

2024 Regular Session

SENATE BILL NO. 306

BY SENATOR CATHEY

CRIME/PUNISHMENT. Increases the penalty for human trafficking involving sexual activity of persons under the age of eighteen. (8/1/24)

1 AN ACT

2 To amend and reenact R.S. 14:46.2(A)(1)(a), (B)(2), and (F)(1), and 46.3(D), relative to the
3 penalties for human trafficking; to increase the penalties for human trafficking
4 committed against certain victims; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:46.2(A)(1)(a), (B)(2), and (F)(1) and 46.3(D) are hereby amended
7 and reenacted to read as follows:

8 §46.2. Human trafficking

9 A. It shall be unlawful:

10 (1)(a) For any person to knowingly recruit, harbor, transport, provide, solicit,
11 sell, receive, isolate, entice, obtain, patronize, procure, purchase, hold, restrain,
12 induce, threaten, subject, or maintain the use of another person through fraud, force,
13 or coercion to provide services or labor.

14 * * *

15 B. * * *

16 (2)(a) Whoever commits the crime of human trafficking when the services
17 include commercial sexual activity or ~~any sexual conduct constituting a crime under~~

1 ~~the laws of this state~~ **a sex offense as defined in R.S. 15:541** shall be fined not more
2 than fifteen thousand dollars and shall be imprisoned at hard labor for not more than
3 twenty years.

4 (b)Whoever commits the crime of human trafficking in violation of the
5 provisions of Subparagraph (A)(1)(b) of this Section **involving a person under the**
6 **age of twenty-one years but eighteen years or older** shall be fined not more than
7 fifty thousand dollars, imprisoned at hard labor for not less than fifteen years, nor
8 more than fifty years, or both.

9 **(c) Whoever commits the crime of human trafficking in violation of the**
10 **provisions of Subparagraph (A)(1)(b) of this Section when the trafficking**
11 **involves a person under the age of eighteen years shall be punished by life**
12 **imprisonment at hard labor without benefit of probation, parole, or suspension**
13 **of sentence and fined not more than seventy-five thousand dollars.**

14 * * *

15 F.(1) A victim of trafficking involving services that include commercial
16 sexual activity or ~~any sexual contact which constitutes a crime pursuant to the laws~~
17 ~~of this state~~ **a sex offense as defined in R.S. 15:541** shall have an affirmative
18 defense to prosecution for any of the following offenses which were committed as
19 a direct result of being trafficked:

- 20 (a) R.S. 14:82 (Prostitution).
- 21 (b) R.S. 14:83.3 (Prostitution by massage).
- 22 (c) R.S. 14:83.4 (Massage; sexual conduct prohibited).
- 23 (d) R.S. 14:89 (Crime against nature).
- 24 (e) R.S. 14:89.2 (Crime against nature by solicitation).

25 §46.3. Trafficking of children for sexual purposes

26 * * *

27 D.(1)~~(a)~~ Whoever violates the provisions of Paragraph (A)(1), (2), (4), (5),
28 or (6) of this Section shall be **punished by life imprisonment at hard labor**
29 **without benefit of probation, parole, or suspension of sentence and** fined not

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

3 (b) ~~Whoever violates the provisions of Paragraph (A)(1), (2), (4), (5), or (6)~~
4 ~~of this Section when the victim is under the age of fourteen years shall be fined not~~
5 ~~more than seventy-five thousand dollars and imprisoned at hard labor for not less~~
6 ~~than twenty-five years nor more than fifty years. At least twenty-five years of the~~
7 ~~sentence imposed shall be served without benefit of probation, parole, or suspension~~
8 ~~of sentence.~~

9 (c) ~~Any person who violates the provisions of Paragraph (A)(1), (2), (4), (5),~~
10 ~~or (6) of this Section, who was previously convicted of a sex offense as defined in~~
11 ~~R.S. 15:541 when the victim of the sex offense was under the age of eighteen years,~~
12 ~~shall be fined not more than one hundred thousand dollars and shall be imprisoned~~
13 ~~at hard labor for not less than fifty years or for life. At least fifty years of the~~
14 ~~sentence imposed shall be served without benefit of parole, probation, or suspension~~
15 ~~of sentence.~~

16 (2) ~~Whoever violates the provisions of Paragraph (A)(3) of this Section shall~~
17 ~~be **fined not more than fifty thousand dollars, imprisoned at hard labor for not**~~
18 ~~**less than fifteen nor more than fifty years or both with** shall be required to serve~~
19 ~~at least five years **being served** of the sentence provided for in Subparagraph~~
20 ~~(D)(1)(a) of this Section without benefit of probation, parole, or suspension of~~
21 ~~sentence. Whoever violates the provisions of Paragraph (A)(3) when the victim is~~
22 ~~under the age of fourteen years shall be **fined not more than seventy-five thousand**~~
23 ~~**dollars and imprisoned at hard labor for not less than twenty-five nor more**~~
24 ~~**than fifty years, with** required to serve at least ten years **being served** of the~~
25 ~~sentence provided for in Subparagraph (D)(1)(b) of this Section without benefit of~~
26 ~~probation, parole, or suspension of sentence.~~

27 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jonathon Wagner.

DIGEST

SB 306 Original 2024 Regular Session Cathey

Present law provides that human trafficking is when any person knowingly recruits, harbors, transports, provides, solicits, receives, isolates, entices, obtains, patronizes, procures, purchases, holds, restrains, induces, threatens, subjects, or maintains the use of another person through fraud, force, or coercion to provide services or labor.

Present law provides that human trafficking is when any person knowingly recruits, harbors, transports, provides, solicits, sells, purchases, patronizes, procures, holds, restrains, induces, threatens, subjects, receives, isolates, entices, obtains, or maintains the use of a person under the age of twenty-one years for the purpose of engaging in commercial sexual activity regardless of whether the person was recruited, harbored, transported, provided, solicited, sold, purchased, received, isolated, enticed, obtained, or maintained through fraud, force, or coercion.

Proposed law provides that to knowingly sell the use of another person through fraud, force, or coercion to provide services or labor of someone for a purpose other than engaging in commercial sexual activity is human trafficking.

Present law provides graduated penalties based on the ages of victims and whether they are trafficked for commercial sexual activity.

Proposed law provides an increase in the penalty for trafficking persons under the age of 18 for commercial sexual activity from a fine not to exceed \$50,000, imprisonment at hard labor for not less than 15 years, nor more than 50 years, or both to a fine not to exceed \$75,000 and life imprisonment at hard labor without the possibility of probation or parole.

Proposed law otherwise retains present law.

Effective August 1, 2024.

(Amends R.S. 14:46.2(A)(1)(a), (B)(2), and (F)(1), and 46.3(D))