

2025 Regular Session

HOUSE BILL NO. 5

BY REPRESENTATIVES JACKSON AND KNOX

## AN ACT

To amend and reenact 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) and 541(24)(a), and R.S. 46:1844(W)(2)(a) and to enact R.S. 14:46.3(A)(7) and 83(C), relative to offenses concerning prostitution; to provide for certain prostitution offenses; to provide for penalties; to provide for a definition; to provide with respect to sex offender registration and notification requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. 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) are hereby amended and reenacted and R.S. 14:46.3(A)(7) and 83(C) are hereby enacted to read as follows:

§46.3. Trafficking of children for sexual purposes

A. It shall be unlawful:

(1) For any person to knowingly recruit, harbor, transport, provide, sell, ~~purchase~~, receive, isolate, entice, obtain, or maintain the use of a person under the age of eighteen years for the purpose of engaging in commercial sexual activity.

\* \* \*

(7) For any person to knowingly solicit or purchase a person under the age of eighteen years for the purpose of engaging in commercial sexual activity.

\* \* \*

D.(1)

\* \* \*

(2) Whoever violates the provisions of Paragraph (A)(3) or (7) of this Section shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen nor more than fifty years, or both, with at least five years being served without benefit of probation, parole, or suspension of sentence. Whoever violates the provisions of Paragraph (A)(3) of this Section when the victim is under the age of fourteen years shall be fined not more than seventy-five thousand dollars and imprisoned at hard labor for not less than twenty-five nor more than fifty years, with at least ten years being served without benefit of probation, parole, or suspension of sentence.

\* \* \*

§82.2. Purchase of commercial sexual activity; penalties

\* \* \*

C.(1) Whoever violates the provisions of this Section shall be fined not more than ~~seven hundred fifty~~ one thousand dollars, ~~or be imprisoned with or without hard labor~~ for not more than ~~six months~~ one year, or both, ~~and one-half~~. One-half of the fines collected pursuant to this Paragraph shall be distributed in accordance with R.S. 15:539.4.

\* \* \*

(4) Whoever violates the provisions of this Section with a person the offender knows to be under the age of eighteen years, or with a person the offender knows to be a victim of human trafficking as defined by R.S. 14:46.2 or trafficking of children for sexual purposes as defined by R.S. 14:46.3, shall be fined not ~~less than three thousand~~ and not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both, with at least five years being served without benefit of probation, parole, or suspension of sentence. ~~and one-half~~ One-half of the fines collected pursuant to this Paragraph shall be distributed in accordance with R.S. 15:539.4.

(5) Whoever violates the provisions of this Section with a person the offender knows to be under the age of fourteen years shall be fined not ~~less than five thousand~~ and not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both, with at least ten years being served without benefit of probation, parole, or suspension of sentence. ~~and one-half~~ One-half of the fines collected pursuant to this Paragraph shall be distributed in accordance with R.S. 15:539.4.

\* \* \*

§83. Soliciting for prostitutes

\* \* \*

B.(1)

\* \* \*

(b) Whoever commits a second or subsequent offense for the crime of soliciting for prostitutes shall be fined not less than one thousand five hundred dollars nor more than two thousand dollars, imprisoned, with or without hard labor, for not more than one year, or both, and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.

(2) Whoever commits the crime of soliciting for prostitutes when the person being solicited is under the age of eighteen years shall be fined not ~~less than three thousand dollars~~ nor more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both, with at least five years

1 being served without benefit of probation, parole, or suspension of sentence. and  
2 ~~one-half~~ One-half of the fines collected pursuant to this Paragraph shall be  
3 distributed in accordance with R.S. 15:539.4.

4 (3) Whoever commits the crime of soliciting for prostitutes when the person  
5 being solicited is under the age of fourteen years shall be fined not ~~less than five~~  
6 ~~thousand dollars nor~~ more than seventy-five thousand dollars, imprisoned at hard  
7 labor for not less than twenty-five years nor more than fifty years, or both, with at  
8 least ten years being served without benefit of probation, parole, or suspension of  
9 sentence. and one-half One-half of the fines collected pursuant to this Paragraph  
10 shall be distributed in accordance with R.S. 15:539.4.

11 \* \* \*

12 C.(1) Any child who is identified to be a victim of the crime of soliciting for  
13 prostitutes shall be referred and be eligible for specialized services for victims of  
14 human trafficking pursuant to R.S. 14:46.2 or trafficking of children for sexual  
15 purposes pursuant to R.S. 14:46.3. In accordance with R.S. 14:46.3(E), no victim  
16 of trafficking of children for sexual purposes shall be prosecuted for a violation of  
17 this Section if such violation is committed as a direct result of being trafficked.

18 (2) Any other person who is eighteen years of age or older who is identified  
19 as a victim of the crime of soliciting for prostitutes shall be notified of any treatment  
20 or specialized services for sexually exploited persons to the extent that such services  
21 are available.

22 §83.1. Inciting prostitution

23 \* \* \*

24 B.

25 \* \* \*

26 (2) Whoever commits the crime of inciting prostitution of persons under the  
27 age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned  
28 at hard labor for not less than fifteen years nor more than fifty years, or both, with

at least five years being served without benefit of probation, parole, or suspension of sentence.

(3) Whoever commits the crime of inciting prostitution of persons under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both, with at least ten years being served without benefit of probation, parole, or suspension of sentence.

§83.2. Promoting prostitution

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B.

\* \* \*

(2) Whoever commits the crime of promoting prostitution of persons under the age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both, with at least five years being served without benefit of probation, parole, or suspension of sentence.

(3) Whoever commits the crime of promoting prostitution of persons under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both, with at least ten years being served without benefit of probation, parole, or suspension of sentence.

§84. Pandering

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B.

\* \* \*

(2) Whoever commits the crime of pandering involving the prostitution of persons under the age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both, with at least five years being served without benefit of probation, parole, or suspension of sentence.

(3) Whoever commits the crime of pandering involving the prostitution of persons under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both, with at least ten years being served without benefit of probation, parole, or suspension of sentence.

§85. Letting premises for prostitution

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B.

\* \* \*

(2) Whoever commits the crime of letting premises for prostitution of persons under the age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both, with at least five years being served without benefit of probation, parole, or suspension of sentence.

(3) Whoever commits the crime of letting premises for prostitution of persons under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both, with at least ten years being served without benefit of probation, parole, or suspension of sentence.

§86. Enticing persons into prostitution

\* \* \*

B.(1)(a)

\* \* \*

(b) Whoever commits the crime of enticing persons into prostitution when the person being enticed into prostitution is under the age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both, with at least five years being served without benefit of probation, parole, or suspension of sentence.

1 (c) Whoever commits the crime of enticing persons into prostitution when the  
2 person being enticed into prostitution is under the age of fourteen years shall be fined  
3 not more than seventy-five thousand dollars, imprisoned at hard labor for not less  
4 than twenty-five years nor more than fifty years, or both, with at least ten years being  
5 served without benefit of probation, parole, or suspension of sentence.

6 \* \* \*

7 §89.2. Crime against nature by solicitation

8 \* \* \*

9 B.

10 \* \* \*

11 (3)(a) Whoever violates the provisions of this Section, when the person being  
12 solicited is under the age of eighteen years, shall be fined not more than fifty  
13 thousand dollars, imprisoned at hard labor for not less than fifteen years nor more  
14 than fifty years, or both, with at least five years being served without benefit of  
15 probation, parole, or suspension of sentence.

16 \* \* \*

17 §104. Keeping a disorderly place

18 \* \* \*

19 B.

20 \* \* \*

21 (2) Whoever commits the crime of keeping a disorderly place for the purpose  
22 of prostitution of persons under the age of eighteen years shall be fined not more  
23 than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years  
24 nor more than fifty years, or both, with at least five years being served without  
25 benefit of probation, parole, or suspension of sentence.

26 (3) Whoever commits the crime of keeping a disorderly place for the purpose  
27 of prostitution of persons under the age of fourteen years shall be fined not more than  
28 seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five  
29 years nor more than fifty years, or both, with at least ten years being served without  
30 benefit of probation, parole, or suspension of sentence.

§105. Letting a disorderly place

\* \* \*

B.

\* \* \*

(2) Whoever commits the crime of letting a disorderly place for the purpose of prostitution of persons under the age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both, with at least five years being served without benefit of probation, parole, or suspension of sentence.

(3) Whoever commits the crime of letting a disorderly place for the purpose of prostitution of persons under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both, with at least ten years being served without benefit of probation, parole, or suspension of sentence.

\* \* \*

§282. Operation of places of prostitution prohibited; penalty

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B.

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(2) Whoever violates any provision of this Section for the purpose of lewdness, assignation, or prostitution of persons under the age of eighteen shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both, with at least five years being served without benefit of probation, parole, or suspension of sentence.

(3) Whoever violates any provision of this Section for the purpose of lewdness, assignation, or prostitution of persons under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both, with at least ten years being served without benefit of probation, parole, or suspension of sentence.



1           Section 2. R.S. 15:539.1(A) and 541(24)(a) are hereby amended and reenacted to  
2 read as follows:

3           §539.1. Forfeited property related to certain sex crimes; exempt property; allocation  
4           of forfeited property

5           A. Upon conviction of a human trafficking-related offense as defined in R.S.  
6 46:1844(W), any felony sex offense as defined in R.S. 46:1844(W), R.S. 14:40.3  
7 (cyberstalking), R.S. 14:46.2 (human trafficking), R.S. 14:46.3 (trafficking of  
8 children for sexual purposes), R.S. 14:81.1.1 (sexting; prohibited acts; penalties),  
9 R.S. 14:283.2 (nonconsensual disclosure of a private image), R.S. 14:78 (incest) as  
10 that offense existed prior to its repeal by Act Nos. 177 and 602 of the 2014 Regular  
11 Session of the Legislature, R.S. 14:78.1 (aggravated incest) as that offense existed  
12 prior to its repeal by Act Nos. 177 and 602 of the 2014 Regular Session of the  
13 Legislature, R.S. 14:89 (crime against nature), or R.S. 14:89.1 (aggravated crime  
14 against nature), the court shall order that the personal property used in the  
15 commission of the offense be seized or impounded and sold at public sale or auction  
16 by the district attorney or otherwise distributed or disposed of in accordance with the  
17 provisions of this Section. The personal property made subject to seizure and  
18 disposition pursuant to this Section may include any electronic communication  
19 devices, computers, computer-related equipment, motor vehicles, photographic  
20 equipment used to record or create still or moving visual images of any victim that  
21 are recorded on paper, film, video tape, disc, or any other type of digital recording  
22 media, currency, instruments, or securities. Forfeiture of personal property under the  
23 provisions of this Section shall not preclude the application of any other remedy,  
24 civil or criminal, under any other provision of law. All materials seized as evidence  
25 in an offense enumerated in this Section shall constitute contraband. The court, upon  
26 motion of the prosecuting attorney, after contradictory hearing, shall order the  
27 destruction of the contraband when it is determined that it is no longer needed as  
28 evidence. The contraband shall be presumed necessary as evidence if an appeal of  
29 the conviction is pending, if the convicted person is pursuing post-conviction

remedies, or the time for pursuing an appeal or post-conviction remedies has not expired.

\* \* \*

§541. Definitions

For the purposes of this Chapter, the definitions of terms in this Section shall apply:

\* \* \*

(24)(a) "Sex offense" means deferred adjudication, adjudication withheld, or conviction for the perpetration or attempted perpetration of or conspiracy to commit human trafficking when prosecuted under the provisions of R.S. 14:46.2(B)(2), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:89 (crime against nature), R.S. 14:89.1 (aggravated crime against nature), R.S. 14:89.2(B)(3) (crime against nature by solicitation), R.S. 14:80 (felony carnal knowledge of a juvenile), R.S. 14:81 (indecent behavior with juveniles), R.S. 14:81.1 (pornography involving juveniles), R.S. 14:81.2 (molestation of a juvenile or a person with a physical or mental disability), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:81.4 (prohibited sexual conduct between an educator and student), R.S. 14:82.1 (prostitution; persons under eighteen), R.S. 14:82.2(C)(4) ~~and or~~ (5) (purchase of commercial sexual activity), R.S. 14:83(B)(2) or (3) (soliciting for prostitutes), R.S. 14:92(A)(7) (contributing to the delinquency of juveniles), R.S. 14:93.5 (sexual battery of persons with infirmities), R.S. 14:106(A)(5) (obscenity by solicitation of a person under the age of seventeen), R.S. 14:283 (video voyeurism), R.S. 14:41 (rape), R.S. 14:42 (aggravated or first degree rape), R.S. 14:42.1 (forcible or second degree rape), R.S. 14:43 (simple or third degree rape), R.S. 14:43.1 (sexual battery), R.S. 14:43.2 (second degree sexual battery), R.S. 14:43.3 (oral sexual battery), R.S. 14:43.5 (intentional exposure to HIV), a second or subsequent conviction of R.S. 14:283.1 (voyeurism), or a second or subsequent conviction of R.S. 14:89.3 (sexual abuse of an animal), committed on or after June 18, 1992, or committed prior to June 18, 1992, if the person, as a result of the offense, is under the custody of the Department of Public Safety and

1 Corrections on or after June 18, 1992. A conviction for any offense provided in this  
 2 definition includes a conviction for the offense under the laws of another state, or  
 3 military, territorial, foreign, tribal, or federal law which is equivalent to an offense  
 4 provided for in this Chapter, unless the tribal court or foreign conviction was not  
 5 obtained with sufficient safeguards for fundamental fairness and due process for the  
 6 accused as provided by the federal guidelines adopted pursuant to the Adam Walsh  
 7 Child Protection and Safety Act of 2006.

8 \* \* \*

9 Section 3. R.S. 46:1844(W)(2)(a) is hereby amended and reenacted to read as  
 10 follows:

11 §1844. Basic rights for victim and witness

12 \* \* \*

13 W.

14 \* \* \*

15 (2) For purposes of this Section:

16 (a) "Human trafficking-related offense" shall include the perpetration or  
 17 attempted perpetration of R.S. 14:46.2, ~~or~~ R.S. 14:46.3, or any other crime involving  
 18 commercial sexual exploitation including R.S. 14:81.1, 81.3, 82, 82.1, 82.2, 83, 83.1,  
 19 83.2, 83.3, 83.4, 84, 85, 86, 89.2, 104, 105, ~~and~~ or 282.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_