

RÉSUMÉ DIGEST

ACT 637 (HB 321)

2026 Regular Session

LaFleur

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

Existing 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 listed offenses which were committed as a direct result of being trafficked.

New law adds the offense of soliciting for prostitutes (R.S. 14:83) to the list of offenses to which the victim has an affirmative defense.

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

Existing 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.

New law 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.

Existing 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.

New law does the following:

- (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.

Existing 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.

New law includes as an element of prostitution 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".

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

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

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

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

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

Existing law applied to prostitution-based offenses. New law applies existing law to any unlawful act committed as a direct result of the child being a victim of human trafficking.

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

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

New law adds victim advocacy services as an option.

Effective August 1, 2026.

(Amends R.S. 14:46.2(F)(1), 46.3(A)(1) and (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))