

2026 Regular Session

HOUSE BILL NO. 321

BY REPRESENTATIVES LAFLEUR, ADAMS, BAYHAM, BILLINGS, BOUDREAUX, BOYD, BOYER, BRASS, CARRIER, ROBBY CARTER, WILFORD CARTER, CHASSION, CHENEVERT, COX, EGAN, FISHER, FREEMAN, FREIBERG, GLORIOSO, GREEN, DANA HENRY, HORTON, JACKSON, KNOX, LARVADAIN, LYONS, MARCELLE, MILLER, MOORE, MURRAY, NEWELL, OWEN, PHELPS, RISER, SCHLEGEL, SPELL, TAYLOR, VILLIO, WALTERS, WILEY, WYBLE, AND YOUNG AND SENATORS ABRAHAM, BARROW, BARTHELEMY, BASS, BOUDREAUX, CARTER, CONNICK, DUPLESSIS, FESI, HODGES, JACKSON-ANDREWS, JENKINS, KLEINPETER, MORRIS, PRICE, AND WHEAT

1 AN ACT

2 To amend and reenact R.S. 14:46.2(F)(1), 46.3(A)(1) and (E), 82(G), 82.1(A)(introductory
3 paragraph) and (1), (B), (D)(2) and (3)(b), (E), and (F), 82.2(E), 83(C), 83.3(D),
4 83.4(C), 89(C)(2), and 89.2(D)(1) and (5) and Children's Code Articles 804(3) and
5 (5) and 839(D) and to enact R.S. 14:83.1(C), 83.2(C), and 84(C), relative to victims
6 of human trafficking and prostitution offenses; to provide for an exemption from
7 criminal responsibility and delinquency proceedings; to provide relative to
8 affirmative defenses for prosecution of certain offenses; to provide eligibility for
9 specialized services; to provide relative to conduct that constitutes prostitution; to
10 revise certain terminology relative to prostitution involving persons under eighteen
11 years of age; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 14:46.2(F)(1), 46.3(A)(1) and (E), 82(G), 82.1(A)(introductory
14 paragraph) and (1), (B), (D)(2) and (3)(b), (E), and (F), 82.2(E), 83(C), 83.3(D), 83.4(C),
15 89(C)(2), and 89.2(D)(1) and (5) are hereby amended and reenacted and R.S. 14:83.1(C),
16 83.2(C), and 84(C) are hereby enacted to read as follows:

17 §46.2. Human trafficking

18 * * *

1 F.(1) A victim of trafficking involving services that include commercial
2 sexual activity or a sex offense as defined in R.S. 15:541 shall have an affirmative
3 defense to prosecution for any of the following offenses which were committed as
4 a direct result of being trafficked:

5 (a) R.S. 14:82 (Prostitution).

6 (b) R.S. 14:83 (Soliciting for prostitutes).

7 ~~(b)~~ (c) R.S. 14:83.3 (Prostitution by massage).

8 ~~(c)~~ (d) R.S. 14:83.4 (Massage; sexual conduct prohibited).

9 ~~(d)~~ (e) R.S. 14:89 (Crime against nature).

10 ~~(e)~~ (f) R.S. 14:89.2 (Crime against nature by solicitation).

11 * * *

12 §46.3. Trafficking of children for sexual purposes

13 A. It shall be unlawful:

14 (1) For any person to knowingly recruit, harbor, transport, provide, sell,
15 receive, isolate, entice, obtain, or maintain the use of a ~~person under the age of~~
16 ~~eighteen years~~ child for the purpose of engaging in commercial sexual activity. For
17 the purposes of this Section, "child" means a person under the age of eighteen years.

18 * * *

19 E.(1) No victim of trafficking as provided by the provisions of this Section
20 shall be prosecuted for unlawful acts committed as a direct result of being trafficked.
21 ~~Any child determined to be a victim pursuant to the provisions of this Subsection~~
22 ~~shall be eligible for specialized services for sexually exploited children.~~

23 (2) Any child who is engaged in prostitution or prostitution-related offenses
24 is presumed to be a victim of human trafficking. A child victim of trafficking as
25 provided by the provisions of this Section is exempt from criminal responsibility and
26 delinquency proceedings for prostitution-related offenses.

27 (3) Any child determined to be a victim pursuant to the provisions of this
28 Subsection is eligible for specialized services for sexually exploited children as
29 provided in R.S. 46:2161.

30 * * *

1 §82. Prostitution; definition; penalties; enhancement

2 * * *

3 G.(1) ~~It shall be an affirmative defense to prosecution for a violation of this~~
4 ~~Section that, during the time of the alleged commission of the offense, the defendant~~
5 ~~was a victim of trafficking of children for sexual purposes as provided in R.S.~~
6 ~~14:46.3(E). Any child determined to be a victim pursuant to the provisions of this~~
7 ~~Paragraph shall be eligible for specialized services for sexually exploited children.~~
8 Any child who is engaged in prostitution is presumed to be a victim of human
9 trafficking pursuant to R.S. 14:46.3(E) and is exempt from criminal responsibility
10 and delinquency proceedings for such offenses. A child victim of human trafficking
11 shall be referred and is eligible for specialized services for victims of human
12 trafficking pursuant to R.S. 46:2161.

13 (2) It shall be an affirmative defense to prosecution for a violation of this
14 Section that, during the time of the alleged commission of the offense, the defendant
15 is determined to be a victim of human trafficking pursuant to the provisions of R.S.
16 14:46.2(F). Any person, eighteen years of age or older, who is determined to be a
17 ~~victim pursuant to the provisions of this Paragraph~~ of human trafficking shall be
18 notified of any treatment or specialized services for human trafficking victims or
19 sexually exploited persons to the extent that such services are available.

20 §82.1. Prostitution; persons under eighteen; additional offenses

21 A. It shall be unlawful to do any of the following:

22 (1) For any person over the age of seventeen to engage in sexual intercourse
23 with any person under the age of eighteen ~~who is practicing prostitution,~~ who
24 receives or agrees to receive anything of value as compensation for such activity and
25 there is an age difference of greater than two years between the two persons.

26 * * *

27 B.(1) Lack of knowledge of the age of the person ~~practicing prostitution~~ who
28 the offender engages in sexual intercourse with shall not be a defense.

1 (2) It shall not be a defense to prosecution for a violation of this Section that
2 the person ~~practicing prostitution~~ who the offender engages in sexual intercourse
3 with consented to the activity prohibited by this Section.

4 * * *

5 D.

6 * * *

7 (2) Whoever violates the provisions of Paragraph (A)(1) of this Section when
8 the person ~~practicing prostitution~~ who the offender engages in sexual intercourse
9 with is under the age of fourteen shall be fined not more than seventy-five thousand
10 dollars, imprisoned at hard labor for not less than twenty-five years nor more than
11 fifty years, or both. Twenty-five years of the sentence imposed shall be without
12 benefit of parole, probation, or suspension of sentence.

13 (3)

14 * * *

15 (b) Whoever violates the provisions of Paragraph (A)(2) of this Section when
16 the person ~~practicing prostitution~~ who the offender engages in sexual intercourse
17 with is under the age of fourteen shall be required to serve at least ten years of the
18 sentence imposed in Paragraph (2) of this Subsection without benefit of parole,
19 probation, or suspension of sentence.

20 E. It shall not be a defense to prosecution for a violation of this Section that
21 the person ~~practicing prostitution who is believed~~ who the offender engages in sexual
22 intercourse with and who the offender believes to be under the age of eighteen is
23 actually a law enforcement officer or peace officer acting within the official scope
24 of his duties.

25 F. ~~Any person determined to be a victim of this offense shall be eligible for~~
26 ~~specialized services for sexually exploited children.~~ Any person under the age of
27 eighteen years who is determined to be a victim of this offense shall be referred and
28 is eligible for specialized services for victims of human trafficking pursuant to R.S.
29 46:2161.

1 §82.2. Purchase of commercial sexual activity; penalties

2 * * *

3 E.(1) Any ~~child~~ person under the age of eighteen years who is determined
4 to be a victim of this offense shall be eligible for specialized services for ~~sexually~~
5 ~~exploited children~~ victims of human trafficking pursuant to R.S. 46:2161.

6 (2) Any person, eighteen years of age or older, who is determined to be a
7 victim of this offense shall be notified of any treatment or specialized services for
8 human trafficking victims or sexually exploited persons to the extent that such
9 services are available.

10 * * *

11 §83. Soliciting for prostitutes

12 * * *

13 C.(1) ~~Any child who is identified to be a victim of the crime of soliciting for~~
14 ~~prostitutes shall be referred and be eligible for specialized services for victims of~~
15 ~~human trafficking pursuant to R.S. 14:46.2 or trafficking of children for sexual~~
16 ~~purposes pursuant to R.S. 14:46.3. In accordance with R.S. 14:46.3(E), no victim~~
17 ~~of trafficking of children for sexual purposes shall be prosecuted for a violation of~~
18 ~~this Section if such violation is committed as a direct result of being trafficked. Any~~
19 ~~child who is engaged in prostitution-related offenses is presumed to be a victim of~~
20 ~~human trafficking pursuant to R.S. 14:46.3(E) and is exempt from criminal~~
21 ~~responsibility and delinquency proceedings for such offenses. A child victim of~~
22 ~~human trafficking shall be referred and is eligible for specialized services for victims~~
23 ~~of human trafficking pursuant to R.S. 46:2161.~~

24 (2) It shall be an affirmative defense to prosecution for a violation of this
25 Section that, during the time of the alleged commission of the offense, the defendant
26 is determined to be a victim of human trafficking pursuant to the provisions of R.S.
27 14:46.2(F). Any other person who is eighteen years of age or older who is ~~identified~~
28 as ~~determined to be~~ a victim of ~~the crime of soliciting for prostitutes~~ human
29 trafficking shall be notified of any treatment or specialized services for human

1 trafficking victims or sexually exploited persons to the extent that such services are
2 available.

3 §83.1. Inciting prostitution

4 * * *

5 C.(1) Any person under the age of eighteen years who is determined to be
6 a victim of this offense shall be referred and is eligible for specialized services for
7 victims of human trafficking pursuant to R.S. 46:2161.

8 (2) Any person who is eighteen years of age or older who is determined to
9 be a victim of human trafficking shall be notified of any treatment or specialized
10 services for human trafficking victims or sexually exploited persons to the extent that
11 such services are available.

12 §83.2. Promoting prostitution

13 * * *

14 C.(1) Any person under the age of eighteen years who is determined to be
15 a victim of this offense shall be referred and is eligible for specialized services for
16 victims of human trafficking pursuant to R.S. 46:2161.

17 (2) Any person who is eighteen years of age or older who is determined to
18 be a victim of human trafficking shall be notified of any treatment or specialized
19 services for human trafficking victims or sexually exploited persons to the extent that
20 such services are available.

21 §83.3. Prostitution by massage

22 * * *

23 ~~D.(1) It shall be an affirmative defense to prosecution for a violation of this~~
24 ~~Section that, during the time of the alleged commission of the offense, the defendant~~
25 ~~was a victim of trafficking of children for sexual purposes as provided in R.S.~~
26 ~~14:46.3(E). Any child determined to be a victim pursuant to the provisions of this~~
27 ~~Paragraph shall be eligible for specialized services for sexually exploited children.~~
28 Any person under the age of eighteen years who is engaged in prostitution-related
29 offenses is presumed to be a victim of human trafficking pursuant to R.S. 14:46.3(E)
30 and is exempt from criminal responsibility and delinquency proceedings for such

1 offenses. A child victim of human trafficking shall be referred and is eligible for
2 specialized services for victims of human trafficking pursuant to R.S. 46:2161.

3 (2) It shall be an affirmative defense to prosecution for a violation of this
4 Section that, during the time of the alleged commission of the offense, the defendant
5 is determined to be a victim of human trafficking pursuant to the provisions of R.S.
6 14:46.2(F). Any person, eighteen years of age or older, who is determined to be a
7 victim ~~pursuant to the provisions of this Paragraph~~ of human trafficking shall be
8 notified of any treatment or specialized services for human trafficking victims or
9 sexually exploited persons to the extent that such services are available.

10 §83.4. Massage; sexual conduct prohibited

11 * * *

12 ~~C.(1) It shall be an affirmative defense to prosecution for a violation of this~~
13 ~~Section that, during the time of the alleged commission of the offense, the defendant~~
14 ~~was a victim of trafficking of children for sexual purposes as provided in R.S.~~
15 ~~14:46.3(E). Any child determined to be a victim pursuant to the provisions of this~~
16 ~~Paragraph shall be eligible for specialized services for sexually exploited children.~~
17 Any child who is engaged in prostitution-related offenses is presumed to be a victim
18 of human trafficking pursuant to R.S. 14:46.3(E) and is exempt from criminal
19 responsibility and delinquency proceedings for such offenses. A child victim of
20 human trafficking shall be referred and is eligible for specialized services for victims
21 of human trafficking pursuant to R.S. 46:2161.

22 (2) It shall be an affirmative defense to prosecution for a violation of this
23 Section that, during the time of the alleged commission of the offense, the defendant
24 is determined to be a victim of human trafficking pursuant to the provisions of R.S.
25 14:46.2(F). Any person, eighteen years of age or older, who is determined to be a
26 victim ~~pursuant to the provisions of this Paragraph~~ of human trafficking shall be
27 notified of any treatment or specialized services for human trafficking victims or
28 sexually exploited persons to the extent that such services are available.

1 §84. Pandering

2 * * *

3 C.(1) Any child who is engaged in prostitution-related offenses is presumed
4 to be a victim of human trafficking pursuant to R.S. 14:46.3(E) and is exempt from
5 criminal responsibility and delinquency proceedings for such offenses. A child
6 victim of human trafficking shall be referred and is eligible for specialized services
7 for victims of human trafficking.

8 (2) Any person who is eighteen years of age or older who is determined to
9 be a victim of human trafficking shall be notified of any treatment or specialized
10 services for human trafficking victims or sexually exploited persons to the extent that
11 such services are available.

12 * * *

13 §89. Crime against nature

14 * * *

15 C.

16 * * *

17 (2) It shall be an affirmative defense to prosecution for a violation of
18 Paragraph (A)(1) of this Section that, during the time of the alleged commission of
19 the offense, the defendant is determined to be a victim of human trafficking pursuant
20 to the provisions of R.S. 14:46.2(F). Any person determined to be a victim pursuant
21 to the provisions of this Paragraph shall be notified of any treatment or specialized
22 services for victims of human trafficking and sexually exploited persons to the extent
23 that such services are available.

24 * * *

25 §89.2. Crime against nature by solicitation

26 * * *

27 D.(1) It shall be an affirmative defense to prosecution for a violation of this
28 Section that, during the time of the alleged commission of the offense, the defendant
29 was a victim of trafficking of children for sexual purposes as provided in R.S.
30 14:46.3(E). Any child determined to be a victim ~~pursuant to the provisions of this~~

1 Paragraph of this offense shall be eligible for specialized services for ~~sexually~~
2 ~~exploited children~~ victims of human trafficking pursuant to R.S. 46:2161.

3 * * *

4 (5) It shall be an affirmative defense to prosecution for a violation of this
5 Section that, during the time of the alleged commission of the offense, the defendant
6 is determined to be a victim of human trafficking pursuant to the provisions of R.S.
7 14:46.2(F). Any person determined to be a victim ~~pursuant to the provisions of this~~
8 ~~Paragraph of this offense~~ shall be notified of any treatment or specialized services
9 for victims of human trafficking and sexually exploited persons, including but not
10 limited to the services provided for by R.S. 46:2161.1, to the extent that such
11 services are available.

12 Section 2. Children's Code Articles 804(3) and (5) and 839(D) are hereby amended
13 and reenacted to read as follows:

14 Art. 804. Definitions

15 As used in this Title:

16 * * *

17 (3) "Delinquent act" means an act committed by a child of ten years of age
18 or older which if committed by an adult is designated an offense ~~under~~ pursuant to
19 the statutes or ordinances of this state, or of another state if the offense occurred
20 there, or under federal law, except traffic violations. It includes an act constituting
21 an offense ~~under~~ pursuant to R.S. 14:95.8, an act constituting an offense ~~under~~
22 pursuant to R.S. 14:81.1.1(A)(2), and a direct contempt of court committed by a
23 child. "Delinquent act" ~~shall~~ does not include a violation of R.S. 14:82, 83.3, 83.4,
24 89, or 89.2 for a child who, during the time of the alleged commission of the offense,
25 was a victim of trafficking of children for sexual purposes pursuant to R.S.
26 14:46.3(E)(2).

27 * * *

28 (5) "Felony-grade delinquent act" means an offense that if committed by an
29 adult, may be punished by death or by imprisonment at hard labor. "Felony-grade
30 delinquent act" ~~shall~~ does not include a violation of R.S. 14:82, 83.3, 83.4, 89, or

1 89.2 for a child who, during the time of the alleged commission of the offense, was
2 a victim of trafficking of children for sexual purposes pursuant to R.S. 14:46.3(E)(2).

3 * * *

4 Art. 839. Availability of an informal adjustment agreement

5 * * *

6 D.(1) Where a petition involves an allegation of an ~~act of prostitution~~
7 ~~pursuant to R.S. 14:82, prostitution by massage pursuant to R.S. 14:83.3 or 83.4, or~~
8 ~~crimes against nature by solicitation pursuant to R.S. 14:89.2 and it is the child's first~~
9 ~~offense~~ unlawful act committed as a direct result of the child being a victim of
10 human trafficking pursuant to R.S. 14:46.3(E)(1) and the child expresses a
11 willingness to cooperate and receive specialized services for sexually exploited
12 children, the district attorney may effect an informal adjustment agreement which
13 includes specialized services for the child.

14 (2) If, however, the child has previously been adjudicated a delinquent ~~in~~
15 ~~violation of R.S. 14:82, 83.3, 83.4, or 89.2~~ or is unwilling to cooperate with
16 specialized services for sexually exploited children, continuing with the delinquency
17 proceeding shall be within the discretion of the district attorney.

18 (3) The specialized services referenced in Subparagraph (1) of this Paragraph
19 may include but are not limited to the services provided pursuant to R.S. 46:2161,
20 safe and stable housing, victim advocacy services, comprehensive ~~on-site~~ onsite case
21 management, integrated mental health and chemical dependency services, including
22 specialized trauma recovery services, education and employment training, and
23 referrals to ~~off-site~~ offsite specialized services, as appropriate.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____