

2017 Regular Session

SENATE BILL NO. 197

BY SENATOR BISHOP

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/PUNISHMENT. Provides for harsher penalties for persons who knowingly allow the sale of illegal drugs and prostitution on their property. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 14:104(B)(1), (2) and (3), 105(B), and 282(B)(1), (2) and (3),

3 relative to crimes related to various offenses including prostitution and possession

4 and distribution of illegal drugs; to increase the penalties for the crimes of keeping

5 a disorderly place, letting a disorderly place, and operation of places of prostitution;

6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:104(B)(1), (2) and (3), 105(B), and 282(B)(1), (2) and (3) are
9 hereby amended and reenacted to read as follows:

10 §104. Keeping a disorderly place

11 * * *

12 B.(1) ~~Whoever~~ **Except as provided in Paragraph (2) or (3) of this**

13 **Subsection, whoever** commits the crime of keeping a disorderly place shall be fined

14 not more than ~~five hundred~~ **one thousand** dollars, imprisoned **with or without hard**

15 **labor** for not more than ~~six months~~ **one year**, or both.

16 (2) Whoever commits the crime of keeping a disorderly place for the purpose

17 of prostitution of persons under the age of eighteen years shall be fined not more

1 than ~~forty~~ **seventy-five** thousand dollars, imprisoned at hard labor for not less than
2 ~~fifteen~~ **twenty** years nor more than fifty years, or both.

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

7 * * *

8 §105. Letting a disorderly place

9 * * *

10 B.(1) ~~Whoever~~ **Except as provided in Paragraph (2), (3), or (4) of this**
11 **Subsection, whoever** commits the crime of letting a disorderly place shall be fined
12 not more than ~~five hundred~~ **one thousand** dollars, imprisoned **with or without hard**
13 **labor** for not more than ~~six months~~ **one year**, or both.

14 (2) **Whoever commits the crime of keeping a disorderly place for the**
15 **purpose of prostitution of persons eighteen years of age or older or for the**
16 **purpose of any violation of the Uniform Controlled Dangerous Substances Law**
17 **shall be fined not less than five thousand dollars nor more than twenty-five**
18 **thousand dollars, imprisoned at hard labor for not less than one year nor more**
19 **than ten years, or both.**

20 (3) Whoever commits the crime of letting a disorderly place for the purpose
21 of prostitution of persons under the age of eighteen years shall be fined not **less than**
22 **twenty-five thousand dollars nor** more than ~~forty~~ **seventy-five** thousand dollars,
23 imprisoned at hard labor for not less than ~~fifteen~~ **twenty** years nor more than fifty
24 years, or both.

25 (3) (4) Whoever commits the crime of letting a disorderly place for the
26 purpose of prostitution of persons under the age of fourteen years shall be fined not
27 **less than fifty thousand dollars nor** more than ~~seventy-five~~ **one hundred** thousand
28 dollars, imprisoned at hard labor for not less than ~~twenty-five~~ **thirty** years nor more
29 than fifty years, or both.

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 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 Alden A. Clement Jr.

DIGEST

SB 197 Original

2017 Regular Session

Bishop

Present law provides that the crime of keeping a disorderly place is the intentional maintaining of a place to be used habitually for any illegal purpose.

Proposed law retains present law.

Present law provides that whoever commits the crime of keeping a disorderly place is to be fined up to \$500, imprisoned for not more than six months, or both.

Proposed law increases the maximum fine for the crime of keeping a disorderly place to \$1,000 and increases the maximum term of imprisonment to one year. Proposed law further adds the possibility of imprisonment at hard labor to the imprisonment penalty, making the crime a felony. Proposed law otherwise retains present law.

Present law provides that whoever commits the crime of keeping a disorderly place for the purpose of prostitution of persons under the age of 18 years is to be fined up to \$50,000, imprisoned at hard labor for not less than 15 years nor more than 50 years, or both.

Proposed law increases the maximum fine for the crime of keeping a disorderly place for the purpose of prostitution of persons under the age of 18 years to \$75,000 and the minimum term of imprisonment to 20 years. Proposed law otherwise retains present law.

Present law provides that whoever commits the crime of keeping a disorderly place for the purpose of prostitution of persons under the age of 14 years is to be fined up to \$75,000, imprisoned at hard labor for not less than 25 years nor more than 50 years, or both.

Proposed law increases the maximum fine for the crime of keeping a disorderly place for the purpose of prostitution of persons under the age of 14 years to \$100,000 and the minimum term of imprisonment to 30 years. Proposed law otherwise retains present law.

Present law provides that the crime of letting a disorderly place is the granting of the right to use any premises knowing that they are to be used as a disorderly place, or allowing the continued use of the premises with such knowledge.

Proposed law retains present law.

Present law provides that whoever commits the crime of letting a disorderly place is to be fined not more than \$500, imprisoned for not more than six months, or both.

Proposed law increases the maximum fine for the crime of letting a disorderly place to \$1,000 and increases the maximum term of imprisonment to one year. Proposed law further adds the possibility of imprisonment at hard labor to the imprisonment penalty, making the

crime a felony. Proposed law otherwise retains present law.

Present law provides that whoever commits the crime of letting a disorderly place for the purpose of prostitution of persons under the age of 18 years is to be fined up to \$50,000, imprisoned at hard labor for not less than 15 years nor more than 50 years, or both.

Proposed law sets a minimum fine of \$25,000 for the crime of letting a disorderly place for the purpose of prostitution of persons under the age of 18 years and increases the maximum fine to \$75,000, and increases the minimum term of imprisonment to 20 years.

Present law provides that whoever commits the crime of letting a disorderly place for the purpose of prostitution of persons under the age of 14 years is to be fined up to \$75,000, imprisoned at hard labor for not less than 25 years nor more than 50 years, or both.

Proposed law sets a minimum fine of \$50,000 for the crime of letting a disorderly place for the purpose of prostitution of persons under the age of 14 years and increases the maximum fine to \$100,000, and increases the minimum term of imprisonment to 30 years. Proposed law otherwise retains present law.

Proposed law further provides that whoever commits the crime of keeping a disorderly place for the purpose of prostitution of persons 18 years of age or older or for the purpose of any violation of the Uniform Controlled Dangerous Substances Law is to be fined between \$5,000 and \$25,000, imprisoned at hard labor for between one year and 10 years, or both.

Proposed law otherwise retains present law.

Present law provides that the operation of places of prostitution is prohibited. Present law further provides that no person can maintain, operate, or knowingly own any place or any conveyance used for the purpose of lewdness, assignation, or prostitution. Present law further provides that no person can rent or let any place or conveyance to any person with knowledge of or good reason to believe that the lessee intends to use the place or conveyance for the purpose of lewdness, assignation, or prostitution. Present law further provides that no person can reside in, enter, or remain in any place for the purpose of lewdness, assignation, or prostitution.

Proposed law retains present law.

Present law provides that whoever violates or aids, abets, or participates in the violation of the present law prohibition against operating a place of prostitution is to be fined not less than \$25 nor more than \$500, imprisoned for not less than 30 days nor more than six months, or both.

Proposed law increases the minimum fine for the crime of operating a place of prostitution to \$500 and increases the maximum fine to \$1,000, and increases the maximum term of imprisonment to one year. Proposed law further adds the possibility of imprisonment at hard labor, making the crime a felony. Proposed law otherwise retains present law.

Present law provides that whoever violates the present law prohibition against operating a place of prostitution relative to persons under the age of 18 years is to be fined not more than \$50,000, imprisoned at hard labor for not less than 15 years nor more than 50 years, or both.

Proposed law sets a minimum fine of \$25,000 for the crime of operating a place of prostitution relative to a person under the age of 18 years and increases the maximum fine to \$75,000, and increases the minimum term of imprisonment to 20 years. Proposed law otherwise retains present law.

Present law provides that whoever commits the crime of operating a place of prostitution relative to a person under the age of 14 years is to be fined up to \$75,000, imprisoned at hard

labor for not less than 25 years nor more than 50 years, or both.

Proposed law sets a minimum fine of \$50,000 for the crime of operating a place of prostitution relative to a person under the age of 14 and increases the maximum fine to \$100,000, and increases the minimum term of imprisonment to 30 years. Proposed law otherwise retains present law.

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

(Amends R.S. 14:104(B)(1), (2), and (3), 105(B), and 282(B)(1), (2) and (3))