
The original instrument was prepared by Carla S. Roberts. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy Wells.

SB 335 Reengrossed

DIGEST
2018 Regular Session

Mizell

Present law prohibits the purchase of commercial sexual activity. Present law prohibits a person who knowingly gives, agrees to give, or offers to give anything of value to another in order to engage in sexual intercourse with a person who receives or agrees to receive anything of value as compensation for such activity. Present law defines "sexual intercourse" to mean anal, oral, or vaginal intercourse or any other sexual activity constituting a crime pursuant to the laws of this state.

Present law provides that whoever violates the provisions of present law will be fined not more than \$500 or be imprisoned for not more than six months, or both. Present law provides, on a second conviction, the offender shall be fined not less than \$250 nor more than \$2000, with or without hard labor, for not more than two years, or both. Present law provides, on a third and subsequent conviction, the offender shall be imprisoned, with or without hard labor, for not less than two nor more than four years and shall be fined not less than \$500 nor more than \$4,000. Present law provides that, if the victim is under the age of 18, or a victim of human trafficking, the offender will be fined not more than \$50,000, imprisoned at hard labor for not less than 15 years nor more than 50 years, or both.

Present law provides that, if the victim is under the age of 14, the offender will be fined not more than \$75,000, imprisoned at hard labor for not less than 25 years nor more than 50 years, or both.

Proposed law retains present law but increases the fines for the purchase of commercial sexual activity, as follows:

- (1) 1st offense - Increases the fine from a maximum of \$500 to not less than \$1,000 nor more than \$1,500.
- (2) 2nd offense - Increases the minimum fine from not less than \$250 to not less than \$1,500.
- (3) 3rd offense - Increases the minimum fine from not less than \$500 to not less than \$2,500.
- (4) When the offender knows that the victim is under the age of 18 or known to be a victim of human trafficking, the minimum fine is set at \$3,000.
- (5) When the offender knows that the victim is under the age of 14, the minimum fine is set at \$5,000.

Proposed law provides that one-half of the fines collected for the crime of the purchase of commercial sexual activity will be distributed by the clerk of court as follows:

- (1) 50% to the sheriff or law enforcement agency that made the arrest to be used for training officers in recognizing and preventing human trafficking.
- (2) 50% to the district attorney to be paid to a program for victim services that counsels, treats, and helps victims of human trafficking or those who are charged or convicted of prostitution.

Proposed law provides that, in addition to a fine or jail term, the court will order the offender to complete the Buyer Beware Program to educate offenders about the harms, exploitation, and negative effects of prostitution. In furtherance of the administration of justice in the judicial district and to prevent future recidivism, the court shall impose additional court costs in the amount of \$200 to defer the costs of the program, with the proceeds of the fine being paid to the operator of the Buyer Beware Program.

Present law prohibits soliciting for prostitutes. Present law defines soliciting for prostitutes as the soliciting, inviting, inducing, directing, or transporting a person to any place with the intention of promoting prostitution.

Present law provides that, whoever violates the provisions of present law will be fined not more than \$500, imprisoned for not more than six months, or both. Present law provides that whoever commits the crime of soliciting for prostitutes when the person being solicited is under the age of 18 years shall be fined not more than \$50,000, imprisoned at hard labor for not less than 15 years nor more than 50 years, or both. Present law provides that, whoever commits the crime of soliciting for prostitutes when the person being solicited is under the age of 14 shall be fined not more than \$75,000, imprisoned at hard labor for not less than 25 years nor more than 50 years, or both.

Proposed law retains present law but increases the fines for soliciting for prostitutes, as follows:

- (1) 1st offense - Increases the fine from a maximum of \$500 to not less than \$1,000 or more than \$1,500.
- (2) 2nd or subsequent offense - Adds an additional fine of not less than \$1,500 to not less than \$2,000.
- (3) When the offender is under the age of 18 or known to be a victim of human trafficking, the minimum fine is set at \$3,000.
- (5) When the victim is a minor under the age of 14, the minimum fine is set at \$5,000.

Proposed law provides that one-half of the fines collected for the crime of soliciting for prostitution will be distributed by the clerk of court as follows:

- (1) 50% to the sheriff or law enforcement agency which made the arrest to be used for training officers in recognizing and preventing human trafficking.

- (2) 50% to the district attorney to be paid to a program for victim services that counsels, treats, and helps victims of human trafficking or those who are charged or convicted of prostitution.

Present law provides that the district attorney for each judicial district, alone or in conjunction with the district attorney of an adjacent judicial district, may create and administer a diversion program for defendants charged with an offense in which the defendant engaged in the purchase of sexual activity unless the offense involves the purchase of sexual activity from a minor. Present law provides that, at the discretion of the district attorney, after any costs associated with the administration of the program are paid, a portion of all monies collected pursuant to the provisions of proposed law may be distributed to entities within their judicial district, or within the judicial districts participating in the program, that provide rehabilitative services and treatment to victims of offenses involving human trafficking and trafficking of children for sexual purposes.

Proposed law authorizes district attorneys, at their discretion, to be the operator of the program using his own office personnel or he may choose a vendor as the operator of the program.

Proposed law retains present law but names the program the Buyer Beware program and provides that the program will not only be for pre-trial diversion but shall also be a requirement for post conviction sentencing.

Proposed law retains present law but clarifies that the Buyer Beware program will be established to educate the defendant or the offenders about the harms, exploitation, and negative effects of prostitution.

Proposed law provides that, if the district attorney fails to develop a program alone or in conjunction with the district attorney of an adjacent judicial district, the court shall order that the offender, who is sentenced for the purchasing of commercial sexual activity or for soliciting for prostitutes, to attend a certain number of sexual addiction recovery meetings with a local recovery group.

Proposed law provides that, if the district attorney fails to develop a program alone or in conjunction with the district attorney of an adjacent judicial district and there is no local recovery group for sexual addiction within the judicial district or within a 50-mile radius of the offender's home, the court shall order that the offender, who is sentenced for the purchasing of commercial sexual activity or for soliciting for prostitutes, to complete an online course which educates defendants or offenders about the harms, exploitation, and negative effects of prostitution.

Effective August 1, 2018.

(Amends R.S. 14:82.2 and 83 and R.S. 15:243; adds R.S. 15:539.4)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Requires the proceeds of the fine to be paid to the operator of the Buyer Beware

Program as provided by law.

2. Authorizes district attorneys, at their discretion, to be the operator of the program using his own office personnel or he may choose a vendor as the operator of the program.
3. Makes technical corrections.