

Regular Session, 2014

HOUSE BILL NO. 1025

BY REPRESENTATIVES ABRAMSON, ADAMS, ANDERS, ARMES, ARNOLD, BADON, BARRAS, BARROW, BERTHELOT, BILLIOT, STUART BISHOP, WESLEY BISHOP, BROADWATER, BROSSETT, BROWN, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANEY, CONNICK, COX, CROMER, DANAHAY, DIXON, DOVE, EDWARDS, FANNIN, FOIL, FRANKLIN, GAINES, GAROFALO, GEYMANN, GISCLAIR, GREENE, GUILLORY, GUINN, HARRIS, HARRISON, HAVARD, HAZEL, HENRY, HENSGENS, HILL, HODGES, HOFFMANN, HOLLIS, HONORE, HOWARD, HUNTER, HUVAL, IVEY, KATRINA JACKSON, JAMES, JEFFERSON, JOHNSON, JONES, KLECKLEY, LAMBERT, NANCY LANDRY, TERRY LANDRY, LEBAS, LEGER, LEOPOLD, LOPINTO, LORUSSO, MACK, MILLER, MONTOUCET, MORENO, JAY MORRIS, NORTON, ORTEGO, PEARSON, PIERRE, PONTI, POPE, PRICE, PUGH, PYLANT, REYNOLDS, RICHARD, RITCHIE, ROBIDEAUX, SCHEXNAYDER, SCHRODER, SEABAUGH, SHADOIN, SIMON, SMITH, ST. GERMAIN, STOKES, TALBOT, THIBAUT, THIERRY, THOMPSON, WHITNEY, PATRICK WILLIAMS, WILLMOTT, AND WOODRUFF AND SENATORS ALARIO, ALLAIN, APPEL, BROOME, BUFFINGTON, CORTEZ, CROWE, DORSEY-COLOMB, ERDEY, GUILLORY, JOHNS, KOSTELKA, LAFLEUR, LONG, MILLS, MURRAY, NEVERS, PEACOCK, PERRY, RISER, GARY SMITH, TARVER, THOMPSON, WALSWORTH, WARD, AND WHITE

1 AN ACT

2 To amend and reenact R.S. 14:46.2(A)(1), (C)(2), and (D), 46.3(A)(1), (C)(3), and (E),
3 81.1(B)(3), (4), (5), (6), (7), and (8), 81.3(A)(3) and (D), 82(G), 83.3(D), 83.4(C),
4 86(C), 89(C), and 89.2(D)(1), R.S. 15:539.1(A) and (E)(introductory paragraph),
5 539.2(B), 539.3(A)(introductory paragraph), 541(2)(o), (12)(b), (24)(a), and (25)(c)
6 through (n), and 1352(A)(introductory paragraph), R.S. 46:1802(10)(a), 1805(A),
7 1809(B)(4)(a), and 1844(W)(introductory paragraph), (1)(a) and (b), (2), and (3),
8 Code of Evidence Article 412(A), (B), (C)(1), and (E)(1), Code of Criminal
9 Procedure Articles 851 and 853, and Children's Code Articles 603(2)(b) and (c) and
10 725.2, to enact R.S. 14:46.2(C)(3) and (4) and (F), 81.1(B)(9), (10), and (11),
11 81.3(A)(4), 82.1(D)(4) and (F), 82.2, 83(B)(4), 83.1(B)(4), 83.2(B)(4), 84(B)(4),
12 85(B)(4), 89.2(D)(5), 104(B)(4), 105(B)(4), and 282(B)(4), R.S. 15:243, 541(2)(p)
13 and (q), 1308(A)(2)(s), and 1352(A)(52), (53), (54), (55), (56), (57), (58), (59), (60),
14 (61), and (62), R.S. 40:2405.7, R.S. 46:1805(B)(3), 2161(C), and 2161.1, Code of

1 Evidence Article 412.3, Code of Criminal Procedure Article 855.1, and Children's
2 Code Articles 603(9.1) and 606(A)(7), and to repeal R.S. 15:541(25)(o), relative to
3 human trafficking, trafficking of children for sexual purposes, and commercial
4 sexual exploitation; to provide relative to the crimes of human trafficking and
5 trafficking of children for sexual purposes; to provide relative to crimes involving
6 the commercial sexual exploitation of persons; to create the crime of unlawful
7 purchase of commercial sexual activity; to provide penalties for the offense; to
8 require certain persons convicted of the offense to register and provide notification
9 as a sex offender; to amend provisions relative to the registration and notification
10 requirements for persons convicted of certain offenses involving commercial sexual
11 exploitation; to clarify the definition of "coercion" relative to human trafficking,
12 pornography involving juveniles, and computer-aided solicitation of a minor; to
13 expand the definition of human trafficking and trafficking of children for sexual
14 purposes; to provide relative to the confidentiality of victims of human trafficking-
15 related offense; to provide relative to the admissibility of evidence of the past sexual
16 behavior of a victim of human trafficking or trafficking of children for sexual
17 purposes; to provide relative to statements made by a victim of human trafficking or
18 trafficking of children for sexual purposes during the course of an investigation; to
19 authorize victims of trafficking to file a motion for a new trial for certain offenses;
20 to provide relative to a victim's access to and eligibility for services; to expand
21 eligibility for services to certain child victims; to provide for a special effective date
22 for such expansion; to require private service providers who contract with the state
23 to provide annual reports on their operations; to provide relative to victims of
24 trafficking referred to the Department of Children and Family Services; to expand
25 the definition of "racketeering activity" to include certain offenses involving
26 commercial sexual exploitation; to provide for an affirmative defense to prosecution
27 for victims of human trafficking; to provide that such victims are eligible for
28 services; to expand the crime of computer-aided solicitation of a minor to include
29 soliciting the person to engage in commercial sexual activity; to clarify the definition
30 of "victim" for purposes of victim's reparations; to authorize the interception of wire,

1 electronic, or oral communications in investigations of offenses involving
 2 commercial sexual exploitation; to provide relative to the forfeiture of assets used
 3 in the commission of certain trafficking-related offenses; to provide relative to the
 4 uses of monies deposited into the Exploited Children's Special Fund; to provide for
 5 law enforcement training; to require mandatory restitution for persons convicted of
 6 certain offenses involving commercial sexual exploitation; to authorize the
 7 establishment of certain diversion programs; to provide relative to the monies
 8 collected from such programs; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 14:46.2(A)(1), (C)(2), and (D), 46.3(A)(1), (C)(3), and (E),
 11 81.1(B)(3), (4), (5), (6), (7), and (8), 81.3(A)(3) and (D), 82(G), 83.3(D), 83.4(C), 86(C),
 12 89(C), and 89.2(D)(1) are hereby amended and reenacted and R.S. 14:46.2(C)(3) and (4) and
 13 (F), 81.1(B)(9), (10), and (11), 81.3(A)(4), 82.1(D)(4) and (F), 82.2, 83(B)(4), 83.1(B)(4),
 14 83.2(B)(4), 84(B)(4), 85(B)(4), 89.2(D)(5), 104(B)(4), 105(B)(4), and 282(B)(4) are hereby
 15 enacted to read as follows:

16 §46.2. Human trafficking

17 A. It shall be unlawful:

18 (1) For any person to knowingly recruit, harbor, transport, provide, solicit,
 19 receive, isolate, entice, obtain, or maintain the use of another person through fraud,
 20 force, or coercion to provide services or labor.

21 * * *

22 C. For purposes of this Section:

23 * * *

24 (2) "Debt bondage" means inducing an individual to provide any of the
 25 following:

26 (a) Commercial sexual activity in payment toward or satisfaction of a real
 27 or purported debt.

28 (b) Labor or services in payment toward or satisfaction of a real or purported
 29 debt if either of the following occur:

1 (i) The reasonable value of the labor or services provided is not applied
 2 toward the liquidation of the debt.

3 (ii) The length of the labor or services is not limited and the nature of the
 4 labor or services is not defined.

5 ~~(2)(3)~~ "Fraud, force, or coercion" ~~means~~ shall include but not be limited to
 6 any of the following:

7 (a) Causing or threatening to cause serious bodily injury;

8 (b) Physically restraining or threatening to physically restrain another
 9 person;

10 (c) Abduction or threatened abduction of an individual.

11 (d) The use of a plan, pattern, or statement with intent to cause an individual
 12 to believe that failure to perform an act will result in the use of force against,
 13 abduction of, serious harm to, or physical restraint of an individual.

14 (e) The abuse or threatened abuse of law or legal process.

15 ~~(e)(f)~~ ~~Intentionally destroying, concealing, removing, confiscating, or~~
 16 ~~possessing~~ The actual or threatened destruction, concealment, removal, confiscation,
 17 or possession of any actual or purported passport or other immigration document, or
 18 any other actual or purported government identification document, of another person;
 19 or.

20 (g) Controlling or threatening to control an individual's access to a controlled
 21 dangerous substance as set forth in R.S. 40:961 et seq.

22 (h) The use of an individual's physical or mental impairment, where such
 23 impairment has substantial adverse effects on the individual's cognitive or volitional
 24 functions.

25 (i) The use of debt bondage or civil or criminal fraud.

26 ~~(d)(j)~~ Extortion as defined in R.S. 14:66.

27 (4) "Labor or services" means activity having an economic value.

28 D. It shall not be a defense to prosecution for a violation of this Section that
 29 the person being recruited, harbored, transported, provided, solicited, received,

1 (h) The use of an individual's physical or mental impairment, where such
 2 impairment has substantial adverse effects on the individual's cognitive or volitional
 3 functions.

4 (i) The use of debt bondage or civil or criminal fraud.

5 (j) Extortion as defined in R.S. 14:66.

6 (4) "Debt bondage" means inducing an individual to provide any of the
 7 following:

8 (a) Commercial sexual activity in payment toward or satisfaction of a real
 9 or purported debt.

10 (b) Labor or services in payment toward or satisfaction of a real or purported
 11 debt if either of the following occur:

12 (i) The reasonable value of the labor or services provided is not applied
 13 toward the liquidation of the debt.

14 (ii) The length of the labor or services is not limited and the nature of the
 15 labor or services is not defined.

16 ~~(3)~~(5) "Distribute" means to issue, sell, give, provide, lend, mail, deliver,
 17 transfer, transmute, distribute, circulate, or disseminate by any means.

18 ~~(4)~~(6) "Interactive computer service" means any information service, system,
 19 or access software provider that provides or enables computer access by multiple
 20 users to a computer server, including a service or system that provides access to the
 21 Internet and such systems operated or services offered by libraries or educational
 22 institutions.

23 (7) "Labor or services" mean activity having economic value.

24 ~~(5)~~(8) "Pornography involving juveniles" is any photograph, videotape, film,
 25 or other reproduction, whether electronic or otherwise, of any sexual performance
 26 involving a child under the age of seventeen.

27 ~~(6)~~(9) "Produce" means to photograph, videotape, film, or otherwise
 28 reproduce pornography involving juveniles, or to solicit, promote, or coerce any
 29 child for the purpose of pornography involving juveniles.

1 (d) The use of a plan, pattern, or statement with intent to cause an individual
 2 to believe that failure to perform an act will result in the use of force against,
 3 abduction of, serious harm to, or physical restraint of an individual.

4 (e) The abuse or threatened abuse of law or legal process.

5 (f) The actual or threatened destruction, concealment, removal, confiscation,
 6 or possession of any actual or purported passport or other immigration document, or
 7 any other actual or purported government identification document, of another person.

8 (g) Controlling or threatening to control an individual's access to a controlled
 9 dangerous substance as set forth in R.S. 40:961 et seq.

10 (h) The use of an individual's physical or mental impairment, where such
 11 impairment has substantial adverse effects on the individual's cognitive or volitional
 12 functions.

13 (i) The use of debt bondage or civil or criminal fraud.

14 (j) Extortion as defined in R.S. 14:66.

15 (2) "Debt bondage" means inducing an individual to provide any of the
 16 following:

17 (a) Commercial sexual activity in payment toward or satisfaction of a real
 18 or purported debt.

19 (b) Labor or services in payment toward or satisfaction of a real or purported
 20 debt if either of the following occur:

21 (i) The reasonable value of the labor or services provided is not applied
 22 toward the liquidation of the debt.

23 (ii) The length of the labor or services is not limited and the nature of the
 24 labor or services is not defined.

25 ~~(3)~~ (3) "Electronic textual communication" means a textual communication
 26 made through the use of a computer on-line service, Internet service, or any other
 27 means of electronic communication, including but not limited to a local bulletin
 28 board service, Internet chat room, electronic mail, or on-line messaging service.

29 (4) "Labor or services" means activity having economic value.

1 victim that are recorded on paper, film, video tape, disc, or any other type of digital
2 recording media.

3 * * *

4 F. Any person determined to be a victim of this offense shall be eligible for
5 specialized services for sexually exploited children.

6 §82.2. Purchase of commercial sexual activity; penalties

7 A. It shall be unlawful for any person to knowingly give, agree to give, or
8 offer to give anything of value to another in order to engage in sexual intercourse
9 with a person who receives or agrees to receive anything of value as compensation
10 for such activity.

11 B. For purposes of this Section, "sexual intercourse" means anal, oral, or
12 vaginal intercourse or any other sexual activity constituting a crime pursuant to the
13 laws of this state.

14 C.(1) Whoever violates the provisions of this Section shall be fined not more
15 than five hundred dollars or be imprisoned for not more than six months, or both.

16 (2) On a second conviction, the offender shall be fined not less than two
17 hundred fifty dollars nor more than two thousand dollars or be imprisoned, with or
18 without hard labor, for not more than two years, or both.

19 (3) On a third and subsequent conviction, the offender shall be imprisoned,
20 with or without hard labor, for not less than two nor more than four years and shall
21 be fined not less than five hundred dollars nor more than four thousand dollars.

22 (4) Whoever violates the provisions of this Section with a person the
23 offender knows to be under the age of eighteen years, or with a person the offender
24 knows to be a victim of human trafficking as defined by R.S. 14:46.2 or trafficking
25 of children for sexual purposes as defined by R.S. 14:46.3, shall be fined not more
26 than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years
27 nor more than fifty years, or both.

28 (5) Whoever violates the provisions of this Section with a person the
29 offender knows to be under the age of fourteen years shall be fined not more than

1 seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five
2 years nor more than fifty years, or both.

3 D.(1) Any child under the age of eighteen determined to be a victim of this
4 offense shall be eligible for specialized services for sexually exploited children.

5 (2) Any person, eighteen years of age or older, determined to be a victim of
6 this offense shall be notified of any treatment or specialized services for sexually
7 exploited persons to the extent that such services are available.

8 E. It shall not be a defense to prosecution for a violation of this Section that
9 the person who receives or agrees to receive anything of value is actually a law
10 enforcement officer or peace officer acting within the official scope of his duties.

11 §83. Soliciting for prostitutes

12 * * *

13 B.

14 * * *

15 (4)(a) In addition, the court shall order that the personal property used in the
16 commission of the offense shall be seized and impounded, and after conviction, sold
17 at public sale or public auction by the district attorney in accordance with R.S.
18 15:539.1.

19 (b) The personal property made subject to seizure and sale pursuant to
20 Subparagraph (a) of this Paragraph may include but shall not be limited to electronic
21 communication devices, computers, computer-related equipment, motor vehicles,
22 photographic equipment used to record or create still or moving visual images of the
23 victim that are recorded on paper, film, video tape, disc, or any other type of digital
24 recording media.

25 §83.1. Inciting prostitution

26 * * *

27 B.

28 * * *

29 (4)(a) In addition, the court shall order that the personal property used in the
30 commission of the offense shall be seized and impounded, and after conviction, sold

1 14:46.3(E). Any child determined to be a victim pursuant to the provisions of this
2 Paragraph shall be eligible for specialized services for sexually exploited children.

3 (2) It shall be an affirmative defense to prosecution for a violation of this
4 Section that, during the time of the alleged commission of the offense, the defendant
5 is determined to be a victim of human trafficking pursuant to the provisions of R.S.
6 14:46.2(F). Any person determined to be a victim pursuant to the provisions of this
7 Paragraph shall be notified of any treatment or specialized services for sexually
8 exploited persons to the extent that such services are available.

9 * * *

10 §89.2. Crime against nature by solicitation

11 * * *

12 D.(1) It shall be an affirmative defense to prosecution for a violation of this
13 Section that, during the time of the alleged commission of the offense, the defendant
14 was a victim of trafficking of children for sexual purposes as provided in R.S.
15 14:46.3(E). Any child determined to be a victim pursuant to the provisions of this
16 Paragraph shall be eligible for specialized services for sexually exploited children.

17 * * *

18 (5) It shall be an affirmative defense to prosecution for a violation of this
19 Section that, during the time of the alleged commission of the offense, the defendant
20 is determined to be a victim of human trafficking pursuant to the provisions of R.S.
21 14:46.2(F). Any person determined to be a victim pursuant to the provisions of this
22 Paragraph shall be notified of any treatment or specialized services for sexually
23 exploited persons to the extent that such services are available.

24 * * *

25 §104. Keeping a disorderly place

26 * * *

27 B.

28 * * *

29 (4)(a) In addition, the court shall order that the personal property used in the
30 commission of the offense shall be seized and impounded, and after conviction, sold

1 at public sale or public auction by the district attorney in accordance with R.S.
2 15:539.1.

3 (b) The personal property made subject to seizure and sale pursuant to
4 Subparagraph (a) of this Paragraph may include but shall not be limited to electronic
5 communication devices, computers, computer-related equipment, motor vehicles,
6 photographic equipment used to record or create still or moving visual images of the
7 victim that are recorded on paper, film, video tape, disc, or any other type of digital
8 recording media.

9 Section 2. R.S. 15:539.1(A) and (E)(introductory paragraph), 539.2(B),
10 539.3(A)(introductory paragraph), 541(2)(o), (12)(b), (24)(a), and (25)(c) through (n), and
11 1352(A)(introductory paragraph) are hereby amended and reenacted and R.S. 15:243,
12 541(2)(p) and (q), 1308(A)(2)(s), and 1352(A)(52), (53), (54), (55), (56), (57), (58), (59),
13 (60), (61), and (62) are hereby enacted to read as follows:

14 §243. Diversion program for defendants engaged in the purchase of sexual activity

15 A. The district attorney for each judicial district, alone or in conjunction with
16 the district attorney of an adjacent judicial district, may create and administer a
17 diversion program for defendants charged with an offense in which the defendant
18 engaged in the purchase of sexual activity unless the offense involves the purchase
19 of sexual activity from a minor.

20 B. At the discretion of the district attorney, after any costs associated with
21 the administration of the program are paid, a portion of all monies collected pursuant
22 to the provisions of this Section may be distributed to entities within their judicial
23 district, or within the judicial districts participating in the program, that provide
24 rehabilitative services and treatment to victims of offenses involving human
25 trafficking and trafficking of children for sexual purposes.

26 * * *

27 §539.1. Forfeited property related to certain sex crimes; exempt property; allocation
28 of forfeited property

29 A. When personal property is forfeited under the provisions of R.S. 14:40.3
30 (cyberstalking), R.S. 14:46.2 (human trafficking), R.S. 14:46.3 (trafficking of

1 children for sexual purposes), R.S. 14:80 (felony carnal knowledge of a juvenile),
 2 R.S. 14:81 (indecent behavior with juveniles), R.S. 14:81.1 (pornography involving
 3 juveniles), R.S. 14:81.2 (molestation of a juvenile or a person with a physical or
 4 mental disability), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S.
 5 14:82.1 (prostitution; persons under eighteen; additional offenses), R.S. 14:83
 6 (soliciting for prostitutes), R.S. 14:83.1 (inciting prostitution), R.S. 14:83.2
 7 (promoting prostitution), R.S. 14:84 (pandering), R.S. 14:85 (letting premises for
 8 prostitution), and R.S. 14:86 (enticing persons into prostitution), R.S. 14:104
 9 (keeping a disorderly place), R.S. 14:105 (letting a disorderly place), and R.S. 14:282
 10 (operation of places of prostitution; prohibited; penalty), the district attorney shall
 11 authorize a public sale or a public auction conducted by a licensed auctioneer,
 12 without appraisal, of that which is not required by law to be destroyed and which is
 13 not harmful to the public.

14 * * *

15 E. Notwithstanding Subsection D of this Section, when the property ~~to be~~ is
 16 ~~forfeited is related to human trafficking under~~ pursuant to the provisions of R.S.
 17 ~~14:46.2 or trafficking of children for sexual purposes under~~ (human trafficking), R.S.
 18 ~~14:46.3~~ (trafficking of children for sexual purposes), R.S. 14:81.1 (pornography
 19 involving juveniles), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S.
 20 14:82.1 (prostitution; persons under eighteen; additional offenses), R.S. 14:83
 21 (soliciting for prostitutes), R.S. 14:83.1 (inciting prostitution), R.S. 14:83.2
 22 (promoting prostitution), R.S. 14:84 (pandering), R.S. 14:85 (letting premises for
 23 prostitution), R.S. 14:86 (enticing persons into prostitution), R.S. 14:104 (keeping
 24 a disorderly place), R.S. 14:105 (letting a disorderly place), and R.S. 14:282
 25 (operation of places of prostitution), the proceeds of the public sale or public auction
 26 shall be applied first to any restitution granted to the victim, after the costs of the
 27 public sale or auction, court costs, and fees related to seizure and storage have been
 28 satisfied. Any remaining proceeds shall be distributed in the following manner:

29 * * *

1 §539.2. Exploited Children's Special Fund

2 * * *

3 B.(1) There is established in the state treasury the Exploited Children's
 4 Special Fund, hereinafter referred to as the "fund". Appropriations by the legislature
 5 and all monetary assessments paid and interest accrued on funds collected pursuant
 6 to Subsection A of this Section shall be deposited into the Bond Security and
 7 Redemption Fund, and after a sufficient amount is allocated from the Bond Security
 8 and Redemption Fund to pay all the obligations secured by the full faith and credit
 9 of the state which become due and payable within any fiscal year, the treasurer shall
 10 pay the remainder of such monies into the fund.

11 (2)(a) Subject to appropriation by the legislature and except as provided in
 12 Subparagraph (b) of this Paragraph, monies in the fund shall be used for the
 13 provision of services and treatment administered by the Department of Children and
 14 Family Services, such as securing residential housing, health services, and social
 15 services, to sexually exploited children and adults. The department may also use the
 16 funds for grants or to provide services for sexually exploited children and adults.

17 (b) Subject to appropriation by the legislature and notwithstanding the
 18 provisions of Subparagraph (a) of this Paragraph, a portion of the monies in the fund,
 19 not to exceed fifty percent, may be used for the development of training programs
 20 relative to human trafficking and trafficking of children for sexual purposes and for
 21 the providing of law enforcement training programs administered by the Council of
 22 Peace Officer Standards and Training within the Louisiana Commission on Law
 23 Enforcement and the Administration of Criminal Justice.

24 §539.3. Mandatory restitution

25 A. A person convicted of a violation of R.S. 14:46.2 (human trafficking), ~~or~~
 26 R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:81.1 (pornography
 27 involving juveniles), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S.
 28 14:82.1 (prostitution; persons under eighteen; additional offenses), R.S. 14:83
 29 (soliciting for prostitutes), R.S. 14:83.1 (inciting prostitution), R.S. 14:83.2
 30 (promoting prostitution), R.S. 14:84 (pandering), R.S. 14:86 (enticing persons into

1 (b) A violation of any of the following provisions when the victim is under
 2 eighteen years of age: R.S. 14:~~46.2, 82.1, 84~~(1), (3), (5), or (6), or 86, or R.S.
 3 23:251(A)(4).

4 * * *

5 (24)(a) "Sex offense" means deferred adjudication, adjudication withheld,
 6 or conviction for the perpetration or attempted perpetration of or conspiracy to
 7 commit human trafficking when prosecuted under the provisions of R.S.
 8 14:46.2(B)(2) ~~or (3)~~, R.S. 14:46.3 (trafficking of children for sexual purposes), R.S.
 9 14:78 (incest), R.S. 14:78.1 (aggravated incest), R.S. 14:89 (crime against nature),
 10 R.S. 14:89.1 (aggravated crime against nature), R.S. 14:89.2(B)(3) (crime against
 11 nature by solicitation), R.S. 14:80 (felony carnal knowledge of a juvenile), R.S.
 12 14:81 (indecent behavior with juveniles), R.S.14:81.1 (pornography involving
 13 juveniles), R.S. 14:81.2 (molestation of a juvenile or a person with a physical or
 14 mental disability), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S.
 15 14:81.4 (prohibited sexual conduct between an educator and student), R.S. 14:82.1
 16 (prostitution; persons under eighteen), R.S. 14:82.2(C)(4) and (5) (purchase of
 17 commercial sexual activity), R.S. 14:92(A)(7) (contributing to the delinquency of
 18 juveniles), R.S. 14:93.5 (sexual battery of the infirm), R.S. 14:106(A)(5) (obscenity
 19 by solicitation of a person under the age of seventeen), R.S. 14:283 (video
 20 voyeurism), R.S. 14:41 (rape), R.S. 14:42 (aggravated rape), R.S. 14:42.1 (forcible
 21 rape), R.S. 14:43 (simple rape), R.S. 14:43.1 (sexual battery), R.S. 14:43.2 (second
 22 degree sexual battery), R.S. 14:43.3 (oral sexual battery), R.S. 14:43.5 (intentional
 23 exposure to AIDS virus), or a second or subsequent conviction of R.S. 14:283.1
 24 (voyeurism), committed on or after June 18, 1992, or committed prior to June 18,
 25 1992, if the person, as a result of the offense, is under the custody of the Department
 26 of Public Safety and Corrections on or after June 18, 1992. A conviction for any
 27 offense provided in this definition includes a conviction for the offense under the
 28 laws of another state, or military, territorial, foreign, tribal, or federal law which is
 29 equivalent to an offense provided for in this Chapter, unless the tribal court or
 30 foreign conviction was not obtained with sufficient safeguards for fundamental

1 fairness and due process for the accused as provided by the federal guidelines
2 adopted pursuant to the Adam Walsh Child Protection and Safety Act of 2006.

3 * * *

4 (25) "Sexual offense against a victim who is a minor" means a conviction for
5 the perpetration or attempted perpetration of, or conspiracy to commit, any of the
6 following:

7 * * *

8 ~~(c) Human trafficking when prosecuted under the provisions of R.S.~~
9 ~~14:46.2(B)(3).~~

10 ~~(d)~~(c) Aggravated incest (R.S. 14:78.1) under the circumstances not listed
11 as those which constitute an "aggravated offense" as defined in this Section.

12 ~~(e)~~(d) Pornography involving juveniles (R.S. 14:81.1).

13 ~~(f)~~(e) Molestation of a juvenile or a person with a physical or mental
14 disability (R.S. 14:81.2), except when prosecuted under the provisions of R.S.
15 14:81.2(C)(1), (D)(1), or (D)(2).

16 ~~(g)~~(f) Computer-aided solicitation of a minor (R.S. 14:81.3).

17 ~~(h)~~(g) Prostitution; persons under seventeen (R.S. 14:82.1).

18 ~~(i)~~(h) Enticing minors into prostitution (R.S. 14:86).

19 ~~(j)~~(i) Pandering in violation of R.S. 14:84(1), (3), (5), and (6).

20 ~~(k)~~(j) Soliciting for prostitutes when the persons being solicited for
21 prostitution are under the age of eighteen years (R.S. 14:83).

22 ~~(l)~~(k) Inciting prostitution when the prostitution involves persons under the
23 age of eighteen years (R.S. 14:83.1).

24 ~~(m)~~(l) Promoting prostitution when the prostitution being promoted involves
25 persons under the age of eighteen years (R.S. 14:83.2).

26 ~~(n)~~(m) Operation of places of prostitution when the prostitution involves
27 persons under the age of eighteen years (R.S. 14:282).

1 following provisions of Title 14 of the Louisiana Revised Statutes of 1950, the
2 Uniform Controlled Dangerous Substances Law, or the Louisiana Securities Law:

3 * * *

4 (52) R.S. 14:81.1 (Pornography involving juveniles)

5 (53) R.S. 14:81.3 (Computer-aided solicitation of a minor)

6 (54) R.S. 14:82.1 (Prostitution; persons under eighteen; additional offenses)

7 (55) R.S. 14:83 (Soliciting for prostitutes)

8 (56) R.S. 14:83.1 (Inciting prostitution)

9 (57) R.S. 14:83.2 (Promoting prostitution)

10 (58) R.S. 14:85 (Letting premises for prostitution)

11 (59) R.S. 14:86 (Enticing persons into prostitution)

12 (60) R.S. 14:104 (Keeping a disorderly place)

13 (61) R.S. 14:105 (Letting a disorderly place)

14 (62) R.S. 14:282 (Operation of places of prostitution; prohibited; penalty)

15 * * *

16 Section 3. R.S. 40:2405.7 is hereby enacted to read as follows:

17 §2405.7. Human trafficking training

18 A. The council shall provide training for law enforcement agencies in
19 addressing human trafficking.

20 B. Such training shall focus on all of the following:

21 (1) Investigating human trafficking under R.S. 14:46.2.

22 (2) Investigating trafficking of children for sexual purposes under R.S.
23 14:46.3 and the special needs of sexually exploited children.

24 (3) Methods used in identifying United States citizens and foreign national
25 victims of human trafficking, including preliminary interview techniques and
26 appropriate questioning methods.

27 (4) Methods of increasing effective collaboration with nongovernmental
28 organizations and other relevant social service organizations in the course of
29 investigating and prosecuting a human trafficking case.

1 (5) Methods for protecting the rights of victims of human trafficking, taking
2 into account the need to consider human rights and the special needs of female and
3 child victims.

4 (6) The necessity of treating victims of human trafficking as crime victims
5 rather than criminals.

6 (7) Methods for promoting the safety of victims of human trafficking.

7 C. The council shall seek input and participation of appropriate
8 nongovernmental organizations and other relevant organizations in the preparation
9 and presentation of training called for in this Section.

10 Section 4. R.S. 46:1802(10)(a), 1805(A), 1809(B)(4)(a), and 1844(W)(introductory
11 paragraph), (1)(a) and (b), (2), and (3) are hereby amended and reenacted and R.S.
12 46:1805(B)(3), 2161(C), and 2161.1 are hereby enacted to read as follows:

13 §1802. Definitions

14 As used in this Chapter:

15 * * *

16 (10) "Victim" means:

17 (a) Any person who suffers personal injury, death, or catastrophic property
18 loss as a result of a crime committed in this state and covered by this Chapter. This
19 includes any person who is a victim of human trafficking as defined by R.S. 14:46.2,
20 a victim of trafficking of children for sexual purposes as defined by R.S. 14:46.3, or
21 a victim of any offense involving commercial sexual exploitation including but not
22 limited to R.S. 14:81.1, 81.3, 82, 82.1, 82.2, 83, 83.1, 83.2, 83.3, 83.4, 84, 85, 86,
23 89.2, 104, 105, and 282.

24 * * *

25 §1805. Crimes to which Chapter applies

26 A. The board may make an award and order the payment of reparations for
27 pecuniary loss in accordance with the provisions of this Chapter for personal injury,
28 death, or catastrophic property loss resulting from any act or omission to act that is
29 defined as a misdemeanor under any local ordinance or as a crime under state or

1 federal law and involves the use of force or the threat of the use of force or any
2 human trafficking-related offense.

3 B.

4 * * *

5 (3) "Human trafficking-related offense" shall include the perpetration or
6 attempted perpetration of R.S. 14:46.2 or 46.3 or any other crime involving
7 commercial exploitation including R.S. 14:81.1, 81.3, 82, 82.1, 82.2, 83, 83.1, 83.2,
8 83.3, 83.4, 84, 85, 86, 89.2, 104, 105, and 282.

9 * * *

10 §1809. Criteria for making awards; prohibitions; authority to deny or reduce awards

11 * * *

12 B. In making its determination, the following provisions shall apply:

13 * * *

14 (4) The board may deny or reduce an award:

15 (a) If it finds that the behavior of the victim at the time of the crime giving
16 rise to the claim was such that the victim bears some measure of responsibility for
17 the crime that caused the physical injury, death, or catastrophic property loss or for
18 the physical injury, death, or catastrophic property loss. However, such ineligibility
19 shall not apply if the claimant is a victim of ~~human trafficking or trafficking of~~
20 ~~children for sexual purposes~~ a human trafficking-related offense as defined by R.S.
21 46:1805.

22 * * *

23 §1844. Basic rights for victim and witness

24 * * *

25 W. Confidentiality of crime victims who are minors, ~~and~~ victims of sex
26 offenses, and victims of human trafficking-related offenses.

27 (1)(a) In order to protect the identity and provide for the safety and welfare
28 of crime victims who are minors under the age of eighteen years and of victims of
29 sex offenses or human trafficking-related offenses, notwithstanding any provision
30 of law to the contrary, all public officials and officers and public agencies, including

1 but not limited to all law enforcement agencies, sheriffs, district attorneys, judicial
 2 officers, clerks of court, the Crime Victims Reparations Board, and the Department
 3 of Children and Family Services or any division thereof, shall not publicly disclose
 4 the name, address, or identity of crime victims who at the time of the commission of
 5 the offense are minors under eighteen years of age or of victims of sex offenses or
 6 human trafficking-related offenses, regardless of the date of commission of the
 7 offense. The confidentiality of the identity of the victim who at the time of the
 8 commission of the offense is a minor under eighteen years of age or the victim of a
 9 sex offense or human trafficking-related offense may be waived by the victim. The
 10 public disclosure of the name of the juvenile crime victim by any public official or
 11 officer or public agency is not prohibited by this Subsection when the crime resulted
 12 in the death of the victim.

13 (b) In order to protect the identity and provide for the safety and welfare of
 14 crime victims who are minors under the age of eighteen years and of victims of sex
 15 offenses or human trafficking-related offenses, notwithstanding any provision of law
 16 to the contrary, an attorney for any party shall be prohibited from publicly disclosing,
 17 except during trial, the name, address, or identity of crime victims who at the time
 18 of the commission of the offense are under eighteen years of age or are victims of
 19 sex offenses or human trafficking-related offenses, regardless of the date of
 20 commission of the offense. An attorney may lawfully utilize initials, abbreviations,
 21 or other forms of indefinite descriptions on documents used in the performance of
 22 their duties to prevent the public disclosure of the name, address, or identity of such
 23 crime victims. If the name, address, or identity of such a crime victim must be
 24 disclosed in a motion or pleading, that motion or pleading shall be filed with the
 25 court requesting that it be kept under seal. Failure to comply with the provisions of
 26 this Subparagraph shall be punishable as contempt of court.

27 * * *

28 (2) For purposes of this ~~Section~~, "sex Section:"

29 (a) "Human trafficking-related offense" shall include the perpetration or
 30 attempted perpetration of R.S. 14:46.2 or 46.3 or any other crime involving

1 commercial sexual exploitation including R.S. 14:81.1, 81.3, 82, 82.1, 82.2, 83, 83.1,
2 83.2, 83.3, 83.4, 84, 85, 86, 89.2, 104, 105, and 282.

3 (b) "Sex offense" shall include the perpetration or attempted perpetration of
4 stalking (R.S. 14:40.2), misdemeanor carnal knowledge of a juvenile (R.S. 14:80.1),
5 obscenity (R.S. 14:106), or any offense listed in R.S. 15:541(24).

6 (3) Notwithstanding any other provision of law to the contrary, all public
7 officials, officers, and public agencies, including but not limited to all law
8 enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court,
9 the Crime Victims Reparations Board, and the Department of Children and Family
10 Services or any division thereof, charged with the responsibility of knowing the
11 name, address, and identity of crime victims who are minors or of crime victims of
12 a sex offense or a human trafficking-related offense as a necessary part of their
13 duties shall have full and complete access to this information regarding a crime
14 victim who is a minor or a victim of a sex offense or a human trafficking-related
15 offense. Either prior to or at the time of a request for information, the public official
16 or officer or public agency shall take measures to prevent the public disclosure of the
17 name, address, or identity of such a crime victim who is a minor or a victim of a sex
18 offense or human trafficking-related offense, which may include the use of initials,
19 abbreviations, or any other form of concealing the identity of the victim on all public
20 documents.

21 * * *

22 §2161. Human trafficking victims services plan

23 * * *

24 C. Each private entity that provides services to victims pursuant to the
25 provisions of this Section shall submit to the Department of Children and Family
26 Services an annual report on their operations including information on the services
27 offered, geographic areas served, the number of persons served, and individual status
28 updates on each person served. This information shall not include the name, address,
29 or other identifying information of the person served. The Department of Children
30 and Family Services shall compile the data from all the reports submitted pursuant

1 to the provisions of this Subsection and shall provide this information to the
2 legislature on or before the first day of February each year.

3 §2161.1. Human trafficking victims services plan; adults

4 A. With respect to persons referred to the Department of Children and
5 Family Services who are eighteen years of age or older and who are found to be
6 victims of human trafficking in which the services include commercial sexual
7 activity or any sexual conduct constituting a crime under the laws of this state, the
8 department shall refer the person to the appropriate department, agency, or entity to
9 provide the person with the following:

10 (1) Assist the victim in applying for federal and state benefits and services
11 to which the victim may be entitled.

12 (2) Coordinate the delivery of health, mental health, housing, education, job
13 training, child care, victims' compensation, legal, and other services available to
14 victims of human or sex trafficking.

15 (3) Refer the victim to the appropriate community-based services to the
16 extent that such services are available.

17 (4) Assist the victim with family reunification or returning to the victim's
18 place of origin, if the victim so desires.

19 B. In coordinating these services for the victim, the department shall work
20 together with such other state and federal agencies, public and private entities, and
21 other stakeholders as they deem appropriate.

22 C. Each private entity that provides services to victims pursuant to the
23 provisions of this Section shall submit to the Department of Children and Family
24 Services an annual report on their operations including information on the services
25 offered, geographic areas served, the number of persons served, and individual status
26 updates on each person served. This information shall not include the name, address,
27 or other identifying information of the person served. The Department of Children
28 and Family Services shall compile the data from all the reports submitted pursuant
29 to the provisions of this Subsection and shall provide this information to the
30 legislature on or before the first day of February each year.

1 Section 5. Code of Evidence Article 412(A), (B), (C)(1), and (E)(1) are hereby
 2 amended and reenacted and Code of Evidence Article 412.3 is hereby enacted to read as
 3 follows:

4 Art. 412. Victim's past sexual behavior in sexual assault cases; trafficking offenses

5 A.(1) Opinion and reputation evidence; sexual assault cases. When an
 6 accused is charged with a crime involving sexually assaultive behavior, reputation
 7 or opinion evidence of the past sexual behavior of the victim is not admissible.

8 ~~B.(2)~~ Other evidence; exceptions. When an accused is charged with a crime
 9 involving sexually assaultive behavior, evidence of specific instances of the victim's
 10 past sexual behavior is also not admissible except for:

11 ~~(1)(a)~~ Evidence of past sexual behavior with persons other than the accused,
 12 upon the issue of whether or not the accused was the source of semen or injury;
 13 provided that such evidence is limited to a period not to exceed seventy-two hours
 14 prior to the time of the offense, and further provided that the jury be instructed at the
 15 time and in its final charge regarding the limited purpose for which the evidence is
 16 admitted; or

17 ~~(2)(b)~~ Evidence of past sexual behavior with the accused offered by the
 18 accused upon the issue of whether or not the victim consented to the sexually
 19 assaultive behavior.

20 B.(1) Opinion and reputation evidence; trafficking. When an accused is
 21 charged with a crime involving human trafficking or trafficking of children for
 22 sexual purposes, reputation or opinion evidence of the past sexual behavior of the
 23 victim is not admissible.

24 (2) Evidence of specific instances of the victim's past sexual behavior is not
 25 admissible unless the evidence is offered by the prosecution in a criminal case to
 26 prove a pattern of trafficking activity by the defendant.

27 C. Motion. (1) Before the person, accused of committing a crime that
 28 involves sexually assaultive behavior, human trafficking, or trafficking of children
 29 for sexual purposes, may offer under ~~Paragraph B~~ Subparagraph (A)(2) or (B)(2) of
 30 this Article evidence of specific instances of the victim's past sexual behavior, the

1 accused shall make a written motion in camera to offer such evidence. The motion
2 shall be accompanied by a written statement of evidence setting forth the names and
3 addresses of persons to be called as witnesses.

4 * * *

5 E. Hearing. (1) If the court determines that the statement of evidence
6 contains evidence described in ~~Paragraph B Subparagraph (A)(2) or (B)(2)~~, the court
7 shall order a hearing which shall be closed to determine if such evidence is
8 admissible. At such hearing the parties may call witnesses.

9 * * *

10 Art. 412.3. Statements made by victims of trafficking during investigations

11 If a victim of human trafficking or trafficking of children for sexual purposes
12 is also a defendant in any case arising from unlawful acts committed as part of the
13 same trafficking activity, any inculpatory statement made by the victim as a result
14 of questioning by any person then known by the victim to be a law enforcement
15 officer is inadmissible against the victim, except pursuant to Article 801 of this Code
16 or in any prosecution of the victim for perjury, at a trial of the victim for the
17 unlawful acts committed by the victim as part of the same trafficking activity if all
18 of the following conditions exist:

19 (1) The victim cooperates with the investigation and prosecution, including
20 the giving of a use-immunity statement as directed by the prosecuting attorney.

21 (2) The victim testifies truthfully at any hearing or trial related to the
22 trafficking activity, or agrees, either in writing or on the record, to testify truthfully
23 at any hearing or trial related to the trafficking activity in any prosecution of any
24 other person charged with an offense arising from the same trafficking activity,
25 regardless of whether the testimony is unnecessary due to entry of a plea by the other
26 person.

27 (3) The victim has agreed in writing to receive services or participate in a
28 program that provides services to victims of human trafficking or trafficking of
29 children for sexual purposes, if such services are available.

1 Section 6. Code of Criminal Procedure Articles 851 and 853 are hereby amended
2 and reenacted and Code of Criminal Procedure Article 855.1 is hereby enacted to read as
3 follows:

4 Art. 851. Grounds for new trial

5 A. The motion for a new trial is based on the supposition that injustice has
6 been done the defendant, and, unless such is shown to have been the case the motion
7 shall be denied, no matter upon what allegations it is grounded.

8 B. The court, on motion of the defendant, shall grant a new trial whenever
9 any of the following occur:

10 (1) The verdict is contrary to the law and the evidence;~~;~~

11 (2) The court's ruling on a written motion, or an objection made during the
12 proceedings, shows prejudicial error;~~;~~

13 (3) New and material evidence that, notwithstanding the exercise of
14 reasonable diligence by the defendant, was not discovered before or during the trial,
15 is available, and if the evidence had been introduced at the trial it would probably
16 have changed the verdict or judgment of guilty;~~;~~

17 (4) The defendant has discovered, since the verdict or judgment of guilty, a
18 prejudicial error or defect in the proceedings that, notwithstanding the exercise of
19 reasonable diligence by the defendant, was not discovered before the verdict or
20 judgment;~~or,~~

21 (5) The court is of the opinion that the ends of justice would be served by the
22 granting of a new trial, although the defendant may not be entitled to a new trial as
23 a matter of strict legal right.

24 (6) The defendant is a victim of human trafficking or trafficking of children
25 for sexual purposes and the acts for which the defendant was convicted were
26 committed by the defendant as a direct result of being a victim of the trafficking
27 activity.

28 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Art. 853. Time for filing motion for new trial

2 A. ~~A~~ Except as otherwise provided by this Article, a motion for a new trial
3 must be filed and disposed of before sentence. The court, on motion of the defendant
4 and for good cause shown, may postpone the imposition of sentence for a specified
5 period in order to give the defendant additional time to prepare and file a motion for
6 a new trial.

7 B. When the motion for a new trial is based on ~~ground (3) of Article 851~~
8 Article 851(B)(3), the motion may be filed within one year after verdict or judgment
9 of the trial court, although a sentence has been imposed or a motion for a new trial
10 has been previously filed; ~~but.~~ However, if an appeal is pending, the court may hear
11 the motion only on remand of the case.

12 C. When the motion for a new trial is based on Article 851(B)(6), the motion
13 may be filed within three years after the verdict or judgment of the trial court,
14 although a sentence has been imposed or a motion for new trial has been previously
15 filed. However, if an appeal is pending, the court may hear the motion only on
16 remand of the case.

17 * * *

18 Art. 855.1. Conviction based on acts committed as a victim of trafficking

19 A motion for new trial based on Article 851(B)(6) shall be available only to
20 persons convicted of violating R.S. 14:82, 83.3, 83.4, 89, or 89.2 prior to August 1,
21 2014, and shall contain allegations of fact sworn to by the defendant or counsel of
22 the defendant, showing that the defendant was convicted of the offense which was
23 committed as a direct result of being a victim of human trafficking or trafficking of
24 children for sexual purposes, or a victim of an offense which would constitute human
25 trafficking or trafficking of children for sexual purposes regardless of the date of
26 conviction. The motion shall provide information showing a rational and causal
27 connection between the acts for which the defendant was convicted and the acts upon
28 which the defendant bases his status as a victim.

29 Section 7. Children's Code Articles 603(2)(b) and (c) and 725.2 are hereby amended
30 and reenacted and Children's Code Article 603(9.1) is hereby enacted to read as follows:

1 Art. 603. Definitions

2 As used in this Title:

3 * * *

4 (2) "Abuse" means any one of the following acts which seriously endanger
5 the physical, mental, or emotional health and safety of the child:

6 * * *

7 (b) The exploitation or overwork of a child by a parent or any other person,
8 including but not limited to commercial sexual exploitation of the child.

9 (c) The involvement of the child in any sexual act with a parent or any other
10 person, or the aiding or toleration by the parent, ~~or the caretaker, or any other person~~
11 of the child's ~~sexual~~ involvement in any of the following:

12 (i) Any sexual act with any other person, ~~or of the child's involvement in~~
13 ~~pornographic~~

14 (ii) Pornographic displays, ~~or any other involvement of a child in,~~

15 (iii) Any sexual activity constituting a crime under the laws of this state.

16 * * *

17 (9.1) "Commercial sexual exploitation" means involvement of the child
18 activity prohibited by the following statutes: R.S. 14:46.2, 46.3, 81.1, 81.3, 82, 82.1,
19 82.2, 83, 83.1, 83.2, 83.3, 83.4, 84, 85, 86, 89.2, 104, 105, and 282.

20 * * *

21 Art. 725.2. Safe house for sexually exploited children

22 A. The department may, to the extent funds are available, operate or contract
23 with an appropriate nongovernmental agency with experience working with sexually
24 exploited children to operate one or more safe houses in a geographically appropriate
25 area of the state. Each safe house shall provide safe and secure housing and
26 specialized services for sexually exploited children. Nothing in this Article shall be
27 construed to preclude an agency from applying for and accepting grants, gifts, and
28 bequests for funds from private individuals, foundations, and the federal government
29 for the purpose of creating or carrying out the duties of a safe house for sexually
30 exploited children.

1 Section 10. The provisions of Section 8 of this Act shall become effective when a
2 child, who is a victim of commercial sexual exploitation, human trafficking, or trafficking
3 of children for sexual purposes perpetrated by someone other than a parent or caretaker,
4 becomes an eligible victim for which federal match funds are available through Title IV-E
5 of 47 U.S.C. 672.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____