoever commits the crime of keeping a disorderly place for the purpose
 27 of prostitution of persons under the age of fourteen years shall be fined not more than
 28 seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five
 29 years nor more than fifty years, or both, with at least ten years being served without
 30 benefit of probation, parole, or suspension of sentence.

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 fined 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, with at least five years being served without
9 benefit of probation, parole, or suspension of sentence.

10 (3) Whoever commits the crime of letting a disorderly place for the purpose
11 of prostitution of persons under the age of fourteen years shall be fined not more than
12 seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five
13 years nor more than fifty years, or both, with at least ten years being served without
14 benefit of probation, parole, or suspension of sentence.

15 * * *

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

17 * * *

18 B.

19 * * *

20 (2) Whoever violates any provision of this Section for the purpose of
21 lewdness, assignation, or prostitution of persons under the age of eighteen shall be
22 fined not more than fifty thousand dollars, imprisoned at hard labor for not less than
23 fifteen years nor more than fifty years, or both, with at least five years being served
24 without benefit of probation, parole, or suspension of sentence.

25 (3) Whoever violates any provision of this Section for the purpose of
26 lewdness, assignation, or prostitution of persons under the age of fourteen years shall
27 be fined not more than seventy-five thousand dollars, imprisoned at hard labor for
28 not less than twenty-five years nor more than fifty years, or both, with at least ten
29 years being served without benefit of probation, parole, or suspension of sentence.

1 Section 2. R.S. 15:539.1(A) and 541(24)(a) are hereby amended and reenacted to
2 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 §541. Definitions

5 For the purposes of this Chapter, the definitions of terms in this Section shall
6 apply:

7 * * *

8 (24)(a) "Sex offense" means deferred adjudication, adjudication withheld,
9 or conviction for the perpetration or attempted perpetration of or conspiracy to
10 commit human trafficking when prosecuted under the provisions of R.S.
11 14:46.2(B)(2), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:89
12 (crime against nature), R.S. 14:89.1 (aggravated crime against nature), R.S.
13 14:89.2(B)(3) (crime against nature by solicitation), R.S. 14:80 (felony carnal
14 knowledge of a juvenile), R.S. 14:81 (indecent behavior with juveniles), R.S. 14:81.1
15 (pornography involving juveniles), R.S. 14:81.2 (molestation of a juvenile or a
16 person with a physical or mental disability), R.S. 14:81.3 (computer-aided
17 solicitation of a minor), R.S. 14:81.4 (prohibited sexual conduct between an educator
18 and student), R.S. 14:82.1 (prostitution; persons under eighteen), R.S. 14:82.2(C)(4)
19 ~~and~~ or (5) (purchase of commercial sexual activity), R.S. 14:83(B)(2) or (3)
20 (soliciting for prostitutes), R.S. 14:92(A)(7) (contributing to the delinquency of
21 juveniles), R.S. 14:93.5 (sexual battery of persons with infirmities), R.S.
22 14:106(A)(5) (obscenity by solicitation of a person under the age of seventeen), R.S.
23 14:283 (video voyeurism), R.S. 14:41 (rape), R.S. 14:42 (aggravated or first degree
24 rape), R.S. 14:42.1 (forcible or second degree rape), R.S. 14:43 (simple or third
25 degree rape), R.S. 14:43.1 (sexual battery), R.S. 14:43.2 (second degree sexual
26 battery), R.S. 14:43.3 (oral sexual battery), R.S. 14:43.5 (intentional exposure to
27 HIV), a second or subsequent conviction of R.S. 14:283.1 (voyeurism), or a second
28 or subsequent conviction of R.S. 14:89.3 (sexual abuse of an animal), committed on
29 or after June 18, 1992, or committed prior to June 18, 1992, if the person, as a result
30 of the offense, is under the custody of the Department of Public Safety and

1 Corrections on or after June 18, 1992. A conviction for any offense provided in this
 2 definition includes a conviction for the offense under the laws of another state, or
 3 military, territorial, foreign, tribal, or federal law which is equivalent to an offense
 4 provided for in this Chapter, unless the tribal court or foreign conviction was not
 5 obtained with sufficient safeguards for fundamental fairness and due process for the
 6 accused as provided by the federal guidelines adopted pursuant to the Adam Walsh
 7 Child Protection and Safety Act of 2006.

* * *

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

11 §1844. Basic rights for victim and witness

12 * * *

13 W.

14 * * *

15 (2) For purposes of this Section:

16 (a) "Human trafficking-related offense" shall include the perpetration or
 17 attempted perpetration of R.S. 14:46.2, ~~or~~ R.S. 14:46.3, or any other crime involving
 18 commercial sexual exploitation including R.S. 14:81.1, 81.3, 82, 82.1, 82.2, 83, 83.1,
 19 83.2, 83.3, 83.4, 84, 85, 86, 89.2, 104, 105, ~~and~~ or 282.

20 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____