

RÉSUMÉ DIGEST

ACT 230 (HB 5)

2025 Regular Session

Jackson

Existing law (R.S. 14:46.3) provides for the offense of trafficking of children for sexual purposes and provides for various penalties.

New law retains existing law generally.

New law adds, as a circumstance under which an offender shall be prosecuted under existing 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.

New law further provides a penalty in existing 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.

New law further provides a penalty in existing law (R.S. 14:46.3(D)(2)) for an offender convicted under this new law 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.

Existing law (R.S. 14:82.2) provides for the offense of purchase of commercial sexual activity and provides for various penalties.

New law retains existing law generally.

Prior law (R.S. 14:82.2(C)(1)) provided that whoever committed the crime of purchase of commercial sexual activity would be fined not more than \$750 or be imprisoned for not more than six months, or both, and 1/2 of the fines collected would be distributed in accordance with existing law (R.S. 15:539).

New law amends prior 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.

Existing law (R.S. 14:83) provides for the offense of soliciting for prostitutes and provides for various penalties.

New law retains existing law generally.

Prior law (R.S. 14:83(B)(1)(b)) provided that whoever committed a second or subsequent offense of soliciting for prostitutes would be fined not less than \$1,500 nor more than \$2,000, imprisoned for not more than one year, or both. Prior law further provided that 1/2 of the fines collected would be distributed in accordance with existing law (R.S. 15:539.4).

New law retains the fine amounts, term of imprisonment, and distribution of fines, but amends prior law to provide that for a second or subsequent offense of soliciting for prostitutes, the term of imprisonment shall be with or without hard labor.

New 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 existing law (R.S. 14:46.2) or trafficking of children for sexual purposes pursuant to existing law (R.S. 14:46.3). Further provides that in accordance with existing law (R.S. 14:46.3(E)), no victim of trafficking of children for sexual purposes shall be prosecuted for a violation of existing law (R.S. 14:83) if such violation is committed as a direct result of being trafficked.

New 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.

Existing 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.

New law retains existing law generally, and amends existing law to align the punishment for these offenses under certain circumstances with the existing law penalty for trafficking of children for sexual purposes (R.S. 14:46.3(D)(2)).

Existing law (R.S. 15:541) provides for definitions relative to sex offenders.

New law retains existing law.

Existing law (R.S. 15:541(24)(a)) defines the term "sex offense".

New law amends existing 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".

Effective August 1, 2025.

(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)(a), 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), and 541(24)(a), and R.S. 46:1844(W)(2)(a); Adds R.S. 14:46.3(A)(7) and 83(C))