DIGEST

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Leger HB No. 49

Abstract: Amends the crimes of human trafficking and trafficking of children for sexual purposes to include those persons who benefit in any way from the trafficking activity, who facilitate the trafficking activity, or who advertise the trafficking activity.

Present law (R.S. 14:46.2 - Human trafficking) provides that it is unlawful for a person to knowingly recruit, harbor, transport, provide, solicit, or obtain another person through fraud, force, or coercion to provide services or labor.

Present law provides for the following penalties for the crime of human trafficking:

(1) Except as provided in proposed law, whoever commits the crime of human trafficking shall be fined not more than $10,000 and shall be imprisoned for not more than 10 years.

(2) Whoever commits the crime of human trafficking when the services include commercial sexual activity or any sexual conduct constituting a crime under the laws of this state shall be fined not more than $15,000 and shall be imprisoned for not more than 20 years.

(3) Whoever commits the crime of human trafficking when the trafficking involves a person under the age of 18 shall be fined not more than $25,000 and shall be imprisoned for not less than five nor more than 25 years, five years of which shall be without the benefit of parole, probation, or suspension of sentence.

Proposed law amends present law and adds that it shall also be unlawful for a person to knowingly maintain the use of another person in the human trafficking activity, to knowingly benefit from the human trafficking activity, or to knowingly facilitate any of the human trafficking activities by any means, including but not limited to helping, aiding, abetting, or conspiring, regardless of whether a thing of value has been promised to or received by the persons.

Proposed law retains present law penalties.

Present law (R.S. 14:46.3 - Trafficking of children for sexual purposes) provides that it shall be unlawful for a person to engage in any of the following activities:

(1) To knowingly recruit, harbor, transport, provide, sell, purchase, or otherwise obtain a person under the age of 18 years for the purpose of engaging in commercial sexual

activity.

(2) To knowingly benefit from participation in a venture which has engaged in activity prohibited by present law.

(3) For any parent, legal guardian, or person having custody of a person under the age of 18 years to knowingly permit or consent to a minor entering into any activity prohibited by present law.

Present law (R.S. 14:46.3 - Trafficking of children for sexual purposes) defines "commercial sexual activity" and "venture".

Present law provides for the following penalties for the crime of trafficking of children for sexual purposes:

(1) Whoever violates present law shall be fined not more than $50,000, imprisoned for not less than 15 years nor more than 50 years, or both.

(2) Whoever violates present law when the victim is under the age of 14 years shall be fined not more than $75,000 and imprisoned for not less than 25 years nor more than 50 years. At least 25 years of the sentence imposed shall be served without benefit of probation, parole, or suspension of sentence.

Proposed law amends present law and adds that it shall also be unlawful for any person to engage in any of the following:

(1) To maintain the use of another person under the age of 18 for the purposes of sexual trafficking.

(2) To knowingly facilitate any of the sexual trafficking activities by any means, including but not limited to helping, aiding, abetting, or conspiring, regardless of whether a thing of value has been promised to or received by the persons.

(3) To knowingly advertise any of the sexual trafficking activities.

Proposed law retains present law definition of "commercial sexual activity" and deletes the definition of "venture".

Proposed law retains present law penalties.

(Amends R.S. 14:46.2(A) and 46.3(A)(1) and (2), (B), and (D)(1); Adds R.S. 14:46.3(A)(4) and (5))