

SENATE BILL NO. 90

BY SENATORS JOHNS, ALARIO, APPEL, BARROW, BOUDREAUX, CARTER, CORTEZ, ERDEY, GATTI, LAFLEUR, LONG, MILKOVICH, MILLS, MIZELL, MORRISH, PERRY, PETERSON, RISER, GARY SMITH, TARVER, THOMPSON, WARD AND WHITE AND REPRESENTATIVES ADAMS, AMEDEE, BACALA, BAGLEY, BARRAS, BOUIE, TERRY BROWN, STEVE CARTER, COX, DAVIS, EDMONDS, GAROFALO, HAZEL, HORTON, HOWARD, IVEY, MIKE JOHNSON, ROBERT JOHNSON, LEGER, LYONS, MIGUEZ, MORENO, NORTON, PRICE, PYLANT, REYNOLDS, THIBAUT, WHITE AND ZERINGUE

1 AN ACT

2 To amend and reenact R.S. 14:46.2(A)(1) and (B)(2) and R.S. 15:541(2)(o) and (12)(b),  
3 relative to human trafficking; to expand the crime of human trafficking to include  
4 specific elements and penalties relative to the trafficking of persons under the age of  
5 twenty-one years for the purpose of engaging in commercial sexual activity; to  
6 require persons convicted of human trafficking to register as a sex offender when the  
7 victim is under the age of twenty-one years; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:46.2(A)(1) and (B)(2) are hereby amended and reenacted to read  
10 as follows:

11 §46.2. Human trafficking

12 A. It shall be unlawful:

13 (1)~~(a)~~ For any person to knowingly recruit, harbor, transport, provide, solicit,  
14 receive, isolate, entice, obtain, or maintain the use of another person through fraud,  
15 force, or coercion to provide services or labor.

16 **(b) For any person to knowingly recruit, harbor, transport, provide,**  
17 **solicit, sell, purchase, receive, isolate, entice, obtain, or maintain the use of a**  
18 **person under the age of twenty-one years for the purpose of engaging in**  
19 **commercial sexual activity regardless of whether the person was recruited,**  
20 **harbored, transported, provided, solicited, sold, purchased, received, isolated,**  
21 **enticed, obtained, or maintained through fraud, force, or coercion. It shall not**  
22 **be a defense to prosecution for a violation of the provisions of this**

1 Subparagraph that the person did not know the age of the victim or that the  
2 victim consented to the prohibited activity.

3 \* \* \*

4 B.

5 \* \* \*

6 (2)(a) Whoever commits the crime of human trafficking when the services  
7 include commercial sexual activity or any sexual conduct constituting a crime under  
8 the laws of this state shall be fined not more than fifteen thousand dollars and shall  
9 be imprisoned at hard labor for not more than twenty years.

10 **(b) Whoever commits the crime of human trafficking in violation of the**  
11 **provisions of Subparagraph (A)(1)(b) of this Section shall be fined not more**  
12 **than fifty thousand dollars, imprisoned at hard labor for not less than fifteen**  
13 **years, nor more than fifty years, or both.**

14 \* \* \*

15 Section 2. R.S. 15:541(2)(o) and (12)(b) are hereby amended and reenacted to read  
16 as follows:

17 §541. Definitions

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

20 \* \* \*

21 (2) "Aggravated offense" means a conviction for the perpetration or  
22 attempted perpetration of, or conspiracy to commit, any of the following:

23 \* \* \*

24 (o) Human trafficking (R.S. 14:46.2) when the trafficking involves a person  
25 under the age of ~~eighteen~~ **twenty-one** years or when the services include commercial  
26 sexual activity or any sexual conduct constituting a crime under the laws of this state.

27 \* \* \*

28 (12) "Criminal offense against a victim who is a minor" for the purposes of  
29 this Chapter means conviction for the perpetration or attempted perpetration of or  
30 conspiracy to commit any of the following offenses:

1  
2  
3  
4  
5  
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7

\* \* \*

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

**(ii) A violation of R.S. 14:46.2 when the victim is under twenty-one years of age.**

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

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