2016 Regular Session

SENATE BILL NO. 90

BY SENATOR JOHNS

CRIME/PUNISHMENT. Amends the threshold age of the victim for certain elements and penalty provisions of the crimes of human trafficking and trafficking of children for sexual purposes. (8/1/16)

1   AN ACT

2   To amend and reenact R.S. 14:46.2(B)(3) and 46.3(A)(1) and (3) and (C)(1), (D)(1)(c) and

3   (2), relative to trafficking; to amend the age of the victim for certain enhanced

4   penalty provisions and elements of the crimes regarding the offenses of human

5   trafficking and trafficking of children for sexual purposes; to provide for an effective

6   date; and to provide for related matters.

7   Be it enacted by the Legislature of Louisiana:

8   Section 1. R.S. 14:46.2(B)(3) and 46.3(A)(1) and (3) and (C)(1), (D)(1)(c) and (2)

9   are hereby amended and reenacted to read as follows:

10   §46.2. Human trafficking

11   *   *   *

12   B.(1)

13   *   *   *

14   (3) Whoever commits the crime of human trafficking when the trafficking

15   involves a person under the age of ~~eighteen~~ **twenty-one** shall be fined not more than

16   twenty-five thousand dollars and shall be imprisoned at hard labor for not less than

17   five nor more than twenty-five years, five years of which shall be without the benefit

1   of parole, probation, or suspension of sentence.

2   *   *   *

3   §46.3. Trafficking of children for sexual purposes

4   A. It shall be unlawful:

5   (1) For any person to knowingly recruit, harbor, transport, provide, sell,

6   purchase, receive, isolate, entice, obtain, or maintain the use of a person under the

7   age of ~~eighteen~~ **twenty-one** years for the purpose of engaging in commercial sexual

8   activity.

9   *   *   *

10   (3) For any parent, legal guardian, or person having custody of a person

11   under the age of ~~eighteen~~ **twenty-one** years to knowingly permit or consent to such

12   minor entering into any activity prohibited by the provisions of this Section.

13   *   *   *

14   C.(1) Consent of the ~~minor~~ **person under twenty-one years of age** shall not

15   be a defense to a prosecution pursuant to the provisions of this Section.

16   *   *   *

17   D.(1)(a)

18   *   *   *

19   (c) Any person who violates the provisions of Paragraph (A)(1), (2), (4), (5),

20   or (6) of this Section, who was previously convicted of a sex offense as defined in

21   R.S. 15:541 when the victim of the sex offense was under the age of ~~eighteen~~

22   **twenty-one** years, shall be fined not more than one hundred thousand dollars and

23   shall be imprisoned at hard labor for not less than fifty years or for life. At least fifty

24   years of the sentence imposed shall be served without benefit of parole, probation,

25   or suspension of sentence.

26   (2) Whoever violates the provisions of Paragraph (A)(3) of this Section shall

27   be required to serve at least five years of the sentence provided for in Subparagraph

28   (D)(1)(a) of this Section without benefit of probation, parole, or suspension of

29   sentence. Whoever violates the provisions of Paragraph (A)(3) when the victim is

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words in **boldface type and underscored** are additions.

1   under the age of ~~fourteen~~ **eighteen** years shall be required to serve at least ten years

2   of the sentence provided for in Subparagraph (D)(1)(b) of this Section without

3   benefit of probation, parole, or suspension of sentence.

4   *   *   *

5   Section 2. This Act shall become effective on August 1, 2016; if vetoed by the

6   governor and subsequently approved by the legislature, this Act shall become effective on

7   August 1, 2016, or on the day following such approval by the legislature, whichever is later.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Margaret M. Corley.

DIGEST

SB 90 Original   2016 Regular Session   Johns

Present law provides for the crimes of human trafficking and the trafficking of children for
sexual purposes.

Present law provides that whoever commits the crime of human trafficking when the
trafficking involves a person under the age of 18 shall be fined not more than $25,000 and
shall be imprisoned at hard labor for not less than five nor more than 25 years, five years of
which shall be without the benefit of parole, probation, or suspension of sentence.

Proposed law increases this age from 18 to 21 and otherwise retains present law.

Present law provides that 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 18
       years for the purpose of engaging in commercial sexual activity.

(2)   For any parent, legal guardian, or person having custody of a person under the age
       of 18 years to knowingly permit or consent to such minor entering into any activity
       prohibited by present law.

Proposed law raises the threshold age from 18 to 21 and otherwise retains present law.

Present law provides that anyone who has been previously convicted of a sex offense and
is convicted of trafficking of children for sexual purposes when the victim of the sex offense
was under the age of 18 years, shall be fined not more than $100,000 and shall be
imprisoned at hard labor for not less than 50 years or for life. At least 50 years of the
sentence imposed shall be served without benefit of parole, probation, or suspension of
sentence.

Proposed law raises the threshold age from 18 to 21 and otherwise retains present law.

Present law provides that a parent or guardian or person with legal custody who allows a
child under their care to participate in trafficking of children for sexual purposes when the
victim is under the age of 14 shall be required to serve at least ten years of their sentence
without benefit of probation, parole, or suspension of sentence.

Proposed law raises the threshold age from 14 to 18 and otherwise retains the provisions of

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present law.

Effective August 1, 2016.

(Amends R.S. 14:46.2(B)(3) and 46.3(A)(1) and (3) and (C)(1), (D)(1)(c) and (2))