

---

The original instrument was prepared by Michelle Ducharme. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jeanne Johnston.

---

## DIGEST

Martiny (SB 56)

Present law criminalizes and penalizes cyberstalking, human trafficking, trafficking of children for sexual purposes, felony carnal knowledge of a juvenile, indecent behavior with juveniles, pornography involving juveniles, molestation of a juvenile, computer-aided solicitation of a minor, and enticing persons into prostitution.

Proposed law retains present law and provides for the seizure and impoundment of the personal property used in the commission of any of the following crimes: cyberstalking, human trafficking, trafficking of children for sexual purposes, felony carnal knowledge of a juvenile, indecent behavior with juveniles, pornography involving juveniles, molestation of a juvenile, computer-aided solicitation of a minor, and enticing persons into prostitution.

Proposed law further provides that after conviction of these certain sex crimes, the property shall be sold at public sale or public auction by the district attorney.

Proposed law exempts personal property from sale as follows:

1. If the property was stolen or if the owner did not know his property was being used in the commission of the crime.
2. If the property is subject to a lien recorded prior to the date of the offense and the applicable fees related to the property's seizure and storage are paid by a valid lien holder.

Proposed law provides that property subject to forfeiture pursuant to proposed law shall be exempt from forfeiture when a spouse, co-owner, or interest holder in the property establishes by sworn affidavit that:

1. That he had no knowledge of the commission of the criminal conduct and could not have reasonably known of the conduct.
2. That he did not consent to the use of property in the commission of the criminal conduct.
3. That he owns an interest in the property otherwise subject to forfeiture.

Proposed law further provides that intentionally falsifying information required to render property exempt from forfeiture shall subject the affiant to prosecution pursuant to existing law that imposes penalties for false swearing.

Proposed law provides that the proceeds of the public sale or public auction shall pay the costs of

the sale or auction, court costs, and fees related to the seizure and storage of the personal property and any proceeds remaining shall be distributed in the following manner:

1. 60% to the seizing agency or agencies in an equitable manner.
2. 20% to the prosecuting agency.
3. 20% to the criminal court fund of the parish in which the offender was prosecuted.

Effective August 15, 2010.

(Amends R.S. 14:80(D), 81.1(E)(3), (4), (5) and (6), and 86; adds R.S. 14:40.3(C)(4), 46.2(B)(4), 46.3(D)(3), 81(H)(3), 81.1(E)(7), 81.2(G), and 81.3(B)(4) and R.S. 15:539.1)

### Summary of Amendments Adopted by Senate

#### Senate Floor Amendments to engrossed bill.

1. Provides for exemption of property from forfeiture through execution of a sworn affidavit containing specified information.
2. Provides for a penalty for falsifying information in order to render property exempt from forfeiture.