

2026 Regular Session

HOUSE BILL NO. 321

BY REPRESENTATIVE LAFLEUR

HUMAN TRAFFICKING: Provides relative to victims of human trafficking and prostitution offenses

1 AN ACT

2 To amend and reenact R.S. 14:46.2(F)(1), 46.3(E), 82(G), 82.1(A)(introductory paragraph)
3 and (1), (B), (D)(2) and (3)(b), (E), and (F), 82.2(E), 83(C), 83.3(D), 83.4(C),
4 89(C)(2), and 89.2(D)(1) and (5) and Children's Code Articles 804(3) and (5) and
5 839(D) and to enact R.S. 14:83.1(C), 83.2(C), and 84(C), relative to victims of
6 human trafficking and prostitution offenses; to provide for an exemption from
7 criminal responsibility and delinquency proceedings; to provide relative to
8 affirmative defenses for prosecution of certain offenses; to provide eligibility for
9 specialized services; to provide relative to conduct that constitutes prostitution; to
10 revise certain terminology relative to prostitution involving persons under eighteen
11 years of age; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 14:46.2(F)(1), 46.3(E), 82(G), 82.1(A)(introductory paragraph) and
14 (1), (B), (D)(2) and (3)(b), (E), and (F), 82.2(E), 83(C), 83.3(D), 83.4(C), 89(C)(2), and
15 89.2(D)(1) and (5) are hereby amended and reenacted and R.S. 14:83.1(C), 83.2(C), and
16 84(C) are hereby enacted to read as follows:

17 §46.2. Human trafficking

18 * * *

19 F.(1) A victim of trafficking involving services that include commercial
20 sexual activity or a sex offense as defined in R.S. 15:541 shall have an affirmative

1 defense to prosecution for any of the following offenses which were committed as
2 a direct result of being trafficked:

- 3 (a) R.S. 14:82 (Prostitution).
- 4 (b) R.S. 14:83 (Soliciting for prostitutes).
- 5 ~~(b)~~ (c) R.S. 14:83.3 (Prostitution by massage).
- 6 ~~(c)~~ (d) R.S. 14:83.4 (Massage; sexual conduct prohibited).
- 7 ~~(d)~~ (e) R.S. 14:89 (Crime against nature).
- 8 ~~(e)~~ (f) R.S. 14:89.2 (Crime against nature by solicitation).

9 * * *

10 §46.3. Trafficking of children for sexual purposes

11 * * *

12 E.(1) No victim of trafficking as provided by the provisions of this Section
13 shall be prosecuted for unlawful acts committed as a direct result of being trafficked.
14 ~~Any child determined to be a victim pursuant to the provisions of this Subsection~~
15 ~~shall be eligible for specialized services for sexually exploited children.~~

16 (2) Any child who is engaged in prostitution or prostitution-related offenses
17 is presumed to be a victim of human trafficking. A child victim of trafficking as
18 provided by the provisions of this Section is exempt from criminal responsibility and
19 delinquency proceedings for prostitution-related offenses.

20 (3) Any child determined to be a victim pursuant to the provisions of this
21 Subsection is eligible for specialized services for sexually exploited children as
22 provided in R.S. 46:2161.

23 * * *

24 §82. Prostitution; definition; penalties; enhancement

25 * * *

26 G.~~(1)~~ ~~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 defendant~~
28 ~~was a victim of trafficking of children for sexual purposes as provided in R.S.~~
29 ~~14:46.3(E). Any child determined to be a victim pursuant to the provisions of this~~

1 ~~Paragraph shall be eligible for specialized services for sexually exploited children.~~

2 Any child who is engaged in prostitution is presumed to be a victim of human
3 trafficking pursuant to R.S. 14:46.3(E) and is exempt from criminal responsibility
4 and delinquency proceedings for such offenses. A child victim of human trafficking
5 shall be referred and eligible for specialized services for victims of human
6 trafficking.

7 (2) It shall be an affirmative defense to prosecution for a violation of this
8 Section that, during the time of the alleged commission of the offense, the defendant
9 is determined to be a victim of human trafficking pursuant to the provisions of R.S.
10 14:46.2(F). Any person, eighteen years of age or older, who is determined to be a
11 victim ~~pursuant to the provisions of this Paragraph~~ of human trafficking shall be
12 notified of any treatment or specialized services for human trafficking victims or
13 sexually exploited persons to the extent that such services are available.

14 §82.1. Prostitution; persons under eighteen; additional offenses

15 A. It shall be unlawful to do any of the following:

16 (1) For any person over the age of seventeen to engage in sexual intercourse
17 with any person under the age of eighteen ~~who is practicing prostitution, who~~
18 receives or agrees to receive anything of value as compensation for such activity and
19 there is an age difference of greater than two years between the two persons.

20 * * *

21 B.(1) Lack of knowledge of the age of the person ~~practicing prostitution~~ who
22 the offender engages in sexual intercourse with shall not be a defense.

23 (2) It shall not be a defense to prosecution for a violation of this Section that
24 the person ~~practicing prostitution~~ who the offender engages in sexual intercourse
25 with consented to the activity prohibited by this Section.

26 * * *

27 D.

28 * * *

1 (2) Any person, eighteen years of age or older, who is determined to be a
2 victim of this offense shall be notified of any treatment or specialized services for
3 human trafficking victims or sexually exploited persons to the extent that such
4 services are available.

5 * * *

6 §83. Soliciting for prostitutes

7 * * *

8 C.(1) ~~Any child who is identified to be a victim of the crime of soliciting for~~
9 ~~prostitutes shall be referred and be eligible for specialized services for victims of~~
10 ~~human trafficking pursuant to R.S. 14:46.2 or trafficking of children for sexual~~
11 ~~purposes pursuant to R.S. 14:46.3. In accordance with R.S. 14:46.3(E), no victim~~
12 ~~of trafficking of children for sexual purposes shall be prosecuted for a violation of~~
13 ~~this Section if such violation is committed as a direct result of being trafficked. Any~~
14 ~~child who is engaged in prostitution-related offenses is presumed to be a victim of~~
15 ~~human trafficking pursuant to R.S. 14:46.3(E) and is exempt from criminal~~
16 ~~responsibility and delinquency proceedings for such offenses. A child victim of~~
17 ~~human trafficking shall be referred and be eligible for specialized services for~~
18 ~~victims of human trafficking.~~

19 (2) It shall be an affirmative defense to prosecution for a violation of this
20 Section that, during the time of the alleged commission of the offense, the defendant
21 is determined to be a victim of human trafficking pursuant to the provisions of R.S.
22 14:46.2(F). Any other person who is eighteen years of age or older who is ~~identified~~
23 ~~as~~ determined to be a victim of the crime of soliciting for prostitutes human
24 trafficking shall be notified of any treatment or specialized services for human
25 trafficking victims or sexually exploited persons to the extent that such services are
26 available.

27 §83.1. Inciting prostitution

28 * * *

1 human trafficking shall be referred and be eligible for specialized services for
2 victims of human trafficking.

3 (2) It shall be an affirmative defense to prosecution for a violation of this
4 Section that, during the time of the alleged commission of the offense, the defendant
5 is determined to be a victim of human trafficking pursuant to the provisions of R.S.
6 14:46.2(F). Any person, eighteen years of age or older, who is determined to be a
7 victim ~~pursuant to the provisions of this Paragraph~~ of human trafficking shall be
8 notified of any treatment or specialized services for human trafficking victims or
9 sexually exploited persons to the extent that such services are available.

10 §83.4. Massage; sexual conduct prohibited

11 * * *

12 ~~C.(1) It shall be an affirmative defense to prosecution for a violation of this~~
13 ~~Section that, during the time of the alleged commission of the offense, the defendant~~
14 ~~was a victim of trafficking of children for sexual purposes as provided in R.S.~~
15 ~~14:46.3(E). Any child determined to be a victim pursuant to the provisions of this~~
16 ~~Paragraph shall be eligible for specialized services for sexually exploited children.~~
17 Any child who is engaged in prostitution-related offenses is presumed to be a victim
18 of human trafficking pursuant to R.S. 14:46.3(E) and is exempt from criminal
19 responsibility and delinquency proceedings for such offenses. A child victim of
20 human trafficking shall be referred and be eligible for specialized services for
21 victims of human trafficking.

22 (2) It shall be an affirmative defense to prosecution for a violation of this
23 Section that, during the time of the alleged commission of the offense, the defendant
24 is determined to be a victim of human trafficking pursuant to the provisions of R.S.
25 14:46.2(F). Any person, eighteen years of age or older, who is determined to be a
26 victim ~~pursuant to the provisions of this Paragraph~~ of human trafficking shall be
27 notified of any treatment or specialized services for human trafficking victims or
28 sexually exploited persons to the extent that such services are available.

1 §84. Pandering

2 * * *

3 C.(1) Any child who is engaged in prostitution-related offenses is presumed
4 to be a victim of human trafficking pursuant to R.S. 14:46.3(E) and is exempt from
5 criminal responsibility and delinquency proceedings for such offenses. A child
6 victim of human trafficking shall be referred and be eligible for specialized services
7 for victims of human trafficking.

8 (2) Any person who is eighteen years of age or older who is determined to
9 be a victim of human trafficking shall be notified of any treatment or specialized
10 services for human trafficking victims or sexually exploited persons to the extent that
11 such services are available.

12 * * *

13 §89. Crime against nature

14 * * *

15 C.

16 * * *

17 (2) It shall be an affirmative defense to prosecution for a violation of
18 Paragraph (A)(1) of this Section that, during the time of the alleged commission of
19 the offense, the defendant is determined to be a victim of human trafficking pursuant
20 to the provisions of R.S. 14:46.2(F). Any person determined to be a victim pursuant
21 to the provisions of this Paragraph shall be notified of any treatment or specialized
22 services for victims of human trafficking and sexually exploited persons to the extent
23 that such services are available.

24 * * *

25 §89.2. Crime against nature by solicitation

26 * * *

27 D.(1) It shall be an affirmative defense to prosecution for a violation of this
28 Section that, during the time of the alleged commission of the offense, the defendant
29 was a victim of trafficking of children for sexual purposes as provided in R.S.

1 14:46.3(E). Any child determined to be a victim ~~pursuant to the provisions of this~~
2 ~~Paragraph of this offense~~ shall be eligible for specialized services for ~~sexually~~
3 ~~exploited children~~ victims of human trafficking pursuant to R.S. 14:46.2 or
4 trafficking of children for sexual purposes pursuant to R.S. 14:46.3.

5 * * *

6 (5) It shall be an affirmative defense to prosecution for a violation of this
7 Section that, during the time of the alleged commission of the offense, the defendant
8 is determined to be a victim of human trafficking pursuant to the provisions of R.S.
9 14:46.2(F). Any person determined to be a victim ~~pursuant to the provisions of this~~
10 ~~Paragraph of this offense~~ shall be notified of any treatment or specialized services
11 for victims of human trafficking and sexually exploited persons to the extent that
12 such services are available.

13 Section 2. Children's Code Articles 804(3) and (5) and 839(D) are hereby amended
14 and reenacted to read as follows:

15 Art. 804. Definitions

16 As used in this Title:

17 * * *

18 (3) "Delinquent act" means an act committed by a child of ten years of age
19 or older which if committed by an adult is designated an offense ~~under~~ pursuant to
20 the statutes or ordinances of this state, or of another state if the offense occurred
21 there, or under federal law, except traffic violations. It includes an act constituting
22 an offense ~~under~~ pursuant to R.S. 14:95.8, an act constituting an offense ~~under~~
23 pursuant to R.S. 14:81.1.1(A)(2), and a direct contempt of court committed by a
24 child. "Delinquent act" ~~shall~~ does not include a violation of R.S. 14:82, 83.3, 83.4,
25 89, or 89.2 for a child who, during the time of the alleged commission of the offense,
26 was a victim of trafficking of children for sexual purposes pursuant to R.S.
27 14:46.3(E)(2).

28 * * *

1 (5) "Felony-grade delinquent act" means an offense that if committed by an
 2 adult, may be punished by death or by imprisonment at hard labor. "Felony-grade
 3 delinquent act" ~~shall~~ does not include a violation of R.S. 14:82, 83.3, 83.4, 89, or
 4 89.2 for a child who, during the time of the alleged commission of the offense, was
 5 a victim of trafficking of children for sexual purposes pursuant to R.S. 14:46.3(E)(2).

6 * * *

7 Art. 839. Availability of an informal adjustment agreement

8 * * *

9 D.(1) Where a petition involves an allegation of an ~~act of prostitution~~
 10 ~~pursuant to R.S. 14:82, prostitution by massage pursuant to R.S. 14:83.3 or 83.4, or~~
 11 ~~crimes against nature by solicitation pursuant to R.S. 14:89.2 and it is the child's first~~
 12 ~~offense~~ unlawful act committed as a direct result of the child being a victim of
 13 human trafficking, pursuant to R.S. 14:46.3(E)(1), and the child expresses a
 14 willingness to cooperate and receive specialized services for sexually exploited
 15 children, the district attorney may effect an informal adjustment agreement which
 16 includes specialized services for the child.

17 (2) If, however, the child has previously been adjudicated a delinquent ~~in~~
 18 ~~violation of R.S. 14:82, 83.3, 83.4, or 89.2~~ or is unwilling to cooperate with
 19 specialized services for sexually exploited children, continuing with the delinquency
 20 proceeding shall be within the discretion of the district attorney.

21 (3) The specialized services referenced in Subparagraph (1) of this Paragraph
 22 may include but are not limited to safe and stable housing, victim advocacy services,
 23 comprehensive ~~on-site~~ onsite case management, integrated mental health and
 24 chemical dependency services, including specialized trauma recovery services,
 25 education and employment training, and referrals to ~~off-site~~ offsite specialized
 26 services, as appropriate.

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 321 Original

2026 Regular Session

LaFleur

Abstract: Provides relative to specialized services for victims of human trafficking and prostitution-based offenses.

Present law (R.S. 14:46.2) provides for the crime of human trafficking and provides for penalties.

Proposed law retains present law.

Present law provides that a victim of trafficking involving services that include commercial sexual activity or a sex offense has an affirmative defense to prosecution for certain offenses which were committed as a direct result of being trafficked.

Proposed law retains present law and adds the offense of soliciting for prostitutes (R.S. 14:83) to this list.

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

Proposed law retains present law.

Present law prohibits the prosecution of a victim of trafficking of children for sexual purposes for unlawful acts committed as a direct result of being trafficked. Further provides eligibility for specialized services.

Proposed law retains present law and provides that any child who is engaged in prostitution or prostitution-related offenses is presumed to be a victim of human trafficking. Further exempts a child who is a victim of trafficking of children for sexual purposes from criminal responsibility and delinquency proceedings for prostitution-related offenses.

Present law provides for the offenses of prostitution, prostitution involving persons under age 18, purchase of commercial sexual activity, soliciting for prostitutes, inciting prostitution, promoting prostitution, prostitution by massage, massages involving prohibited sexual conduct, pandering, crime against nature, and crime against nature by solicitation.

Proposed law generally retains present law.

Proposed law amends present law as follows:

- (1) Relative to specialized services for victims of certain prostitution-based offenses or sex offenses:
 - (a) Provides that any child who is a victim is eligible for specialized services for sexually exploited children, human trafficking victims, victims of trafficking children for sexual purposes, or a combination thereof.
 - (b) Requires any victim who is 18 years of age or older to be notified of specialized services for sexually exploited persons, human trafficking victims, or a combination thereof.

- (2) Relative to affirmative defenses and culpability, provides that any child who is engaged in certain prostitution-related offenses is presumed to be a victim of human trafficking and is exempt from criminal responsibility and delinquency proceedings for such offenses.

Present law (R.S. 14:82.1) provides that one of the elements of prostitution involving persons under age 18 is when any person over the age of 17 engages with any person under the age of 18 and there is an age difference of greater than two years between the two persons.

Proposed law amends present law to include as an element that a thing of value for such activity must be received or agreed to be received as compensation. Further removes all references to "practicing prostitution" contained in present law (R.S. 14:82.1).

Present law (Ch.C. Art. 804) provides for definitions.

Proposed law retains present law and adds a specific cross-reference within the terms "delinquent act" and "felony-grade delinquent act".

Present law (Ch.C. Art. 839) provides for the availability of informal adjustment agreements.

Proposed law generally retains present law.

Present law permits the district attorney to effect an informal adjustment agreement which includes specialized services for the child where a petition involves certain prostitution-based offenses, and it is the child's first offense, and the child expresses a willingness to cooperate and receive specialized services for sexually exploited children.

Proposed law amends present law to change the alleged acts from certain prostitution-based offenses to an unlawful act committed as a direct result of the child being a victim of human trafficking.

Present law permits the district attorney to continue with a delinquency proceeding if a child has previously been adjudicated a delinquent for certain prostitution-based offenses or is unwilling to cooperate with specialized services for sexually exploited children.

Proposed law removes the references to certain prostitution-based offenses.

Present law provides for options that are included within specialized services.

Proposed law retains present law and adds victim advocacy services as an option.

(Amends R.S. 14:46.2(F)(1), 46.3(E), 82(G), 82.1(A)(intro. para.) and (1), (B), (D)(2) and (3)(b), (E), and (F), 82.2(E), 83(C), 83.3(D), 83.4(C), 89(C)(2), and 89.2(D)(1) and (5) and Ch.C. Arts. 804(3) and (5) and 839(D); Adds R.S. 14:83.1(C), 83.2(C), and 84(C))