

# ACT No. 226

2025 Regular Session

HOUSE BILL NO. 163

BY REPRESENTATIVE DICKERSON AND SENATOR BARROW

1 AN ACT

2 To amend and reenact R.S. 15:539.1(F)(3) and 539.2, relative to victims of certain sex-  
3 related crimes; to provide for a mandatory monetary assessment for certain sex-  
4 related crimes; to provide relative to the Exploited Children's Survivor Special Fund;  
5 to provide for a renaming of the fund; to provide for distribution and use of monies  
6 deposited into the fund; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:539.1(F)(3) and 539.2 are hereby amended and reenacted to read  
9 as follows:

10 §539.1. Forfeited property related to certain sex crimes; exempt property; allocation  
11 of forfeited property

12 \* \* \*

13 F. Notwithstanding Subsection E of this Section, when the currency,  
14 instruments, securities, or other property is forfeited following a conviction for a  
15 violation of R.S. 14:46.2 (human trafficking), R.S. 14:46.3 (trafficking of children  
16 for sexual purposes), R.S. 14:81.1 (pornography involving juveniles), R.S. 14:81.3  
17 (computer-aided solicitation of a minor), R.S. 14:82.1 (prostitution; persons under  
18 eighteen; additional offenses), R.S. 14:83 (soliciting for prostitutes), R.S. 14:83.1  
19 (inciting prostitution), R.S. 14:83.2 (promoting prostitution), R.S. 14:84 (pandering),  
20 R.S. 14:85 (letting premises for prostitution), R.S. 14:86 (enticing persons into  
21 prostitution), R.S. 14:104 (keeping a disorderly place), R.S. 14:105 (letting a  
22 disorderly place), and R.S. 14:282 (operation of places of prostitution), the currency,  
23 instruments, and securities and proceeds of the public sale or public auction shall pay  
24 the costs of the public sale or public auction, court costs, and fees related to the  
25 seizure and storage of the personal property and shall then be applied to any

1           restitution granted to the victim. Any remaining currency, instruments, securities, or  
2           proceeds shall be distributed in the following manner:

3   \*           \*           \*

4                           (3) Fifty percent to the ~~Exploited Children's~~ Survivor Special Fund pursuant  
5           to R.S. 15:539.2.

6           §539.2. ~~Exploited Children's~~ Survivor Special Fund

7                   A.(1) Any person who is convicted or pleads guilty or nolo contendere to ~~an~~  
8           ~~offense involving trafficking of children for sexual purposes under R.S. 14:46.3,~~  
9           ~~prostitution with persons under seventeen under R.S. 14:82.1, or enticing persons~~  
10          ~~into prostitution under R.S. 14:86~~ any of the following offenses shall be ordered to  
11          pay a mandatory monetary assessment of two thousand dollars;:

12                   (a) Battery of a dating partner under R.S. 14:34.9(E), (F), (L), (M), (N), (O),  
13          or (P).

14                   (b) Domestic abuse battery under R.S. 14:35.3(L), (M), (N), (O), or (P).

15                   (c) First degree rape under R.S. 14:42.

16                   (d) Second degree rape under R.S. 14:42.1.

17                   (e) Sexual battery under R.S. 14:43.1(C)(2) or (3).

18                   (f) Second degree sexual battery under R.S. 14:43.2.

19                   (g) Oral sexual battery under R.S. 14:43.3.

20                   (h) Aggravated kidnapping of a child under R.S. 14:44.2.

21                   (i) Human trafficking under R.S. 14:46.2.

22                   (j) Trafficking of children for sexual purposes under R.S. 14:46.3.

23                   (k) Pornography involving juveniles under R.S. 14:81.1.

24                   (l) Molestation of a juvenile or a person with a physical or mental disability  
25          under R.S. 14:81.2.

26                   (m) Computer-aided solicitation of a minor under R.S. 14:81.3.

27                   (n) Possessing, trafficking, or importing a child sex doll under R.S. 14:81.6.

28                   (o) Prostitution with persons under eighteen under R.S. 14:82.1.

29                   (p) Purchase of commercial sexual activity under R.S. 14:82.2.

30                   (q) Soliciting for prostitutes under R.S. 14:83(B)(2) or (3).

1                   (r) Promoting prostitution under R.S. 14:83.2(B)(2) or (3).

2                   (s) Pandering under R.S. 14:84(B)(2) or (3).

3                   (t) Enticing persons into prostitution under R.S. 14:86(B)(1)(b) or (c).

4                   (u) Aggravated crime against nature under R.S. 14:89.1.

5                   (v) Crime against nature by solicitation under R.S. 14:89.2(B)(3)(a) or (b).

6                   (w) Sexual battery of persons with infirmities under R.S. 14:93.5.

7                   (2) Notwithstanding any law to the contrary, the assessments provided by  
8 this Section shall be in addition to and not in lieu of, and shall not be used to offset  
9 or reduce, any fine authorized or required by law. Nothing in this Section shall alter  
10 the dispositions of fines and forfeitures ordered by the court under R.S. 15:571.11.

11 If the court finds that the offender is indigent and therefore unable to pay the  
12 mandatory assessment at the time of conviction, the court shall order a periodic  
13 payment plan consistent with the person's financial ability.

14                   B.(1) There is established in the state treasury the ~~Exploited Children's~~  
15 Survivor Special Fund, hereinafter referred to as the "fund". Appropriations by the  
16 legislature and all monetary assessments paid and interest accrued on funds collected  
17 pursuant to Subsection A of this Section shall be deposited into the Bond Security  
18 and Redemption Fund, and after a sufficient amount is allocated from the Bond  
19 Security and Redemption Fund to pay all the obligations secured by the full faith and  
20 credit of the state which become due and payable within any fiscal year, the treasurer  
21 shall pay the remainder of such monies into the fund. The fund shall be subject to  
22 public audit.

23                   (2)~~(a)~~ Subject to appropriation by the legislature and except as provided in  
24 ~~Subparagraph (b) of this Paragraph~~ (3) of this Subsection, monies in the fund shall  
25 be used for the provision of services and treatment ~~administered by the Department~~  
26 ~~of Children and Family Services, such as securing residential housing, health~~  
27 ~~services, and social services, to sexually exploited children and adults. The~~  
28 ~~department may also use the funds for grants or to provide services for sexually~~  
29 ~~exploited children and adults~~ to adult and minor victims of human trafficking,  
30 domestic violence, and sexual assault.

1           ~~(b) (3)~~ Subject to appropriation by the legislature, ~~and notwithstanding the~~  
2           ~~provisions of Subparagraph (a) of this Paragraph, a portion of the monies in the fund;~~  
3           ~~not to exceed fifty percent, may be used for the development of training programs~~  
4           ~~relative to human trafficking and trafficking of children for sexual purposes and for~~  
5           ~~the providing of law enforcement training programs administered by the Council of~~  
6           ~~Peace Officer Standards and Training within the Louisiana Commission on Law~~  
7           ~~Enforcement and the Administration of Criminal Justice;~~ shall be administered to the  
8           Office of Human Trafficking Prevention for disbursement as follows:

9           (a) Twenty-five percent of the monies to child advocacy centers, in  
10          compliance with Children's Code Article 524, for programs to serve child victims of  
11          sexual abuse, physical abuse, neglect, or human trafficking in this state.

12          (b) Twenty-five percent of the monies to the state domestic violence  
13          coalition, as defined in 42 U.S.C. 10402, for distribution to member programs that  
14          provide community services and shelter programs to victims of domestic violence  
15          pursuant to R.S. 46:2124.

16          (c) Fifty percent of the monies to accredited sexual assault crisis centers  
17          within this state, as defined in R.S. 46:2187(A)(2), to serve victims of sexual assault  
18          and exploitation.

19          (4) The governor's office of human trafficking prevention is authorized to  
20          retain not more than ten percent of the monies in the fund for necessary and  
21          associated administrative expenses of the fund.

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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: \_\_\_\_\_