

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 5

2025 Regular Session

Jackson

CRIME/SEX OFFENSES: Provides relative to penalties for certain sex offenses

Synopsis of Senate Amendments

1. Makes technical changes.
2. Changes the proposed law penalty for soliciting for prostitutes from a maximum of one year imprisonment at hard labor to a maximum of one year imprisonment with or without hard labor.
3. Changes the proposed law penalties for certain prostitution-based offenses committed under certain circumstances to align these provisions with the present law penalty for trafficking of children for sexual purposes (R.S. 14:46.3(D)(2)).
4. Restores the present law (R.S. 14:82.1) crime of prostitution with persons under 18 and restores all references to this offense in present law.
5. Restores the present law (R.S. 14:89.2(3)(b)) penalty for crime against nature by solicitation involving a person under 14 years of age.
6. Removes proposed law that makes the 30-year time limitation to prosecute the crime of prostitution with persons under 18 applicable to offenses committed prior to August 1, 2025.

Digest of Bill as Finally Passed by Senate

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

Proposed law retains present law generally.

Proposed law adds, as a circumstance under which an offender shall be prosecuted under present law, when any person knowingly solicits or purchases a person under the age of 18 years for the purpose of engaging in commercial sexual activity.

Proposed law further provides a penalty in present law (R.S. 14:46.3(D)(2)) for an offender convicted under this proposed law circumstance that consists of a fine of not more than \$50,000, imprisonment at hard labor for not less than 15 nor more than 50 years, or both, with at least five years being served without benefit of probation, parole, or suspension of sentence.

Present law (R.S. 14:82.2) provides for the offense of purchase of commercial sexual activity and provides for various penalties.

Proposed law retains present law generally.

Present law (R.S. 14:82.2(C)(1)) provides that whoever commits the crime of purchase of commercial sexual activity shall be fined not more than \$750 or be imprisoned for not more than six months, or both, and 1/2 of the fines collected shall be distributed in accordance with present law (R.S. 15:539).

Proposed law amends present law to change the maximum fine from \$750 to \$1,000 and to

change the maximum term of imprisonment from six months to one year with or without hard labor.

Present law (R.S. 14:83) provides for the offense of soliciting for prostitutes and provides for various penalties.

Proposed law retains present law generally.

Present law (R.S. 14:83(B)(1)(b)) provides that whoever commits a second or subsequent offense of soliciting for prostitutes shall be fined not less than \$1,500 nor more than \$2,000, imprisoned for not more than one year, or both. Present law further provides that 1/2 of the fines collected shall be distributed in accordance with present law (R.S. 15:539.4).

Proposed law amends present law to provide that for a second or subsequent offense of soliciting for prostitutes, the term of imprisonment shall be with or without hard labor.

Proposed law provides that any child who is identified to be a victim of the crime of soliciting for prostitutes shall be referred and eligible for specialized services for victims of human trafficking pursuant to present law (R.S. 14:46.2) or trafficking of children for sexual purposes pursuant to present law (R.S. 14:46.3). Further provides that in accordance with present law (R.S. 14:46.3(E)), no victim of trafficking of children for sexual purposes shall be prosecuted for a violation of present law (R.S. 14:83) if such violation is committed as a direct result of being trafficked.

Proposed law provides that any other person who is 18 years of age or older who is identified as a victim of the crime of soliciting for prostitutes shall be notified of any treatment or specialized services for sexually exploited persons to the extent that such services are available.

Present law (R.S. 14:82.2, 83, 83.1, 83.2, 84, 85, 86, 89.2, 104, 105, 282) provides for various prostitution-related offenses and provides for penalties.

Proposed law retains present law generally, but amends present law to align the punishment for these offenses under certain circumstances with the present law penalty for trafficking of children for sexual purposes (R.S. 14:46.3(D)(2)).

Present law (R.S. 15:541) provides for definitions relative to sex offenders.

Proposed law retains present law.

Present law (R.S. 15:541(24)(a)) defines the term "sex offense".

Proposed law amends present law to include the crime of soliciting for prostitutes when the person being solicited is under the age of 18 or 14 within the term "sex offense".

(Amends R.S. 14:46.3(A)(1) and (D)(2), 82.2(C)(1), (4), and (5), 83(B)(1)(b), (2), and (3), 83.1(B)(2) and (3), 83.2(B)(2) and (3), 84(B)(2) and (3), 85(B)(2) and (3), 86(B)(1)(b) and (c), 89.2(B)(3)(a), 104(B)(2) and (3), 105(B)(2) and (3), and 282(B)(2) and (3), R.S. 15:539.1(A), 539.2(A), 541(24)(a), and R.S. 46:1844(W)(2)(a);
Adds, R.S. 14:46.3(A)(7) and 83(C))