

2024 Regular Session

SENATE BILL NO. 306

BY SENATORS CATHEY, ABRAHAM, BARROW, HODGES, KLEINPETER, MIGUEZ
AND MORRIS

CRIME/PUNISHMENT. Increases the penalty for human trafficking involving sexual activity of persons under the age of eighteen. (8/1/24)

1 AN ACT

2 To amend and reenact R.S. 14:46.2(A)(1)(a), (B)(2), and (F)(1), and 46.3(D), relative to the
3 penalties for human trafficking; to increase the penalties for human trafficking
4 committed against certain victims; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:46.2(A)(1)(a), (B)(2), and (F)(1) and 46.3(D) are hereby amended
7 and reenacted to read as follows:

8 §46.2. Human trafficking

9 A. It shall be unlawful:

10 (1)(a) For any person to knowingly recruit, harbor, transport, provide, solicit,
11 **sell**, receive, isolate, entice, obtain, patronize, procure, purchase, hold, restrain,
12 induce, threaten, subject, or maintain the use of another person through fraud, force,
13 or coercion to provide services or labor.

14 * * *

15 B. * * *

16 (2)(a) Whoever commits the crime of human trafficking when the services
17 include commercial sexual activity or ~~any sexual conduct constituting a crime under~~

1 ~~the laws of this state~~ **a sex offense as defined in R.S. 15:541** shall be fined not more
2 than fifteen thousand dollars and shall be imprisoned at hard labor for not more than
3 twenty years.

4 (b)Whoever commits the crime of human trafficking in violation of the
5 provisions of Subparagraph (A)(1)(b) of this Section **involving a person under the**
6 **age of twenty-one years but eighteen years or older** shall be fined not more than
7 fifty thousand dollars, imprisoned at hard labor for not less than fifteen years, nor
8 more than fifty years, or both.

9 **(c) Whoever commits the crime of human trafficking in violation of the**
10 **provisions of Subparagraph (A)(1)(b) of this Section when the trafficking**
11 **involves a person under the age of eighteen years shall be punished by life**
12 **imprisonment at hard labor without benefit of probation, parole, or suspension**
13 **of sentence and fined not more than seventy-five thousand dollars.**

14 * * *

15 F.(1) A victim of trafficking involving services that include commercial
16 sexual activity or ~~any sexual contact which constitutes a crime pursuant to the laws~~
17 ~~of this state~~ **a sex offense as defined in R.S. 15:541** shall have an affirmative
18 defense to prosecution for any of the following offenses which were committed as
19 a direct result of being trafficked:

- 20 (a) R.S. 14:82 (Prostitution).
- 21 (b) R.S. 14:83.3 (Prostitution by massage).
- 22 (c) R.S. 14:83.4 (Massage; sexual conduct prohibited).
- 23 (d) R.S. 14:89 (Crime against nature).
- 24 (e) R.S. 14:89.2 (Crime against nature by solicitation).

25 §46.3. Trafficking of children for sexual purposes

26 * * *

27 D.(1)~~(a)~~ Whoever violates the provisions of Paragraph (A)(1), (2), (4), (5),
28 or (6) of this Section shall be **punished by life imprisonment at hard labor**
29 **without benefit of probation, parole, or suspension of sentence and** fined not

1 more than ~~fifty~~ seventy-five thousand dollars, ~~imprisoned at hard labor for not less~~
2 ~~than fifteen, nor more than fifty years, or both.~~

3 (b) ~~Whoever violates the provisions of Paragraph (A)(1), (2), (4), (5), or (6)~~
4 ~~of this Section when the victim is under the age of fourteen years shall be fined not~~
5 ~~more than seventy-five thousand dollars and imprisoned at hard labor for not less~~
6 ~~than twenty-five years nor more than fifty years. At least twenty-five years of the~~
7 ~~sentence imposed shall be served without benefit of probation, parole, or suspension~~
8 ~~of sentence.~~

9 (c) ~~Any person who violates the provisions of Paragraph (A)(1), (2), (4), (5),~~
10 ~~or (6) of this Section, who was previously convicted of a sex offense as defined in~~
11 ~~R.S. 15:541 when the victim of the sex offense was under the age of eighteen years,~~
12 ~~shall be fined not more than one hundred thousand dollars and shall be imprisoned~~
13 ~~at hard labor for not less than fifty years or for life. At least fifty years of the~~
14 ~~sentence imposed shall be served without benefit of parole, probation, or suspension~~
15 ~~of sentence.~~

16 (2) ~~Whoever violates the provisions of Paragraph (A)(3) of this Section shall~~
17 ~~be fined not more than fifty thousand dollars, imprisoned at hard labor for not~~
18 ~~less than fifteen nor more than fifty years or both with shall be required to serve~~
19 ~~at least five years being served of the sentence provided for in Subparagraph~~
20 ~~(D)(1)(a) of this Section without benefit of probation, parole, or suspension of~~
21 ~~sentence. Whoever violates the provisions of Paragraph (A)(3) when the victim is~~
22 ~~under the age of fourteen years shall be fined not more than seventy-five thousand~~
23 ~~dollars and imprisoned at hard labor for not less than twenty-five nor more~~
24 ~~than fifty years, with required to serve at least ten years being served of the~~
25 ~~sentence provided for in Subparagraph (D)(1)(b) of this Section without benefit of~~
26 ~~probation, parole, or suspension of sentence.~~

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