
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 Mary Dozier O'Brien.

DIGEST

SB 90 Reengrossed

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 parole, probation, 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. 14:2(B)(42), 46.2(B)(3), 46.3(A)(1) and (3), (C)(1), and (D)(1)(c) and (2), 82(G)(1), 82.2(C)(4), 83.3(D)(1), 83.4(C)(1), 89(C)(1), and 89.2(D)(1), R.S. 15:539.3(A)(intro para), 539.1(E)(intro para), R.S. 15:243(B), 539.1(A), 539.2(A) and (B)(2)(b), 541(2)(n) and (o) and (24)(a), 1308(A)(2)(r), 1352(A)(48), R.S. 40:1061.16(D)(4)(a), (b)(i), and (c)(v) and 2405.7(B)(2), R.S. 46:1802(13)(a), 1809(B)(3)(a)(iv), and 1861(A)(1)(f), C.Cr.P. Art. 851(B)(6), 855.1, and 890.1(D)(18), C. E. Art. 412.3(intro para), Art. 412(B)(1) and (C)(1) and 412.3(3), Ch.C. Art. 603(12)(s), 606(A)(6), 725.1(3), 728(4)(a), 804(9)(a), and 918(D), and Acts 2014 R.S., No. 564)

Summary of Amendments Adopted by Senate

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

1. Makes technical changes.

Senate Floor Amendments to engrossed bill

1. Technical amendments to conform present law in related statutes with proposed law.