

Regular Session, 2012

SENATE BILL NO. 484

BY SENATOR PERRY

CHILDREN. Provides relative to human trafficking, trafficking of children for sexual purposes, and the commercial sexual exploitation of children. (gov sig)

AN ACT

To amend and reenact R.S. 14:46.2(D), 46.3(D)(1) and (2), 81.1(A)(1), (B)(5), (D), and (E)(1), (2), (4), and (5)(a) and (b), (F)(1), and (G)(introductory paragraph), 81.3(A)(1) and (2), (B)(1)(a) and (c), and (C), 82.1, 83, 83.1(B), 83.2(B), 84, 85, 86(B)(1), 89(B), 89.2(B)(3), 104, 105, 282, and 403.3(A)(1)(introductory paragraph) and (C), R.S. 15:541(12)(c) and (25)(k) and (l), R.S. 40:2521, R.S. 46:1433 and 1809(B)(3)(d) and (4)(a), Code of Criminal Procedure Article 571.1 and Children's Code Articles 603(3), 728(1), 804(3) and (5), and 1015(3)(i) and (l) and to enact R.S. 14:46.2(E), 46.3(A)(6), (C)(3) and (D)(1)(c), 82(C)(4) and (5) and (G), 83.3(D), 83.4(C), 86(C), 89(C), and 89.2(D), R.S. 15:541(12)(d) and (25)(m) and (n), and 1308(A)(2)(q), R.S. 40:2405.7, and Children's Code Articles 606(A)(6) and 918(D), relative to human trafficking, trafficking of children for sexual purposes, and the commercial sexual exploitation of children; to amend certain crimes involving the prostitution and trafficking of children for sexual purposes; to provide for increased penalties for certain prostitution and trafficking offenses when the offense involves persons of a certain age; to provide for affirmative defenses; to prohibit certain defenses to certain crimes; to authorize the use of wiretaps for trafficking

1 investigations; to provide for law enforcement officer training; to require the
2 reporting of rescued children; to provide relative to victim reparations; to provide
3 with respect to limitations on the institution of prosecution for specific offenses; to
4 provide access of child sex trafficking victims to certain services; to authorize the
5 expungement of certain juvenile adjudication records; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:46.2(D), 46.3(D)(1) and (2), 81.1(A)(1), (B)(5), (D), and (E)(1),
9 (2), (4), and (5)(a) and (b), (F)(1) and (G)(introductory paragraph), 81.3(A)(1) and (2),
10 (B)(1)(a) and (c), and (C), 82.1, 83, 83.1(B), 83.2(B), 84, 85, 86(B)(1), 89(B), 89.2(B)(3),
11 104, 105, 282, and 403.3(A)(1)(introductory paragraph) and (C) are hereby amended and
12 reenacted and R.S. 14:46.2(E), 46.3(A)(6), (C)(3) and (D)(1)(c), 82(C)(4) and (5) and (G),
13 83.3(D), 83.4(C), 86(C), 89(C), and 89.2(D) are hereby enacted to read as follows:

14 §46.2. Human trafficking

15 * * *

16 **D. It shall not be a defense to prosecution for a violation of this Section**
17 **that the person being recruited, harbored, transported, provided, solicited,**
18 **obtained, or maintained is actually a law enforcement officer or peace officer**
19 **acting within the scope of his official duties.**

20 ~~D.~~ **E.** If any Subsection, Paragraph, Subparagraph, Item, sentence, clause,
21 phrase, or word of this Section is for any reason held to be invalid, unlawful, or
22 unconstitutional, such decision shall not affect the validity of the remaining portions
23 of this Section.

24 §46.3. Trafficking of children for sexual purposes

25 A. It shall be unlawful:

26 * * *

27 **(6) For any person to knowingly sell or offer to sell travel services that**
28 **include or facilitate any of the activities prohibited by this Section.**

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(3) It shall not be a defense to prosecution for a violation of this Section that the person being recruited, harbored, transported, provided, sold, purchased, obtained, or maintained is actually a law enforcement officer or peace officer acting within the scope of his official duties.

D.(1)(a) Whoever violates the provisions of Paragraph (A)(1), (2), (4), ~~or (5)~~, **or (6)** of this Section shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen, nor more than fifty years, or both.

(b) Whoever violates the provisions of Paragraph (A)(1), (2), (4), ~~or (5)~~, **or (6)** of this Section when the victim is under the age of fourteen years shall be fined not more than seventy-five thousand dollars and imprisoned at hard labor for not less than twenty-five years nor more than fifty years. At least twenty-five years of the sentence imposed shall be served without benefit of probation, parole, or suspension of sentence.

(c) Any person who, after having been convicted in this state of a prior sex offense shall be punished by life imprisonment at hard labor without benefit of probation, parole, 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 imposed **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 years shall be required to serve at least ten years of the sentence imposed **in Subparagraph (D)(1)(b) of this Section** without benefit of probation, parole, or suspension of sentence.

* * *

§81.1. Pornography involving juveniles

A.(1) It shall be unlawful for a person to produce, **promote, advertise,** distribute, possess, or possess with the intent to distribute pornography involving

1 juveniles.

2 * * *

3 B. For purposes of this Section, the following definitions shall apply:

4 * * *

5 (5) "Pornography involving juveniles" is any photograph, videotape, film,
6 or other reproduction, whether electronic or otherwise, of any sexual performance
7 involving a child under the age of ~~seventeen~~ eighteen.

8 * * *

9 D.(1) Lack of knowledge of the juvenile's age shall not be a defense.

10 **(2) It shall not be a defense to prosecution for a violation of this Section**
11 **that the juvenile consented to participation in the activity prohibited by this**
12 **Section.**

13 E.(1)(a) Whoever intentionally possesses pornography involving juveniles
14 shall be fined not more than ~~ten~~ fifty thousand dollars and shall be imprisoned at
15 hard labor for not less than ~~two~~ five years or more than ~~ten~~ twenty years, without
16 benefit of parole, probation, or suspension of sentence.

17 **(b) On a second or subsequent conviction for the intentional possession**
18 **of pornography involving juveniles, the offender shall be fined not more than**
19 **seventy-five thousand dollars and imprisoned at hard labor for not more than**
20 **forty years, without benefit of parole, probation, or suspension of sentence.**

21 (2)(a) Whoever distributes or possesses with the intent to distribute
22 pornography involving juveniles shall be fined not more than ~~ten~~ fifty thousand
23 dollars and shall be imprisoned at hard labor for not less than five years or more than
24 ~~ten~~ twenty years, without benefit of parole, probation, or suspension of sentence.

25 **(b) On a second or subsequent conviction for distributing or possessing**
26 **with the intent to distribute pornography involving juveniles, the offender shall**
27 **be fined not more than seventy-five thousand dollars and imprisoned at hard**
28 **labor for not more than forty years, without benefit of parole, probation, or**
29 **suspension of sentence.**

* * *

(4) Whoever engages in the **promotion, advertisement, or** production of pornography involving juveniles shall be fined not more than fifteen thousand dollars and be imprisoned at hard labor for not less than ten years or more than twenty years, without benefit of probation, parole, or suspension of sentence.

(5)(a) Whoever commits the crime of pornography involving juveniles punishable by the provisions of Paragraphs (1), (2), or (3) of this Subsection when the victim is under the age of thirteen years and the offender is ~~seventeen~~ **eighteen** years of age or older shall be punished by imprisonment at hard labor for not less than one-half the longest term nor more than twice the longest term of imprisonment provided in Paragraphs (1), (2), and (3) of this Subsection. The sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

(b) Whoever commits the crime of pornography involving juveniles punishable by the provisions of Paragraph (4) of this Subsection when the victim is under the age of thirteen years, and the offender is ~~seventeen~~ **eighteen** years of age or older, shall be punished by imprisonment at hard labor for not less than twenty-five years nor more than ninety-nine years. At least twenty-five years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

* * *

F.(1) Any evidence of pornography involving a child under the age of ~~seventeen~~ **eighteen** shall be contraband. Such contraband shall be seized in accordance with law and shall be disposed of in accordance with R.S. 46:1845.

* * *

G. In prosecutions for violations of this Section, the trier of fact may determine, utilizing the following factors, whether or not the person displayed or depicted in any photograph, videotape, film, or other video reproduction introduced in evidence was under the age of ~~seventeen~~ **eighteen** years at the time of filming or recording:

* * *

§81.3. Computer-aided solicitation of a minor

A.(1) Computer-aided solicitation of a minor is committed when a person ~~seventeen~~ **eighteen** years of age or older knowingly contacts or communicates, through the use of electronic textual communication, with a person who has not yet attained the age of ~~seventeen~~ **eighteen** where there is an age difference of greater than two years, or a person reasonably believed to have not yet attained the age of ~~seventeen~~ **eighteen** and reasonably believed to be at least two years younger, for the purpose of or with the intent to persuade, induce, entice, or coerce the person to engage or participate in sexual conduct or a crime of violence as defined in R.S. 14:2(B), or with the intent to engage or participate in sexual conduct in the presence of the person who has not yet attained the age of ~~seventeen~~ **eighteen**, or person reasonably believed to have not yet attained the age of ~~seventeen~~ **eighteen**.

(2) It shall also be a violation of the provisions of this Section when a person ~~seventeen~~ **eighteen** years of age or older knowingly contacts or communicates, through the use of electronic textual communication, with a person who has not yet attained the age of ~~seventeen~~ **eighteen** where there is an age difference of greater than two years, or a person reasonably believed to have not yet attained the age of ~~seventeen~~ **eighteen** and reasonably believed to be at least two years younger, for the purpose of or with the intent to arrange for any third party to engage in any of the conduct proscribed by the provisions of Paragraph (1) of this Subsection.

* * *

B.(1)(a) Whoever violates the provisions of this Section when the victim is thirteen years of age or more but has not attained the age of ~~seventeen~~ **eighteen** shall be fined not more than ten thousand dollars and shall be imprisoned at hard labor for not less than five years nor more than ten years, without benefit of parole, probation, or suspension of sentence.

* * *

(c) Whoever violates the provisions of this Section, when the victim is a

1 person reasonably believed to have not yet attained the age of ~~seventeen~~, **eighteen**,
2 shall be fined not more than ten thousand dollars and shall be imprisoned at hard
3 labor for not less than two years nor more than ten years, without benefit of parole,
4 probation, or suspension of sentence.

5 * * *

6 C.**(1)** It shall not constitute a defense to a prosecution brought pursuant to
7 this Section that the person reasonably believed to be under the age of ~~seventeen~~
8 **eighteen** is actually a law enforcement officer or peace officer acting in his official
9 capacity.

10 **(2) It shall not be a defense to prosecution for a violation of this Section**
11 **that the juvenile consented to participation in the activity prohibited by this**
12 **Section.**

13 * * *

14 §82. Prostitution; definition; penalties; enhancement

15 * * *

16 C.

17 * * *

18 **(4) Whoever commits the crime of prostitution with a person under the**
19 **age of eighteen years shall be fined not more than fifty thousand dollars,**
20 **imprisoned for not less than fifteen years nor more than fifty years, or both.**

21 **(5) Whoever commits the crime of prostitution with a person under the**
22 **age of fourteen years shall be fined not more than seventy-five thousand dollars,**
23 **imprisoned for not less than twenty-five years nor more than fifty years, or**
24 **both.**

25 * * *

26 **G. It shall be an affirmative defense to prosecution for a violation of this**
27 **Section that, during the time of the alleged commission of the offense, the**
28 **defendant was a victim of trafficking of children for sexual purposes as**
29 **provided in R.S. 14:46.3(E).**

1 §82.1. Prostitution; persons under ~~seventeen~~; **eighteen**; additional offenses

2 A. It shall be unlawful:

3 (1) For any person over the age of seventeen to engage in sexual intercourse
4 with any person under the age of ~~seventeen~~ **eighteen** who is practicing prostitution,
5 and there is an age difference of greater than two years between the two persons.
6 ~~Lack of knowledge of the latter person's age shall not be a defense.~~

7 (2) For any parent or tutor of any person under the age of ~~seventeen~~ **eighteen**
8 knowingly to consent to the person's entrance or detention in the practice of
9 prostitution.

10 **B.(1) Lack of knowledge of the age of the person practicing prostitution**
11 **shall not be a defense.**

12 **(2) It shall not be a defense to prosecution for a violation of this Section**
13 **that the person practicing prostitution consented to the activity prohibited by**
14 **this Section.**

15 ~~B.C.~~ As used in this Section, "sexual intercourse" means anal, oral, or
16 vaginal sexual intercourse.

17 ~~C.D.(1)~~ Whoever violates the provisions **of Paragraph (A)(1)** of this
18 Section shall be fined not more than ~~five~~ **fifty** thousand dollars ~~or imprisoned, with~~
19 ~~or without hard labor~~; **imprisoned at hard labor** for not less than ~~two~~ **fifteen** years
20 nor more than ~~ten~~ **fifty** years, or both.

21 **(2) Whoever violates the provisions of Paragraph (A)(1) of this Section**
22 **when the person practicing prostitution is under the age of fourteen shall be**
23 **fined not more than seventy-five thousand dollars, imprisoned at hard labor for**
24 **not less than twenty- five years nor more than fifty years, or both. Twenty-five**
25 **years of the sentence imposed shall be without benefit of parole, probation, or**
26 **suspension of sentence.**

27 **(3)(a) Whoever violates the provisions of Paragraph (A)(2) of this**
28 **Section shall be required to serve at least five years of the sentence imposed in**
29 **Paragraph (D)(1) of this Section without benefit of parole, probation, or**

1 suspension of sentence.

2 (b) Whoever violates the provisions of Paragraph (A)(2) of this Section
3 shall be required to serve at least ten years of the sentence imposed in
4 Paragraph (D)(2) of this Section without benefit of parole, probation, or
5 suspension of sentence.

6 E. It shall not be a defense to prosecution for a violation of this Section
7 that the person practicing prostitution who is believed to be under the age of
8 eighteen is actually a law enforcement officer or peace officer acting within the
9 scope of his official duties.

10 §83. Soliciting for prostitutes

11 A. Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or
12 transporting a person to any place with the intention of promoting prostitution.

13 B.(1) Whoever commits the crime of soliciting for prostitutes shall be fined
14 not more than five hundred dollars, imprisoned for not more than six months, or
15 both.

16 (2) Whoever commits the crime of soliciting for prostitutes when the
17 person being solicited is under the age of eighteen years shall be fined not more
18 than fifty thousand dollars, imprisoned for less than fifteen years nor more than
19 fifty years, or both.

20 (3) Whoever commits the crime of soliciting for prostitutes when the
21 person being solicited is under the age of fourteen years shall be fined not more
22 than seventy-five thousand dollars, imprisoned for not less than twenty-five
23 years nor more than fifty years, or both.

24 §83.1. Inciting prostitution

25 * * *

26 B.(1) Whoever commits the crime of inciting prostitution shall be fined not
27 more than one thousand dollars or imprisoned for not more than one year, or both.

28 (2) Whoever commits the crime of inciting prostitution of persons under
29 the age of eighteen years shall be fined not more than fifty thousand dollars,

1 **imprisoned for less than fifteen years nor more than fifty years, or both.**

2 **(3) Whoever commits the crime of inciting prostitution of persons under**
3 **the age of fourteen years shall be fined not more than seventy-five thousand**
4 **dollars, imprisoned for not less than twenty-five years nor more than fifty years,**
5 **or both.**

6 §83.2. Promoting prostitution

7 * * *

8 B.(1) Whoever commits the crime of promoting prostitution shall be fined
9 not more than five thousand dollars or imprisoned with or without hard labor for not
10 more than two years, or both.

11 **(2) Whoever commits the crime of promoting prostitution of persons**
12 **under the age of eighteen years shall be fined not more than fifty thousand**
13 **dollars, imprisoned for less than fifteen years nor more than fifty years, or both.**

14 **(3) Whoever commits the crime of promoting prostitution of persons**
15 **under the age of fourteen years shall be fined not more than seventy-five**
16 **thousand dollars, imprisoned for not less than twenty-five years nor more than**
17 **fifty years, or both.**

18 §83.3. Prostitution by massage

19 * * *

20 **D. It shall be an affirmative defense to prosecution for a violation of this**
21 **Section that, during the time of the alleged commission of the offense, the**
22 **defendant was a victim of trafficking of children for sexual purposes as**
23 **provided in R.S. 14:46.3(E).**

24 §83.4. Massage; sexual conduct prohibited

25 * * *

26 **C. It shall be an affirmative defense to prosecution for a violation of this**
27 **Section that, during the time of the alleged commission of the offense, the**
28 **defendant was a victim of trafficking of children for sexual purposes as**
29 **provided in R.S. 14:46.3(E).**

1 §84. Pandering

2 A. Pandering is any of the following intentional acts:3 (1) Enticing, placing, persuading, encouraging, or causing the entrance of
4 any person into the practice of prostitution, either by force, threats, promises, or by
5 any other device or scheme;

6 (2) Maintaining a place where prostitution is habitually practiced;

7 (3) Detaining any person in any place of prostitution by force, threats,
8 promises, or by any other device or scheme;9 (4) Receiving or accepting by a person as a substantial part of support or
10 maintenance anything of value which is known to be from the earnings of any person
11 engaged in prostitution;12 (5) Consenting, on the part of any parent or tutor of any person, to the
13 person's entrance or detention in the practice of prostitution;~~or.~~14 (6) Transporting any person from one place to another for the purpose of
15 promoting the practice of prostitution.16 B.(1) Whoever commits the crime of pandering shall be fined not more than
17 five thousand dollars, imprisoned with or without hard labor for not more than five
18 years, or both.19 (2) Whoever commits the crime of pandering involving the prostitution
20 of persons under the age of eighteen years shall be fined not more than fifty
21 thousand dollars, imprisoned for less than fifteen years nor more than fifty
22 years, or both.23 (3) Whoever commits the crime of pandering involving the prostitution
24 of persons under the age of fourteen years shall be fined not more than seventy-
25 five thousand dollars, imprisoned for not less than twenty-five years nor more
26 than fifty years, or both.

27 §85. Letting premises for prostitution

28 A. Letting premises for prostitution is the granting of the right of use or the
29 leasing of any premises, knowing that they are to be used for the practice of

1 prostitution, or allowing the continued use of the premises with such knowledge.

2 B.(1) Whoever commits the crime of letting premises for prostitution shall
3 be fined not more than five hundred dollars, ~~or~~ imprisoned for not more than six
4 months, or both.

5 (2) Whoever commits the crime of letting premises for prostitution of
6 persons under the age of eighteen years shall be fined not more than fifty
7 thousand dollars, imprisoned for less than fifteen years nor more than fifty
8 years, or both.

9 (3) Whoever commits the crime of letting premises for prostitution of
10 persons under the age of fourteen years shall be fined not more than seventy-
11 five thousand dollars, imprisoned for not less than twenty-five years nor more
12 than fifty years, or both.

13 * * *

14 §86. Enticing persons into prostitution

15 * * *

16 B.(1)(a) Whoever commits the crime of enticing persons into prostitution
17 shall be imprisoned, with or without hard labor, for not less than two years nor more
18 than ten years.

19 (b) Whoever commits the crime of enticing persons into prostitution
20 when the person being enticed into prostitution is under the age of eighteen
21 years shall be fined not more than fifty thousand dollars, imprisoned for less
22 than fifteen years nor more than fifty years, or both.

23 (c) Whoever commits the crime of enticing persons into prostitution
24 when the person being enticed into prostitution is under the age of fourteen
25 years shall be fined not more than seventy-five thousand dollars, imprisoned for
26 not less than twenty-five years nor more than fifty years, or both.

27 * * *

28 C. It shall not be a defense to prosecution for a violation of this Section
29 that the person being enticed is actually a law enforcement officer or peace

1 officer acting in his official capacity.

2 * * *

3 §89. Crime against nature

4 * * *

5 B.(1) Whoever violates the provisions of this Section shall be fined not more
6 than two thousand dollars, ~~or~~ imprisoned, with or without hard labor, for not more
7 than five years, or both.

8 (2) Whoever violates the provisions of this Section with a person under
9 the age of eighteen years shall be fined not more than fifty thousand dollars,
10 imprisoned for less than fifteen years nor more than fifty years, or both.

11 (3) Whoever violates the provisions of this Section with a person under
12 the age of fourteen years shall be fined not more than seventy-five thousand
13 dollars, imprisoned for not less than twenty-five years nor more than fifty years,
14 or both.

15 C. It shall be an affirmative defense to prosecution for a violation of this
16 Section that, during the time of the alleged commission of the offense, the
17 defendant was a victim of trafficking of children for sexual purposes as
18 provided in R.S. 14:46.3(E).

19 * * *

20 §89.2. Crime against nature by solicitation

21 * * *

22 B.

23 * * *

24 (3)(a) Whoever violates the provisions of this Section, when the person
25 being solicited is under the age of ~~seventeen~~ **eighteen** years, shall be fined not more
26 than ~~two~~ **fifty** thousand dollars, ~~or imprisoned, with or without hard labor,~~
27 **imprisoned at hard labor** for not ~~less than fifteen years nor~~ more than ~~five~~ **fifty**
28 years, or both. ~~Lack of knowledge of the age of the person being solicited shall not~~
29 ~~be a defense.~~

1 **(b) Whoever violates the provisions of this Section, when the person**
 2 **being solicited is under the age of fourteen years, shall be fined not more than**
 3 **seventy-five thousand dollars, imprisoned at hard labor for not less than**
 4 **twenty-five years nor more than fifty years, or both. Twenty-five years of the**
 5 **sentence imposed shall be without benefit of parole, probation, or suspension**
 6 **of sentence.**

7 * * *

8 **D.(1) It shall be an affirmative defense to prosecution for a violation of**
 9 **this Section that, during the time of the alleged commission of the offense, the**
 10 **defendant was a victim of trafficking of children for sexual purposes as**
 11 **provided in R.S. 14:46.3(E).**

12 **(2) Lack of knowledge of the age of the person being solicited shall not**
 13 **be a defense.**

14 **(3) It shall not be a defense to prosecution for a violation of Paragraph**
 15 **(B)(3) of this Section that the person being solicited consented to the activity**
 16 **prohibited by this Section.**

17 **(4) It shall not be a defense to prosecution for a violation of Paragraph**
 18 **(B)(3) of this Section that the person being solicited is actually a law**
 19 **enforcement officer or peace officer acting within the scope of his official duties.**

20 * * *

21 §104. Keeping a disorderly place

22 **A.** Keeping a disorderly place is the intentional maintaining of a place to be
 23 used habitually for any illegal purpose.

24 **B.(1)** Whoever commits the crime of keeping a disorderly place shall be
 25 fined not more than five hundred dollars, ~~or~~ imprisoned for not more than six
 26 months, or both.

27 **(2) Whoever commits the crime of keeping a disorderly place for the**
 28 **purpose of prostitution of persons under the age of eighteen years shall be fined**
 29 **not more than fifty thousand dollars, imprisoned for less than fifteen years nor**

1 more than fifty years, or both.

2 (3) Whoever commits the crime of keeping a disorderly place for the
3 purpose of prostitution of persons under the age of fourteen years shall be fined
4 not more than seventy-five thousand dollars, imprisoned for not less than
5 twenty-five years nor more than fifty years, or both.

6 §105. Letting a disorderly place

7 A. Letting a disorderly place is the granting of the right to use any premises
8 knowing that they are to be used as a disorderly place, or allowing the continued use
9 of the premises with such knowledge.

10 B.(1) Whoever commits the crime of letting a disorderly place shall be fined
11 not more than five hundred dollars, or imprisoned for not more than six months, or
12 both.

13 (2) Whoever commits the crime of letting a disorderly place for the
14 purpose of prostitution of persons under the age of eighteen years shall be fined
15 not more than fifty thousand dollars, imprisoned for less than fifteen years nor
16 more than fifty years, or both.

17 (3) Whoever commits the crime of letting a disorderly place for the
18 purpose of prostitution of persons under the age of fourteen years shall be fined
19 not more than seventy-five thousand dollars, imprisoned for not less than
20 twenty-five years nor more than fifty years, or both.

21 * * *

22 §282. Operation of places of prostitution prohibited; penalty

23 A. No person shall maintain, operate, or knowingly own any place or any
24 conveyance used for the purpose of lewdness, assignation, or prostitution, or shall
25 rent or let any place or conveyance to any person with knowledge of or good reason
26 to believe that the lessee intends to use the place or conveyance for the purpose of
27 lewdness, assignation, or prostitution, or reside in, enter, or remain in any place for
28 the purpose of lewdness, assignation, or prostitution.

29 B.(1) Whoever violates or aids, abets, or participates in the violation of this

1 Section shall be fined not less than twenty-five dollars nor more than five hundred
2 dollars, imprisoned for not less than thirty days nor more than six months, or both.

3 (2) Whoever violates any provision of this Section for the purpose of
4 lewdness, assignation, or prostitution of persons under the age of eighteen shall
5 be fined not more than fifty thousand dollars, imprisoned for less than fifteen
6 years nor more than fifty years, or both.

7 (3) Whoever violates any provision of this Section for the purpose of
8 lewdness, assignation, or prostitution of persons under the age of fourteen years
9 shall be fined not more than seventy-five thousand dollars, imprisoned for not
10 less than twenty-five years nor more than fifty years, or both.

11 * * *

12 §403.3. Reports of missing children; procedures; false reports or communications;
13 penalties

14 A.(1) Any state or local law enforcement agency receiving a report of a
15 missing child, or the recovery of a missing child, and having reasonable grounds
16 to believe such report is accurate shall within forty-eight hours after the date of
17 receipt of the report notify each of the following of the fact and contents of such
18 report:

19 * * *

20 C. No person shall intentionally communicate false information concerning
21 a missing child, or the recovery of a missing child, to a law enforcement agency
22 when such information is communicated with the specific intent to delay or
23 otherwise hinder an investigation to locate the child.

24 * * *

25 Section 2. R.S. 15:541(12)(c) and (25)(k) and (l) are hereby amended and reenacted
26 and R.S. 15:541(12)(d) and (25)(m) and (n), and 1308(A)(2)(q) are hereby enacted to read
27 as follows:

28 §541. Definitions

29 For the purposes of this Chapter, the definitions of terms in this Section shall

1 apply:

2 * * *

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

6 * * *

7 (c) A violation of R.S. 14:83, 83.2, or 282 when the prostitution involves
8 persons under the age of eighteen years.

9 ~~(e)~~(d) Any conviction for an offense under the laws of another state, or
10 military, territorial, foreign, tribal, or federal law which is equivalent to the offenses
11 listed in Subparagraphs (a), (b), and ~~(b)~~ (c) of this Paragraph.

12 * * *

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 (k) ~~Repealed by Acts 2008, No. 816, §2.~~ Soliciting for prostitutes when
18 the persons being solicited for prostitution are under the age of eighteen years
19 (R.S. 14:83).

20 (l) Promoting prostitution when the prostitution being promoted
21 involves persons under the age of eighteen years (R.S. 14:83.2).

22 (m) Operation of places of prostitution when the prostitution involves
23 persons under the age of eighteen years (R.S. 14:282).

24 ~~(t)~~(n) Any conviction for an offense under the laws of another state, or
25 military, territorial, foreign, tribal, or federal law which is equivalent to the offenses
26 listed in Subparagraphs (a) through ~~(k)~~ (m) of this Paragraph.

27 * * *

28 §1308. Authorization for interception of wire or oral communications

29 A. The attorney general, or the deputy or any assistant attorney general

1 acting pursuant to the authorization of the attorney general, with the approval of the
 2 district attorney or any assistant district attorney acting pursuant to the written
 3 authorization of the district attorney in whose district the interception of wire or oral
 4 communications shall take place, and the district attorney or authorized assistant
 5 district attorney, with the approval of the attorney general or authorized deputy or
 6 assistant attorney general may authorize an application to a judge in whose district
 7 the interception of wire or oral communications shall take place, and such judge may
 8 grant in conformity with R.S. 15:1310 an order authorizing or approving the
 9 interception of wire or oral communications by an investigative or law enforcement
 10 officer having responsibility for the investigation of the offense as to which the
 11 application is made, when such interception may provide or has provided evidence
 12 of:

* * *

14 (2) The commission, attempted commission, or conspiracy to commit a
 15 crime involving any of the following offenses:

* * *

17 **(q) Domestic minor sex trafficking as defined by R.S. 14:46.2(B)(3) or**
 18 **46.3.**

* * *

20 Section 3. R.S. 40:2521 is hereby amended and reenacted and R.S. 40:2405.7 is
 21 hereby enacted to read as follows:

22 **§2405.7. Training for peace officers; human trafficking and trafficking of**
 23 **children for sexual purposes**

24 **A. The Council on Peace Officer Standards and Training shall develop**
 25 **and conduct a training course for law enforcement officers in the subject of**
 26 **investigating and preventing human trafficking and trafficking of children for**
 27 **sexual purposes.**

28 **B.(1) The training course shall consist of classroom instruction, which**
 29 **can include Internet instruction.**

1 **(2) The training course shall include, at a minimum, instruction on all**
2 **of the following:**

3 **(a) Examination of the state and federal laws with regard to human and**
4 **sexual trafficking.**

5 **(b) Methods for identifying human trafficking and trafficking of**
6 **children for sexual purposes.**

7 **(c) Effective communication with persons traumatized as a result of**
8 **being a victim of human trafficking or trafficking of children for sexual**
9 **purposes.**

10 **(d) Therapeutically appropriate investigative and treatment techniques.**

11 **(e) Collaboration with federal law enforcement officials.**

12 **(f) Rights of and protections afforded to victims of human trafficking**
13 **and trafficking of children for sexual purposes.**

14 **(g) The availability of community resources to assist victims of human**
15 **trafficking and trafficking of children for sexual purposes.**

16 **C. In addition to funds made available by the legislature and the**
17 **Louisiana Commission on Law Enforcement and Administration of Criminal**
18 **Justice, the council may accept gifts, grants, and donations from whatever**
19 **sources as are available for the purposes of this Section.**

20 **D. This training course shall be fully implemented by January 1, 2013,**
21 **and completion of the course shall be recognized by issuance of a certificate.**

22 **E. The council shall report annually to the legislature on the**
23 **implementation of the program. The program shall include a description of the**
24 **activities of the training course, the number of law enforcement officers trained,**
25 **data as to the results of the program, the progress of the trained officers, all**
26 **costs associated with the program, and any other information relevant to**
27 **program effectiveness.**

28 **F. The provisions of this Section shall be implemented provided that**
29 **funding is available.**

* * *

§2521. Law enforcement agency receiving report of missing or recovered child;
duty

The law enforcement agency which receives an initial report of a missing child or the recovery of a missing child shall immediately report the missing or recovered child to national law enforcement agencies and the state law enforcement agencies of neighboring states. This notification shall include entry of the ~~child's~~ name of the child into the National Crime Information Center registry. These reports shall be made for each reported missing child without regard to whether the child is believed to be missing due to stranger abduction, parental abduction, or any other cause.

Section 4. R.S. 46:1433 and 1809(B)(3)(d) and (4)(a) are hereby amended and reenacted to read as follows:

§1433. Notification of location of missing and/or exploited child

A. The parent, guardian, or legal custodian responsible for notifying the clearinghouse or a law enforcement agency of a missing ~~and/or~~ or exploited child shall immediately notify such agency or the clearinghouse of any child whose location has been determined.

B. Any law enforcement agency shall transmit information of the recovery of a missing child to the clearinghouse who shall maintain the information in the central repository pursuant to R.S. 46:1431 and 1432.

* * *

§1809. Criteria for making awards; prohibitions; authority to deny or reduce awards

* * *

B. In making its determination, the following provisions shall apply:

* * *

(3) No award of reparations shall be made if the board finds that:

* * *

(d) The claimant was the offender or an accessory, or that an award to the

1 claimant would unjustly benefit any of them. **However, such ineligibility shall not**
2 **apply if the claimant is a victim of human trafficking or trafficking of children**
3 **for sexual purposes.**

4 * * *

5 (4) The board may deny or reduce an award:

6 (a) If it finds that the behavior of the victim at the time of the crime giving
7 rise to the claim was such that the victim bears some measure of responsibility for
8 the crime that caused the physical injury, death, or catastrophic property loss or for
9 the physical injury, death, or catastrophic property loss. **However, such ineligibility**
10 **shall not apply if the claimant is a victim of human trafficking or trafficking of**
11 **children for sexual purposes.**

12 * * *

13 Section 5. Code of Criminal Procedure Article 571.1 is hereby amended and
14 reenacted to read as follows:

15 Art. 571.1. Time limitation for certain sex offenses

16 Except as provided by Article 572 of this Chapter, the time within which to
17 institute prosecution of the following sex offenses: sexual battery (R.S. 14:43.1),
18 second degree sexual battery (R.S. 14:43.2), oral sexual battery (R.S. 14:43.3),
19 **human trafficking (R.S. 14:46.2(B)(2) or (B)(3)), trafficking of children for**
20 **sexual purposes (R.S. 14:46.3)**, felony carnal knowledge of a juvenile (R.S. 14:80),
21 indecent behavior with juveniles (R.S. 14:81), **pornography involving juveniles**
22 **(R.S. 14:81.1)**, molestation of a juvenile (R.S. 14:81.2), **prostitution of persons**
23 **under eighteen (R.S. 14:82.1)**, **enticing persons into prostitution (R.S. 14:86)**,
24 crime against nature (R.S. 14:89), aggravated crime against nature (R.S. 14:89.1),
25 **crime against nature by solicitation (R.S. 14:89.2(B)(3))**, incest (R.S. 14:78), or
26 aggravated incest (R.S. 14:78.1) which involves a victim under seventeen years of
27 age, regardless of whether the crime involves force, serious physical injury, death,
28 or is punishable by imprisonment at hard labor shall be thirty years. This thirty-year
29 period begins to run when the victim attains the age of eighteen.

1 Section 6. Children's Code Articles 603(3), 728(1), 804(3) and (5), and 1015(3)(i)
2 and (l) are hereby amended and reenacted and Children's Code Articles 606(A)(6) and
3 918(D) are hereby enacted to read as follows:

4 Art. 603. Definitions

5 As used in this Title:

6 * * *

7 (3) "Caretaker" means any person legally obligated to provide or secure
8 adequate care for a child, including a parent, tutor, guardian, legal custodian, foster
9 home parent, an employee of a public or private day care center, an operator or
10 employee of a registered family child day care home, or other person providing a
11 residence for the child. **"Caretaker" shall also include any person who exercises**
12 **custody, control, or supervision over the child or who has assumed care of the**
13 **child regardless of whether such person has been granted custody of the child**
14 **by any contract, agreement, or legal proceeding, or any person with whom the**
15 **child currently resides.**

16 * * *

17 Art. 606. Grounds; child in need of care

18 A. Allegations that a child is in need of care must assert one or more of the
19 following grounds:

20 * * *

21 **(6) The child is a victim of trafficking of children for sexual purposes.**

22 * * *

23 Art. 728. Definitions

24 As used in this Title:

25 (1) "Caretaker" means any person providing a residence for the child or any
26 person legally obligated to provide or secure adequate care for the child, including
27 a parent, tutor, guardian, or legal custodian. **"Caretaker" shall also include any**
28 **person who exercises custody, control, or supervision over the child or who has**
29 **assumed care of the child regardless of whether such person has been granted**

1 custody of the child by any contract, agreement, or legal proceeding, or any
2 person with whom the child currently resides.

3 * * *

4 Art. 804. Definitions

5 As used in this Title:

6 * * *

7 (3) "Delinquent act" means an act committed by a child of ten years of age
8 or older which if committed by an adult is designated an offense under the statutes
9 or ordinances of this state, or of another state if the offense occurred there, or under
10 federal law, except traffic violations. It includes an act constituting an offense under
11 R.S. 14:95.8, an act constituting an offense under R.S. 14:81.1.1(A)(2), and a direct
12 contempt of court committed by a child. **"Delinquent act" shall not include a**
13 **violation of R.S. 14:82, 83.3, 83.4, 89, or 89.2 when, during the time of the**
14 **alleged commission of the offense, the child was a victim of trafficking of**
15 **children for sexual purposes pursuant to R.S. 14:46.3(E).**

16 * * *

17 (5) "Felony-grade delinquent act" means an offense that if committed by an
18 adult, may be punished by death or by imprisonment at hard labor. **"Felony-grade**
19 **delinquent act" shall not include a violation of R.S. 14:82, 83.3, 83.4, 89, or 89.2**
20 **when, during the time of the alleged commission of the offense, the child was a**
21 **victim of trafficking of children for sexual purposes pursuant to R.S. 14:46.3(E).**

22 * * *

23 Art. 918. Grounds

24 * * *

25 **D. Records concerning conduct or conditions that resulted in a**
26 **misdemeanor or felony adjudication for R.S. 14:82, 83.3, 83.4, 89, or 89.2, when,**
27 **during the time of the commission of the offense, the person was a victim of**
28 **trafficking of children for sexual purposes pursuant to R.S. 14:46.3(E), may be**
29 **expunged upon petition to the court provided that the person has no**

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outstanding indictment or bill of information charging him.

* * *

Art. 1015. Grounds

The grounds for termination of parental rights are:

* * *

(3) Misconduct of the parent toward this child or any other child of the parent or any other child in his household which constitutes extreme abuse, cruel and inhuman treatment, or grossly negligent behavior below a reasonable standard of human decency, including but not limited to the conviction, commission, aiding or abetting, attempting, conspiring, or soliciting to commit any of the following:

* * *

(i) Abuse or neglect which is chronic, life threatening, or results in gravely disabling physical or psychological injury or disfigurement. **This shall include, but not be limited to acts which are prohibited by R.S. 14:46.2(B)(2) and (B)(3).**

* * *

(l) Sexual abuse, which shall include, but is not limited to acts which are prohibited by R.S. 14: 43.1, 43.2, **46.3**, 80, 81, 81.1, 81.2, **82.1(A)(2)**, 89 and 89.1.

* * *

Section 7. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Angela L. De Jean.

DIGEST

Present law provides that it shall be unlawful to engage in the following: human trafficking (R.S. 14:46.2), trafficking of children for sexual purposes (R.S. 14:46.3), pornography involving juveniles (R.S. 14:81.1), computer-aided solicitation of a minor (R.S. 14:81.3), prostitution (R.S. 14:82), prostitution of persons under eighteen (R.S. 14:82.1), soliciting for prostitutes (R.S. 14:83), inciting prostitution (R.S. 14:83.1), promoting prostitution (R.S. 14:83.2), prostitution by massage (R.S. 14:83.3), prohibited sexual conduct during massage

(R.S. 14:83.4), pandering (R.S. 14:84), letting premises for prostitution (R.S. 14:85), enticing persons into prostitution (R.S. 14:86), crime against nature (R.S. 14:89), crime against nature by solicitation (R.S. 14:89.2), keeping a disorderly place (R.S. 14:104), letting a disorderly place (R.S. 14:105), and operation of places of prostitution (R.S. 14:282).

Proposed law provides for a comprehensive revision to present law provisions, including the following major changes:

- (1) Increases penalties for prostitution-related offenses when the prostitution involves persons under the age of 18 and provides for enhanced penalties when the prostitution involves persons under the age of 14.
- (2) Provides an affirmative defense to prosecution for certain prostitution offenses when, during the time of the alleged commission of the offense, the defendant was a victim of trafficking of children for sexual purposes.
- (3) Provides that it shall not be a defense to prosecution for human trafficking, trafficking of children for sexual purposes, prostitution of persons under age 18, and crime against nature by solicitation that the person being trafficked or who is practicing prostitution is actually a law enforcement officer or peace officer acting within the official scope of his duties.
- (4) Provides that it shall not be a defense to prosecution for pornography involving juveniles, computer-aided solicitation, prostitution of persons under 18, and crime against nature by solicitation that the person under the age of 18 consented to the prohibited actions.
- (5) Provides that any person who, after having been convicted within this state of a prior sex offense shall be punished by life imprisonment at hard labor without benefit of probation, parole, or suspension of sentence.
- (6) Amends the crime of computer-aided solicitation, prostitution of persons under 18, crime against nature by solicitation, and pornography involving juveniles to apply to persons under the age of 18, instead of the present law age of 17.
- (7) Extends the crime of trafficking of children for sexual purposes to include the sale or offer to sell travel services that include or facilitate trafficking.
- (8) Amends the crime of prostitution of persons under 18 to add a minimum mandatory prison sentence for any parent or tutor of the child who consents to the child's entrance or detention in the practice of prostitution.
- (9) Increases penalties for the crime of pornography involving juveniles.
- (10) Amends the sex offender registration provisions to require persons convicted of certain prostitution offenses involving persons under the age of 18 to register for a period of 25 years.
- (11) Amends present law governing the reporting of missing children to require the reporting of rescued children to the Missing and Exploited Children Information Clearinghouse and the National Crime Information Center registry.
- (12) Adds investigations of domestic minor sex trafficking to the list of offenses for which the interception of wire or oral communications are authorized and the resulting evidence is admissible.
- (13) Amends present law regarding crime-victim reparations to provide that ineligibility, or reduction of the reparation awards when the victim was an accessory or otherwise

involved in the crime, shall not apply to human trafficking or trafficking of children for sexual purposes.

- (14) Adds the following crimes to the list of present law offenses which have a 30-year time limit in which to initiate prosecution: human trafficking (R.S. 14:46.2) when the trafficking involves sexual services or the persons under the age of 18, trafficking of children for sexual purposes (R.S. 14:46.3), pornography involving juveniles (R.S. 14:81.1), prostitution of persons under eighteen (R.S. 14:82.1), enticing persons into prostitution (R.S. 14:86), and crime against nature by solicitation (R.S. 14:89.2) when the person being solicited is under the age of 18 years.
- (15) Amends the definition of "caretaker" for purposes of accessing of services for a Child in Need of Care or a Family in Need of Services to include a trafficker who has custody or control of a child in order to allow the child access to protective services, and adds victims of trafficking of children for sexual purposes to the list of grounds for which a child may be considered a "child in need of care".
- (16) Amends the definition of "delinquent act" and "felony-grade delinquent act" to exclude certain prostitution offenses when, during the time of the alleged commission of the offense, the child was a victim of sex trafficking.
- (17) Adds the following to the list of grounds for which a person's parental rights are terminated:
- (1) Misconduct involving human trafficking (R.S. 14:46.2) when the trafficking involves sexual services or the persons under the age of 18.
 - (2) Sexual abuse including trafficking of children for sexual purposes (R.S. 14:46.3) and parental consent to the child's entrance or detention in the practice of prostitution (R.S. 14:82.1).
- (18) Provides that records concerning conduct or conditions resulting in an adjudication for the following crimes may also be expunged upon petition to the court when, during the commission of the offense, the person was a victim of trafficking of children for sexual purposes and provided that there is no outstanding indictment or bill of information charging him: prostitution (R.S. 14:82), prostitution by massage (R.S. 14:83.3), prohibited sexual conduct during massage (R.S. 14:83.4), crime against nature (R.S. 14:89), and crime against nature by solicitation (R.S. 14:89.2).
- (19) Provides for the development of a law enforcement training course on the investigation and prevention of human trafficking and trafficking of children for sexual purposes.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:46.2(D), 46.3(D)(1) and (2), 81.1(A)(1), (B)(5), (D), and (E)(1), (2), (4), and (5)(a) and (b), (F)(1) and (G)(intro para), 81.3(A)(1) and (2), (B)(1)(a) and (c), and (C), 82.1, 83, 83.1(B), 83.2(B), 84, 85, 86(B)(1), 89(B), 89.2(B)(3), 104, 105, 282, and 403.3(A)(1)(intro para) and (C), R.S. 15:541(12)(c) and (25)(k) and (l), R.S. 40:2521, R.S. 46:1433 and 1809(B)(3)(d) and (4)(a), C.Cr.P. Art. 571.1 and Ch.C. Arts. 603(3), 728(1), 804(3) and (5), and 1015(3)(i) and (l); adds R.S. 14:46.2(E), 46.3(A)(6), (C)(3) and (D)(1)(c), 82(C)(4) and (5) and (G), 83.3(D), 83.4(C), 86(C), 89(C), and 89.2(D), R.S. 15:541(12)(d) and (25)(m) and (n), and 1308(A)(2)(q), R.S. 40:2405.7, and Ch.C. Arts. 606(A)(6) and 918(D))