
DIGEST

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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))