

# GREEN SHEET REDIGEST

HB 5

2025 Regular Session

Jackson

## CRIME/SEX OFFENSES: Provides relative to penalties for certain sex offenses

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### DIGEST

Present law (R.S. 14:46.3) provides for the offense of trafficking of children for sexual purposes and provides for various penalties.

Proposed law retains present law generally.

Proposed law adds, as a circumstance under which an offender shall be prosecuted under present law, when any person knowingly solicits or purchases a person under the age of 18 years for the purpose of engaging in commercial sexual activity.

Proposed law further provides a penalty in present law (R.S. 14:46.3(D)(2)) for an offender convicted under this circumstance that consists of a fine of not more than \$50,000, imprisonment at hard labor for not less than 15 nor more than 50 years, or both, with at least five years being served without benefit of probation, parole, or suspension of sentence.

Present law (R.S. 14:82.1) provides for the crime of prostitution with a person under 18.

Proposed law repeals present law and removes all cross-references to present law.

Present law (R.S. 14:82.2) provides for the offense of purchase of commercial sexual activity and provides for various penalties.

Proposed law retains present law generally.

Present law (R.S. 14:82.2(C)(1)) provides that whoever commits the crime of purchase of commercial sexual activity shall be fined not more than \$750 or be imprisoned for not more than six months, or both, and ½ of the fines collected shall be distributed in accordance with present law (R.S. 15:539).

Proposed law amends present law to change the maximum fine from \$750 to \$1,000 and to change the maximum term of imprisonment from six months to one year with or without hard labor.

Present law (R.S. 14:83) provides for the offense of soliciting for prostitutes and provides for various penalties.

Proposed law retains present law generally.

Present law (R.S. 14:83(B)(1)(b)) provides that whoever commits a second or subsequent offense of soliciting for prostitutes shall be fined not less than \$1,500 nor more than \$2,000, imprisoned for not more than one year, or both. Present law further provides that ½ of the fines collected shall be distributed in accordance with present law (R.S. 15:539.4).

Proposed law amends present law to provide that for a second or subsequent offense of soliciting for prostitutes, the term of imprisonment shall be with or without hard labor.

Proposed law provides that any child who is identified to be a victim of the crime of soliciting for prostitutes shall be referred and eligible for specialized services for victims of human trafficking pursuant to present law (R.S. 14:46.2) or trafficking of children for sexual purposes pursuant to present law (R.S. 14:46.3). Further provides that in accordance with present law (R.S. 14:46.3(E)), no victim of trafficking of children for sexual purposes shall be prosecuted for a violation of present law (R.S. 14:83) if such violation is committed as a direct result of being trafficked.

Proposed law provides that any other person who is 18 years of age or older who is identified as a victim of the crime of soliciting for prostitutes shall be notified of any treatment or specialized services for sexually exploited persons to the extent that such services are available.

Present law (R.S. 14:82.2, 83, 83.1, 83.2, 84, 85, 86, 89.2, 104, 105, 282) provides for various prostitution-related offenses and provides for penalties.

Proposed law retains present law generally, but amends present law to provide that the punishment under certain circumstances for these offenses shall be in accordance with the present law penalty for trafficking of children for sexual purposes (R.S. 14:46.3(D)(2)).

Present law (R.S. 15:541) provides for definitions relative to sex offenders.

Proposed law retains present law.

Present law (R.S. 15:541(24)(a)) defines the term "sex offense".

Proposed law amends present law to include the crime of soliciting for prostitutes when the person being solicited is under the age of 18 or 14 within the term "sex offense".

(Amends R.S. 14:46.3(A)(1) and (D)(2), 82.2(C)(1), (4), and (5), 83(B)(1)(b), (2), and (3), 83.1(B)(2) and (3), 83.2(B)(2) and (3), 84(B)(2) and (3), 85(B)(2) and (3), 86(B)(1)(b) and (c), 89.2(B)(3), 104(B)(2) and (3), 105(B)(2) and (3), and 282(B)(2) and (3), R.S. 15:539.1(A), 539.2(A), 541(24)(a), R.S. 46:1844(W)(2)(a), and C.Cr.P. Art. 571.1; adds, R.S. 14:46.3(A)(7) and 83(C); Repeals R.S. 14:82.1 and R.S. 15:541(25)(g) and 1352(A)(47))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Within the present law crime (R.S. 14:82.2) of purchase of commercial sexual activity, change the penalties as follows:
  - (a) For a first offense, change the maximum fine from \$750 to \$1,000 and change the maximum term of imprisonment from six months to one year with or without hard labor.
  - (b) For an offense involving a person under 18 years of age or a person the offender knows to be a victim of human trafficking or trafficking of children for sexual purposes, change the minimum fine from \$3,000 to \$5,000.
  - (c) For an offense involving a person under 14 years of age, change the minimum fine from \$5,000 to \$10,000.
3. Provide eligibility for specialized services that are provided to victims of the present law crimes of human trafficking or trafficking of children for sexual purposes to any child who is identified to be a victim of the present law crime of soliciting for prostitutes (R.S. 14:83).
4. Clarify that no victim of the present law crime of soliciting for prostitutes (R.S. 14:83) shall be prosecuted for a violation of soliciting for prostitutes if such violation is committed as a direct result of being trafficked.
5. Clarify that any other person who is 18 years of age or older who is identified as a victim of the present law crime of soliciting for prostitutes (R.S. 14:83) shall be notified of any treatment or specialized services for sexually exploited persons to the extent that such services are available.

6. Designate as a sex offense the present law crime of soliciting for prostitutes when the person being solicited is under the age of 18 or under the age of 14 rather than a second or subsequent offense of soliciting for prostitutes.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Add a circumstance that constitutes the present law offense of trafficking of children for sexual purposes (R.S. 14:46.3).
3. Change the penalties for various present law sex offenses to align with the present law penalty for trafficking of children for sexual purposes (R.S. 14:46.3(D)(2)).
4. Repeal the present law crime of prostitution with persons under the age of 18 (R.S. 14:82.1) and remove cross-references to this offense.

Summary of Amendments Adopted by Senate

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

1. Change proposed law penalty for soliciting for prostitutes from up to one year imprisonment at hard labor to imprisonment with or without hard labor.
2. Make 30-year time limitation to prosecute the crime of prostitution of persons under 18 applicable to offenses committed prior to August 1, 2025.
3. Make technical changes.