

2026 Regular Session

HOUSE BILL NO. 161

BY REPRESENTATIVE MACK

HUMAN TRAFFICKING: Provides relative to bail conditions for defendants alleged to have committed certain human trafficking offenses

## 1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 320(G), relative to bail  
3 conditions; to provide relative to bail conditions for certain defendants; to provide  
4 for the duties of the court; to provide for technical changes; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 320(G) is hereby amended and  
8 reenacted to read as follows:

9 Art. 320. Conditions of bail undertaking

10 \* \* \*

11 G. Domestic offenses, stalking, ~~and~~ sex offenses, and human trafficking.

12 (1) In determining the conditions of release of a defendant ~~who~~, the court  
13 shall consider the previous criminal history of the defendant and whether the  
14 defendant poses a threat or danger to the victim when the defendant is alleged to  
15 have committed any of the following offenses:

16 (a) ~~an~~ An offense against the defendant's family or household member, as  
17 defined in R.S. 46:2132, or against the defendant's dating partner, as defined in R.S.  
18 46:2151, ~~or who is alleged to have committed the offense of~~.

19 (b) ~~domestic~~ Domestic abuse battery ~~under the provisions~~ in violation of R.S.  
20 14:35.3, ~~or who is alleged to have committed the offense of~~.

1           (c) ~~battery~~ Battery of a dating partner ~~under the provisions in violation of~~  
2           R.S. 14:34.9, ~~or who is alleged to have committed the offense of.~~

3           (d) ~~stalking~~ Stalking ~~under the provisions in violation of R.S. 14:40.2, or~~  
4           ~~who is alleged to have committed the offense of.~~

5           (e) ~~cyberstalking~~ Cyberstalking ~~under the provisions in violation of R.S.~~  
6           ~~14:40.3, or who is alleged to have committed the offense of.~~

7           (f) ~~violation~~ Violation of protective orders ~~under the provisions in violation~~  
8           ~~of R.S. 14:79, or who is alleged to have committed the offense of.~~

9           (g) ~~unlawful~~ Unlawful communications ~~under the provisions in violation of~~  
10          ~~R.S. 14:285, or who is alleged to have committed a.~~

11          (h) ~~sexual~~ Sexual assault as defined in R.S. 46:2184, ~~the court shall consider~~  
12          ~~the previous criminal history of the defendant and whether the defendant poses a~~  
13          ~~threat or danger to the victim.~~

14          (i) Human trafficking in violation of R.S. 14:46.2.

15          (j) Trafficking of children for sexual purposes in violation of R.S. 14:46.3.

16          (2) If the court determines that the defendant poses such a threat or danger,  
17          it shall require as a condition of bail that the defendant refrain from going to the  
18          residence or household of the victim, the victim's school, and the victim's place of  
19          employment or otherwise contacting the victim in any manner whatsoever, and shall  
20          refrain from having any further contact with the victim.

21          (3) The court shall also require as a condition of bail that the defendant be  
22          prohibited from communicating, by electronic communication, in writing, or orally,  
23          with a victim of the offense or with any of the victim's immediate family members.  
24          This condition ~~shall~~ does not apply if the victim consents by way of a request to the  
25          court and the court issues an order permitting the communication. If an immediate  
26          family member of the victim consents by way of a request to the court and the court  
27          issues an order permitting the communication, then the defendant may contact that  
28          person.

1           (4)(a) If the defendant is alleged to have committed the offense of human  
2           trafficking under the provisions of R.S. 14:46.2 or trafficking of children for sexual  
3           purposes under R.S. 14:46.3, the court shall require as a condition of bail that the  
4           defendant refrain from engaging in any of the following employment:

5           (i) A transportation network company driver as provided in Part C of  
6           Chapter 4 of Title 45 of the Louisiana Revised Statutes of 1950.

7           (ii) Operation of any bus, taxicab, or limousine for hire as defined in R.S.  
8           15:553.

9           (iii) A service worker who goes into a residence to provide any type of  
10          service.

11          (iv) Operation of any carnival or amusement ride as defined in R.S. 15:553.

12          (v) A door-to-door solicitor, peddler, or itinerant vendor selling any type of  
13          goods or services including magazines or periodicals or subscriptions to magazines  
14          or periodicals.

15          (vi) Supervisory or disciplinary authority over children.

16          (vii) Operation or participation in the governance of any early learning center  
17          as defined in R.S. 17:407.33, residential home as defined in R.S. 46:1403, or  
18          residence in which child care services are provided by a family child care provider  
19          or in-home provider who is registered pursuant to R.S. 17:407.61 et seq.

20          (b) In determining the conditions of release and employment restrictions of  
21          the defendant pursuant to Subparagraph (a) of this Paragraph, the court shall consider  
22          the previous criminal history of the defendant and whether the defendant poses a  
23          threat or danger to the public.

24          (5) The court shall also consider any statistical evidence prepared by the  
25          United States Department of Justice relative to the likelihood of ~~such~~ the defendant  
26          or any person in general who has raped or molested victims under the age of thirteen  
27          years to commit sexual offenses against a victim under the age of thirteen in the  
28          future.

(2) (6) If the defendant is alleged to have committed any of the offenses included in Subparagraph (1) of this Paragraph and is denied bail or is unable to post bail and is therefore incarcerated prior to trial, the court may issue an order ~~under~~ pursuant to this Paragraph prohibiting the defendant from communicating, by electronic communication, in writing, or orally, with a victim of the offense, or with any of the victim's immediate family members. This condition ~~shall~~ does not apply if the victim consents by way of a request to the court and the court issues an order permitting the communication. If an immediate family member of the victim consents by way of a request to the court and the court issues an order permitting the communication, then the defendant may contact that person.

(3) (7) In all cases, the court shall issue and shall file into the record any order issued pursuant to this Paragraph and shall serve the defendant with the order by personal service. The court shall also comply with the provisions of Paragraph H of this Article.

15 \* \* \*

# DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 161 Original

2026 Regular Session

Mack

**Abstract:** Provides relative to bail conditions for defendants alleged to have committed certain human trafficking offenses.

Present law provides for bail conditions.

Proposed law generally retains present law.

Present law provides bail conditions for defendants who are alleged to have committed domestic violence offenses, stalking, and sex offenses.

Proposed law retains present law and adds alleged offenses that involve human trafficking.

Present law requires the court to consider the previous criminal history of the defendant and whether the defendant poses a threat or danger to the victim when the defendant is alleged to have committed certain offenses.

Proposed law retains present law and includes this mandatory consideration for defendants alleged to have committed human trafficking or trafficking of children for sexual purposes.

Proposed law requires the court, as a condition of bail, to impose a restriction that a defendant who is alleged to have committed the offense of human trafficking or trafficking of children for sexual purposes refrain from engaging in employment that involves any of the following:

- (1) A transportation network company driver.
- (2) Operation of any bus, taxicab, or limousine for hire.
- (3) A service worker who goes into a residence to provide any type of service.
- (4) Operation of any carnival or amusement ride.
- (5) A door-to-door solicitor, peddler, or itinerant vendor selling any type of goods or services including magazines or periodicals or subscriptions to magazines or periodicals.
- (6) Supervisory or disciplinary authority over children.
- (7) Operation or participation in the governance of any early learning center, residential home, or residence in which child care services are provided by a registered family child care provider or in-home provider.

Proposed law requires the court to consider the previous criminal history of the defendant and whether the defendant poses a threat or danger to the public in determining the conditions of release and employment restrictions of the defendant pursuant to proposed law.

(Amends C.Cr.P. Art. 320(G))