

# ACT No. 387

HOUSE BILL NO. 825

BY REPRESENTATIVES ABRAMSON, BALDONE, BARROW, BILLIOT, BROSSETT, CARTER, CONNICK, DIXON, FOIL, GREENE, GUILLORY, HINES, HUTTER, MICHAEL JACKSON, JOHNSON, LEGER, LORUSSO, NORTON, RICHARDSON, RICHMOND, ROY, GARY SMITH, PATRICIA SMITH, ST. GERMAIN, STIAES, THIBAUT, THIERRY, WHITE, AND WILLIAMS AND SENATORS BROOME AND DORSEY

1 AN ACT

2 To amend and reenact R.S. 15:541(12)(a), (24), and (25)(c) and to enact R.S. 14:2(B)(42)  
3 and (43) and R.S. 15:541(2)(n), relative to crimes involving trafficking; to provide  
4 for definitions; to provide with respect to sex offender registration and notification  
5 requirements; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:2(B)(42) and (43) are hereby enacted to read as follows:

8 §2. Definitions

9 \* \* \*

10 B. In this Code, "crime of violence" means an offense that has, as an  
11 element, the use, attempted use, or threatened use of physical force against the  
12 person or property of another, and that, by its very nature, involves a substantial risk  
13 that physical force against the person or property of another may be used in the  
14 course of committing the offense or an offense that involves the possession or use  
15 of a dangerous weapon. The following enumerated offenses and attempts to commit  
16 any of them are included as "crimes of violence":

17 \* \* \*

18 (42) Trafficking of children for sexual purposes.

19 (43) Human trafficking.

1 Section 2. R.S. 15:541(12)(a), (24), and (25)(c) are hereby amended and reenacted  
2 and R.S. 15:541(2)(n) is hereby enacted to read as follows:

3 §541. Definitions

4 For the purposes of this Chapter, the definitions of terms in this Section shall  
5 apply:

6 \* \* \*

7 (2) "Aggravated offense" means a conviction for the perpetration or  
8 attempted perpetration of, or conspiracy to commit, any of the following:

9 \* \* \*

10 (n) Trafficking of children for sexual purposes (R.S. 14:46.3)

11 \* \* \*

12 (12) "Criminal offense against a victim who is a minor" for the purposes of  
13 this Chapter means conviction for the perpetration or attempted perpetration of or  
14 conspiracy to commit any of the following offenses:

15 (a) A violation of ~~Subpart D of Part II of Chapter 1 of Title 14 of the~~  
16 ~~Louisiana Revised Statutes of 1950~~ R.S. 14:44, 44.1, 44.2, 45, 45.1, 46, or 46.1 when  
17 the victim is under eighteen years of age and the defendant is not the parent of the  
18 victim.

19 \* \* \*

20 (24) "Sex offense" means deferred adjudication, adjudication withheld, or  
21 conviction for the perpetration or attempted perpetration of or conspiracy to commit  
22 human trafficking when prosecuted under the provisions of R.S. 14:46.2(B)(2) or (3),  
23 R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:78 (incest), R.S.  
24 14:78.1 (aggravated incest), R.S. 14:89 (crime against nature), R.S. 14:89.1  
25 (aggravated crime against nature), R.S. 14:80 (felony carnal knowledge of a  
26 juvenile), R.S. 14:81 (indecent behavior with juveniles), R.S.14:81.1 (pornography  
27 involving juveniles), R.S. 14:81.2 (molestation of a juvenile), R.S. 14:81.3  
28 (computer-aided solicitation of a minor), R.S. 14:81.4 (prohibited sexual conduct  
29 between an educator and student), R.S. 14:92(A)(7) (contributing to the delinquency  
30 of juveniles), R.S. 14:93.5 (sexual battery of the infirm), R.S. 14:106(A)(5)

1 (obscenity by solicitation of a person under the age of seventeen), R.S. 14:283 (video  
 2 voyeurism), any provision of Subpart C of Part II of Chapter 1 of Title 14 of the  
 3 Louisiana Revised Statutes of 1950, or a second or subsequent conviction of R.S.  
 4 14:283.1 (voyeurism), committed on or after June 18, 1992, or committed prior to  
 5 June 18, 1992, if the person, as a result of the offense, is under the custody of the  
 6 Department of Public Safety and Corrections on or after June 18, 1992. A conviction  
 7 for any offense provided in this definition includes a conviction for the offense under  
 8 the laws of another state, or military, territorial, foreign, tribal, or federal law which  
 9 is equivalent to an offense provided for in this Chapter, unless the tribal court or  
 10 foreign conviction was not obtained with sufficient safeguards for fundamental  
 11 fairness and due process for the accused as provided by the federal guidelines  
 12 adopted pursuant to the Adam Walsh Child Protection and Safety Act of 2006.

13 (25) "Sexual offense against a victim who is a minor" means a conviction for  
 14 the perpetration or attempted perpetration of, or conspiracy to commit, any of the  
 15 following:

16 \* \* \*

17 (c) Human trafficking (~~R.S. 14:46.2(B)(2)~~) when prosecuted under the  
 18 provisions of R.S. 14:46.2(B)(3).

19 \* \* \*

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_