**ENROLLED**

Regular Session, 2011

HOUSE BILL NO. 49

BY REPRESENTATIVES LEGER, ABRAMSON, ARNOLD, AUBERT, AUSTIN BADON, BOBBY BADON, BALDONE, BARROW, BILLIOT, BISHOP, BROSSETT, HENRY BURNS, TIM BURNS, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CORTEZ, DOWNS, FANNIN, GISCLAIR, GREENE, GUILLORY, GUINN, HARRISON, HAZEL, HENRY, HINES, HOFFMANN, HOWARD, MICHAEL JACKSON, KATZ, LANDRY, LEBAS, LITTLE, LORUSSO, MORENO, NORTON, POPE, RICHARDSON, SCHRODER, SEABAUGH, SIMON, SMILEY, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, STIAES, TALBOT, TEMPLET, THIBAUT, TUCKER, WHITE, WILLIAMS, AND WILLMOTT AND SENATORS BROOME, DORSEY, AND MOUNT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 14:46.2(A) and 46.3(A)(1) and (2), (B), and (D)(1) and to enact R.S. 14:46.2(D) and 46.3(A)(4) and (5) and (G), relative to human trafficking; to provide with respect to the crimes of human trafficking and trafficking of children for sexual purposes; to amend the elements of those crimes; to provide for definitions; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:46.2(A) and 46.3(A)(1) and (2), (B), and (D)(1) are hereby amended and reenacted and R.S. 14:46.2(D) and 46.3(A)(4) and (5) and (G) are hereby enacted to read as follows:

§46.2. Human trafficking

A. It shall be unlawful<u>:</u> ~~for a person to~~

<u>(1) For any person to</u> knowingly recruit, harbor, transport, provide, solicit, ~~or~~ obtain<u>, or maintain the use of</u> another person through fraud, force, or coercion to provide services or labor.

<u>(2) For any person to knowingly benefit from activity prohibited by the provisions of this Section.</u>

<u>(3) For any person to knowingly facilitate any of the activities prohibited by the provisions of this Section by any means, including but not limited to helping,</u>



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aiding, abetting, or conspiring, regardless of whether a thing of value has been promised to or received by the person.

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D. If any Subsection, Paragraph, Subparagraph, Item, sentence, clause, phrase, or word of this Section is for any reason held to be invalid, unlawful, or unconstitutional, such decision shall not affect the validity of the remaining portions of this Section.

§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, ~~or otherwise~~ obtain, or maintain the use of a person under the age of eighteen years for the purpose of engaging in commercial sexual activity.

(2) For any person to knowingly benefit from ~~participation in a venture which has engaged in~~ activity prohibited by the provisions of this Section.

* * *

(4) For any person to knowingly facilitate any of the activities prohibited by the provisions of this Section 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 person.

(5) For any person to knowingly advertise any of the activities prohibited by this Section.

B. For purposes of this Section, ~~the following words have the following meanings:~~

~~(1) "Commercial~~ "commercial sexual activity" means any sexual act performed or conducted when any thing of value has been given, promised, or received by any person.

~~(2) "Venture" means any group of two or more individuals associated in fact, regardless of whether or not they are associated in a legal entity.~~

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D.(1)(a) Whoever violates the provisions of Paragraphs (A)(1) ~~or (2)~~, (2), (4), or (5) 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.

(b) Whoever violates the provisions of Paragraphs (A)(1) ~~or (2)~~, (2), (4), or (5) 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 years nor more than fifty years. At least twenty-five years of the sentence imposed shall be served without benefit of probation, parole, or suspension of sentence.

* * *

G. If any Subsection, Paragraph, Subparagraph, Item, sentence, clause, phrase, or word of this Section is for any reason held to be invalid, unlawful, or unconstitutional, such decision shall not affect the validity of the remaining portions of this Section.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____



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