
 DIGEST

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SB 90 Reengrossed

2016 Regular Session

Johns

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

The present law crime of human trafficking provides that it shall be unlawful for any person to knowingly recruit, harbor, transport, provide, solicit, receive, isolate, entice, obtain, or maintain the use of another person through fraud, force, or coercion to provide services or labor.

Proposed law expands the crime of human trafficking to provide that it shall also be unlawful for any person to knowingly recruit, harbor, transport, provide, solicit, sell, purchase, receive, isolate, entice, obtain, or maintain the use of a person under the age of 21 years for the purpose of engaging in commercial sexual activity regardless of whether the person was recruited, harbored, transported, provided, solicited, sold, purchased, received, isolated, enticed, obtained, or maintained through fraud, force, or coercion. Proposed law further provides that it shall not be a defense to prosecution for a violation of proposed law that the person did not know the age of the victim or that the victim consented to the prohibited activity.

Provides that any person who violates the provisions of proposed law shall be fined up to \$50,000, imprisoned at hard labor for 15 to 50 years, or both.

Present law requires persons convicted of human trafficking to register and provide notification as a sex offender pursuant to present law if the offenses involves a person under the age of 18 years or when the trafficking is for services that include commercial sexual activity or any sexual conduct constituting a crime under the laws of this state.

Proposed law amends present law to require sex offender registration and notification by those persons convicted of human trafficking whose offense involved a victim who was 18, 19, or 20 years of age.

(Amends R.S. 14:46.2(A)(1) and (B)(2) and R.S. 15:541(2)(o) and (12)(b))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Makes technical changes.

Senate Floor Amendments to engrossed bill

1. Technical amendments to conform present law in related statutes with proposed law.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the reengrossed bill:

1. Amend the crime of human trafficking to prohibit the trafficking of persons under the age of 21 years for the purpose of engaging in commercial sexual activity regardless of whether the offender used force, fraud, or coercion; to provide that it shall not be a defense to prosecution that the offender did not know the age of the victim or that the victim consented to the prohibited activity; and to provide penalties for offenders who commit this particular offense.
2. Require persons convicted of human trafficking of a person under the age of 21 years to register and provide notification as a sex offender.
3. Delete the changes to the present law crime of trafficking of children for sexual purposes (R.S. 14:46.3).
4. Make technical corrections by removing other provisions from the bill that are no longer necessary due to other amendments.