

2026 Regular Session

HOUSE BILL NO. 321

BY REPRESENTATIVES LAFLEUR, BOUDREAUX, BOYER, HORTON, KNOX,
MOORE, AND WILEY

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

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

* * *

§46.3. Trafficking of children for sexual purposes

* * *

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

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

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

* * *

§82. Prostitution; definition; penalties; enhancement

* * *

G.~~(1)~~ ~~It shall be an affirmative defense to prosecution for a violation of this Section that, during the time of the alleged commission of the offense, the defendant was a victim of trafficking of children for sexual purposes as provided in R.S. 14:46.3(E). Any child determined to be a victim pursuant to the provisions of this Paragraph shall be eligible for specialized services for sexually exploited children.~~ Any child who is engaged in prostitution is presumed to be a victim of human trafficking pursuant to R.S. 14:46.3(E) and is exempt from criminal responsibility

1 and delinquency proceedings for such offenses. A child victim of human trafficking
2 shall be referred and eligible for specialized services for victims of human
3 trafficking.

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

11 §82.1. Prostitution; persons under eighteen; additional offenses

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

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

17 * * *

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

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

23 * * *

24 D.

25 * * *

26 (2) Whoever violates the provisions of Paragraph (A)(1) of this Section when
27 the person ~~practicing prostitution~~ who the offender engages in sexual intercourse
28 with is under the age of fourteen shall be fined not more than seventy-five thousand
29 dollars, imprisoned at hard labor for not less than twenty-five years nor more than

1 fifty years, or both. Twenty-five years of the sentence imposed shall be without
2 benefit of parole, probation, or suspension of sentence.

3 (3)

4 * * *

5 (b) Whoever violates the provisions of Paragraph (A)(2) of this Section when
6 the person ~~practicing prostitution~~ who the offender engages in sexual intercourse
7 with is under the age of fourteen shall be required to serve at least ten years of the
8 sentence imposed in Paragraph (2) of this Subsection without benefit of parole,
9 probation, or suspension of sentence.

10 E. It shall not be a defense to prosecution for a violation of this Section that
11 the person ~~practicing prostitution who is believed~~ who the offender engages in sexual
12 intercourse with and who the offender believes to be under the age of eighteen is
13 actually a law enforcement officer or peace officer acting within the official scope
14 of his duties.

15 F. ~~Any person determined to be a victim of this offense shall be eligible for~~
16 ~~specialized services for sexually exploited children.~~ Any child who is determined
17 to be a victim of this offense shall be referred and be eligible for specialized services
18 for victims of human trafficking pursuant to R.S. 14:46.2 or trafficking of children
19 for sexual purposes pursuant to R.S. 14:46.3.

20 §82.2. Purchase of commercial sexual activity; penalties

21 * * *

22 E.(1) Any child under the age of eighteen who is determined to be a victim
23 of this offense shall be eligible for specialized services for ~~sexually exploited~~
24 ~~children~~ victims of human trafficking pursuant to R.S. 14:46.2 or trafficking of
25 children for sexual purposes pursuant to R.S. 14:46.3.

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

30 * * *

1 §83. Soliciting for prostitutes

2 * * *

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

14 (2) It shall be an affirmative defense to prosecution for a violation of this
15 Section that, during the time of the alleged commission of the offense, the defendant
16 is determined to be a victim of human trafficking pursuant to the provisions of R.S.
17 14:46.2(F). Any other person who is eighteen years of age or older who is ~~identified~~
18 ~~as determined to be~~ a victim of ~~the crime of soliciting for prostitutes~~ human
19 trafficking shall be notified of any treatment or specialized services for human
20 trafficking victims or sexually exploited persons to the extent that such services are
21 available.

22 §83.1. Inciting prostitution

23 * * *

24 C.(1) Any child who is determined to be a victim of this offense shall be
25 referred and be eligible for specialized services for victims of human trafficking
26 pursuant to R.S. 14:46.2 or trafficking of children for sexual purposes pursuant to
27 R.S. 14:46.3.

28 (2) Any person who is eighteen years of age or older who is determined to
29 be a victim of human trafficking shall be notified of any treatment or specialized

1 services for human trafficking victims or sexually exploited persons to the extent that
2 such services are available.

3 §83.2. Promoting prostitution

4 * * *

5 C.(1) Any child who is determined to be a victim of this offense shall be
6 referred and be eligible for specialized services for victims of human trafficking
7 pursuant to R.S. 14:46.2 or trafficking of children for sexual purposes pursuant to
8 R.S. 14:46.3.

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

13 §83.3. Prostitution by massage

14 * * *

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

25 (2) It shall be an affirmative defense to prosecution for a violation of this
26 Section that, during the time of the alleged commission of the offense, the defendant
27 is determined to be a victim of human trafficking pursuant to the provisions of R.S.
28 14:46.2(F). Any person, eighteen years of age or older, who is determined to be a
29 victim pursuant to the provisions of this Paragraph of human trafficking shall be

1 notified of any treatment or specialized services for human trafficking victims or
2 sexually exploited persons to the extent that such services are available.

3 §83.4. Massage; sexual conduct prohibited

4 * * *

5 C.(1) ~~It shall be an affirmative defense to prosecution for a violation of this~~
6 ~~Section that, during the time of the alleged commission of the offense, the defendant~~
7 ~~was a victim of trafficking of children for sexual purposes as provided in R.S.~~
8 ~~14:46.3(E). Any child determined to be a victim pursuant to the provisions of this~~
9 ~~Paragraph shall be eligible for specialized services for sexually exploited children.~~
10 Any child who is engaged in prostitution-related offenses is presumed to be a victim
11 of human trafficking pursuant to R.S. 14:46.3(E) and is exempt from criminal
12 responsibility and delinquency proceedings for such offenses. A child victim of
13 human trafficking shall be referred and be eligible for specialized services for
14 victims of human trafficking.

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

22 §84. Pandering

23 * * *

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

1 is determined to be a victim of human trafficking pursuant to the provisions of R.S.
2 14:46.2(F). Any person determined to be a victim ~~pursuant to the provisions of this~~
3 ~~Paragraph of this offense~~ shall be notified of any treatment or specialized services
4 for victims of human trafficking and sexually exploited persons to the extent that
5 such services are available.

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

8 Art. 804. Definitions

9 As used in this Title:

10 * * *

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

21 * * *

22 (5) "Felony-grade delinquent act" means an offense that if committed by an
23 adult, may be punished by death or by imprisonment at hard labor. "Felony-grade
24 delinquent act" ~~shall~~ does not include a violation of R.S. 14:82, 83.3, 83.4, 89, or
25 89.2 for a child who, during the time of the alleged commission of the offense, was
26 a victim of trafficking of children for sexual purposes pursuant to R.S. 14:46.3(E)(2).

27 * * *

1 Art. 839. Availability of an informal adjustment agreement

2 * * *

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

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

15 (3) The specialized services referenced in Subparagraph (1) of this Paragraph
16 may include but are not limited to safe and stable housing, victim advocacy services,
17 comprehensive ~~on-site~~ onsite case management, integrated mental health and
18 chemical dependency services, including specialized trauma recovery services,
19 education and employment training, and referrals to ~~off-site~~ offsite specialized
20 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 Engrossed

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))