

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), (C)(1), and (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), (C)(1), and (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 (3) Whoever commits the crime of human trafficking when the trafficking  
14 involves a person under the age of ~~eighteen~~ twenty-one shall be fined not more than  
15 twenty-five thousand dollars and shall be imprisoned at hard labor for not less than  
16 five nor more than twenty-five years, five years of which shall be without the benefit  
17 of parole, probation, or suspension of sentence.

\* \* \*

§46.3. Trafficking of children for sexual purposes

A. 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 ~~eighteen~~ **twenty-one** years for the purpose of engaging in commercial sexual activity.

\* \* \*

(3) For any parent, legal guardian, or person having custody of a person under the age of ~~eighteen~~ **twenty-one** years to knowingly permit or consent to such minor entering into any activity prohibited by the provisions of this Section.

\* \* \*

C.(1) Consent of the ~~minor~~ **person under twenty-one years of age** shall not be a defense to a prosecution pursuant to the provisions of this Section.

\* \* \*

D.(1)(a)

\* \* \*

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

(2) Whoever violates the provisions of Paragraph (A)(3) of this Section shall be required to serve at least five years of the sentence provided for in Subparagraph (D)(1)(a) of this Section without benefit of probation, parole, or suspension of sentence. Whoever violates the provisions of Paragraph (A)(3) when the victim is under the age of ~~fourteen~~ **eighteen** years shall be required to serve at least ten years of the sentence provided for in Subparagraph (D)(1)(b) of this Section without

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

2 \* \* \*

3 Section 2. This Act shall become effective on August 1, 2016; if vetoed by the  
4 governor and subsequently approved by the legislature, this Act shall become effective on  
5 August 1, 2016, or on the day following such approval by the legislature, whichever is later.

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The original instrument was prepared by Margaret M. Corley. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alden A. Clement, Jr.

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DIGEST

SB 90 Engrossed

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 is to be fined not more than \$25,000 and imprisoned at hard labor for between five and 25 years, five years of which must be imposed without the benefit of parole, probation, or suspension of sentence.

Proposed law increases the threshold age of the victim of human trafficking from 18 to 21 and otherwise retains present law.

Present law provides that it is 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 of the victim 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 is to be fined up to \$100,000 and imprisoned at hard labor for between 50 years and life. Present law further provides that at least 50 years of the sentence imposed must 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 years must serve at least 10 years of the sentence without benefit of probation, parole, or suspension of sentence.

Proposed law raises the threshold age from 14 to 18 and otherwise retains present law.

Effective August 1, 2016.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Make technical changes.