

Since 2011, Shared Hope has laid the foundation for transformational policy, practice, and cultural change by supporting state legislators and stakeholders to identify gaps in the fabric of laws needed to address child sex trafficking. The Report Cards on Child & Youth Sex Trafficking build upon the progress already made, challenging states to take the next step in the fight against sex trafficking by focusing on the area where the largest gaps remain—victim protections. This report provides a thorough review of Louisiana’s laws related to both criminalization and victim protections while providing recommendations for addressing gaps in the law.¹



ISSUE 1: Criminal Provisions

Policy Goal 1.1 The child sex trafficking law is expressly applicable to buyers of commercial sex with any minor under 18.

Both La. Rev. Stat. Ann. § 14:46.3 (Trafficking of children for sexual purposes) and La. Rev. Stat. Ann. § 14:46.2² (Human trafficking) expressly apply to buyers of commercial sex with minors.

La. Rev. Stat. Ann. § 14:46.3(A)(1) states, “It shall be unlawful . . . [f]or any person to knowingly recruit, harbor, transport, provide, sell, purchase, receive, isolate, entice, obtain, or maintain the use of a person under the age of eighteen years for the purpose of engaging in commercial sexual activity.”³

La. Rev. Stat. Ann. § 14:46.2(A)(1)(b) states,

It shall be unlawful:

(1)

....

(b) For any person to knowingly recruit, harbor, transport, provide, solicit, sell, purchase, patronize, procure, hold, restrain, induce, threaten, subject, receive, isolate, entice, obtain, or maintain the use of a person under the age of twenty-one years for the purpose of engaging in commercial sexual activity⁴ regardless of whether the person was recruited, harbored, transported,

¹ Evaluations of state laws are based on legislation enacted as of August 1, 2022.

² The text of La. Rev. Stat. Ann. § 14:46.2 cited here and elsewhere in this report includes amendments made by the enactment of Senate Bill 148 during the 2022 Regular Session of the Louisiana state legislature (effective May 26, 2022).

³ La. Rev. Stat. Ann. § 14:46.3(B) defines “commercial sexual activity” as “any sexual act performed or conducted when any thing of value has been given, promised, or received by any person.”

⁴ La. Rev. Stat. Ann. § 14:46.2(C) defines “commercial sexual activity” as “any sexual act performed or conducted when anything of value has been given, promised, or received by any person, directly or indirectly, including the production of pornography.”

provided, solicited, sold, purchased, received, isolated, enticed, obtained, or maintained through fraud, force, or coercion. It shall not be a defense to prosecution for a violation of the provisions of this Subparagraph that the person did not know the age of the victim or that the victim consented to the prohibited activity.

Further, following federal precedent, both La. Rev. Stat. Ann. § 14:46.3(A)(1) and La. Rev. Stat. Ann. § 14:46.2(A)(1)(b) could apply to buyers based on the term “obtain.”⁵

Policy Goal 1.2 Commercial sexual exploitation of children (CSEC) laws specifically criminalize purchasing or soliciting commercial sex with any minor under 18.

Louisiana’s CSEC laws criminalize both purchasing and soliciting commercial sex with a minor. Pursuant to La. Rev. Stat. Ann. § 14:82.2(A) (Purchase of commercial sexual activity; penalties), “It shall be unlawful for any person to knowingly give, agree to give, or offer to give anything of value to another in order to engage in sexual intercourse with a person who receives or agrees to receive anything of value as compensation for such activity.”

Further, La. Rev. Stat. Ann. § 14:82.1(A) (Prostitution; persons under eighteen; additional offenses) states,

It shall be unlawful:

- (1) For any person over the age of seventeen to engage in sexual intercourse with any person under the age of eighteen who is practicing prostitution, and there is an age difference of greater than two years between the two persons.
- (2) For any parent or tutor of any person under the age of eighteen knowingly to consent to the person’s entrance or detention in the practice of prostitution.

La. Rev. Stat. Ann. § 14:82(A)(2) (Prostitution; definition; penalties; enhancement) criminalizes “solicitation by one person of another with the intent to engage in indiscriminate sexual intercourse with the latter for compensation” while La. Rev. Stat. Ann. § 14:89.2(A) (Crime against nature by solicitation) criminalizes “solicitation by a human being of another with the intent to engage in any unnatural carnal copulation for compensation.”

Lastly, La. Rev. Stat. Ann. § 14:81.3(A) (Computer-aided solicitation of a minor) provides,

⁵ See *United States v. Jungers*, 702 F.3d 1066 (8th Cir. 2013). In this case, the Eighth Circuit specifically addressed whether the federal sex trafficking law, 18 U.S.C. § 1591 (Sex trafficking of children or by force, fraud, or coercion) applies to buyers of sex with minors. Reversing a District of South Dakota ruling that Congress did not intend the string of verbs constituting criminal conduct under 18 U.S.C. § 1591(a)(1) (“recruits, entices, harbors, transports, provides, obtains, or maintains”) to reach the conduct of buyers (*United States v. Jungers*, 834 F. Supp. 2d 930, 931 (D.S.D. 2011)), the Eighth Circuit concluded that 18 U.S.C. § 1591 does not contain a “latent exemption for purchasers” because buyers can “engage in at least some of the prohibited conduct.” *Jungers*, 702 F. 3d 1066, 1072. Congress codified *Jungers* clarifying that the federal sex trafficking law is intended to apply to buyers in the Justice for Victims of Trafficking Act (JVTA) of 2015 Pub. L. No. 114-22, 129 Stat 227, enacted on May 29, 2015. The JVTA adds the terms “patronize” and “solicit” to the list of prohibited conduct and expressly states, “section 108 of this title amends section 1591 of title 18, United States Code, to add the words ‘solicits or patronizes’ to the sex trafficking statute making absolutely clear for judges, juries, prosecutors, and law enforcement officials that criminals who purchase sexual acts from human trafficking victims may be arrested, prosecuted, and convicted as sex trafficking offenders when this is merited by the facts of a particular case.” *Id.* at Sec. 109. The Eighth Circuit decision in *United States v. Jungers* and the federal sex trafficking law as amended by the Justice for Victims of Trafficking Act establish persuasive authority when state courts interpret the string of verbs constituting prohibited conduct in state sex trafficking laws (in particular, the term “obtains”) to the extent such interpretation does not conflict with state case law.

(1) Computer-aided solicitation of a minor is committed when a person seventeen years of age or older knowingly contacts or communicates, through the use of electronic textual communication,⁶ with a person who has not yet attained the age of seventeen where there is an age difference of greater than two years, or a person reasonably believed to have not yet attained the age of seventeen and reasonably believed to be at least two years younger, for the purpose of or with the intent to persuade, induce, entice, or coerce the person to engage or participate in sexual conduct or a crime of violence as defined in R.S. 14:2(B) [Definitions], or with the intent to engage or participate in sexual conduct in the presence of the person who has not yet attained the age of seventeen, or person reasonably believed to have not yet attained the age of seventeen.

(2) It shall also be a violation of the provisions of this Section when a person seventeen years of age or older knowingly contacts or communicates, through the use of electronic textual communication, with a person who has not yet attained the age of seventeen where there is an age difference of greater than two years, or a person reasonably believed to have not yet attained the age of seventeen and reasonably believed to be at least two years younger, for the purpose of or with the intent to arrange for any third party to engage in any of the conduct proscribed by the provisions of Paragraph (1) of this Subsection.

(3) It shall also be a violation of the provisions of this Section when a person seventeen years of age or older knowingly contacts or communicates, through the use of electronic textual communication, with a person who has not yet attained the age of seventeen, or a person reasonably believed to have not yet attained the age of seventeen, for the purpose of recruiting, enticing, or coercing the person to engage in commercial sexual activity.

(4) It shall also be a violation of the provisions of this Section when the contact or communication is initially made through the use of electronic textual communication and subsequent communication is made through the use of any other form of communication.

Policy Goal 1.3 Commercial sexual exploitation of children (CSEC) laws apply to traffickers and protect all minors under 18.

Louisiana’s CSEC laws address an array of trafficker conduct. Specifically, La. Rev. Stat. Ann. § 14:83.2(A) (Promoting prostitution) criminalizes “the knowing and willful control of, supervision of, or management of an enterprise for profit in which customers are charged a fee for services which include prostitution, regardless of what portion of the fee is actually for the prostitution services” while La. Rev. Stat. Ann. § 14:83(A) (Soliciting for prostitutes) criminalizes “soliciting, inviting, inducing, directing, or transporting a person to any place with the intention of promoting prostitution.”

Further, La. Rev. Stat. Ann. § 14:84(A) (Pandering) provides,

Pandering is any of the following intentional acts:

- (1) Enticing, placing, persuading, encouraging, or causing the entrance of any person into the practice of prostitution, either by force, threats, promises, or by any other device or scheme.
- (2) Maintaining a place where prostitution is habitually practiced.
- (3) Detaining any person in any place of prostitution by force, threats, promises, or by any other device or scheme.
- (4) Receiving or accepting by a person as a substantial part of support or maintenance anything of value which is known to be from the earnings of any person engaged in prostitution.
- (5) Consenting, on the part of any parent or tutor of any person, to the person’s entrance or detention in the practice of prostitution.

⁶ La. Rev. Stat. Ann. § 14:81.3(D)(3) defines “electronic textual communication” as “a textual communication made through the use of a computer on-line service, Internet service, or any other means of electronic communication, including but not limited to a local bulletin board service, Internet chat room, electronic mail, or on-line messaging service.”

(6) Transporting any person from one place to another for the purpose of promoting the practice of prostitution.

La. Rev. Stat. Ann. § 14:86(A) (Enticing persons into prostitution) states,

Enticing persons into prostitution is committed when any person over the age of seventeen entices, places, persuades, encourages, or causes the entrance of any other person under the age of twenty-one into the practice of prostitution, either by force, threats, promises, or by any other device or scheme. Lack of knowledge of the other person's age shall not be a defense.

Lastly, pursuant to La. Rev. Stat. Ann. § 14:81.3(A) (Computer-aided solicitation of a minor),

(1) Computer-aided solicitation of a minor is committed when a person seventeen years of age or older knowingly contacts or communicates, through the use of electronic textual communication,⁷ with a person who has not yet attained the age of seventeen where there is an age difference of greater than two years, or a person reasonably believed to have not yet attained the age of seventeen and reasonably believed to be at least two years younger, for the purpose of or with the intent to persuade, induce, entice, or coerce the person to engage or participate in sexual conduct or a crime of violence as defined in R.S. 14:2(B),⁸ or with the intent to engage or participate in sexual conduct in the presence of the person who has not yet attained the age of seventeen, or person reasonably believed to have not yet attained the age of seventeen.

(2) It shall also be a violation of the provisions of this Section when a person seventeen years of age or older knowingly contacts or communicates, through the use of electronic textual communication, with a person who has not yet attained the age of seventeen where there is an age difference of greater than two years, or a person reasonably believed to have not yet attained the age of seventeen and reasonably believed to be at least two years younger, for the purpose of or with the intent to arrange for any third party to engage in any of the conduct proscribed by the provisions of Paragraph (1) of this Subsection.

(3) It shall also be a violation of the provisions of this Section when a person seventeen years of age or older knowingly contacts or communicates, through the use of electronic textual communication, with a person who has not yet attained the age of seventeen, or a person reasonably believed to have not yet attained the age of seventeen, for the purpose of recruiting, enticing, or coercing the person to engage in commercial sexual activity.

(4) It shall also be a violation of the provisions of this Section when the contact or communication is initially made through the use of electronic textual communication and subsequent communication is made through the use of any other form of communication.

Policy Goal 1.4 Mistake of age is not an available defense under sex trafficking and commercial sexual exploitation of children (CSEC) laws.

Louisiana law prohibits a mistake of age defense in prosecutions for child sex trafficking and CSEC. Pursuant to La. Rev. Stat. Ann. § 14:46.3(C)(2) (Trafficking of children for sexual purposes), “Lack of knowledge of the victim’s age shall not be a defense to prosecution pursuant to the provisions of this Section.” Similarly, La. Rev. Stat. Ann. §

⁷ See *supra* note 6 for the definition of “electronic textual communication.”

⁸ La. Rev. Stat. Ann. § 14:2(B)(42), (43) (Definitions) includes both La. Rev. Stat. Ann. § 14:46.3 (Trafficking of children for sexual purposes) and La. Rev. Stat. Ann. § 14:46.2 (Human trafficking) as “crimes of violence.”

14:46.2(A)(1)(b) (Human trafficking) states in part, “It shall not be a defense to prosecution for a violation of the provisions of this Subparagraph⁹ that the person did not know the age of the victim”

Regarding Louisiana’s CSEC offenses, La. Rev. Stat. Ann. § 14:82.1(B)(1) (Prostitution; persons under eighteen; additional offense) provides, “Lack of knowledge of the age of the person practicing prostitution shall not be a defense.” Further, under La. Rev. Stat. Ann. § 14:89.2(D)(2) (Crime against nature by solicitation), “Lack of knowledge of the age of the person being solicited shall not be a defense.” Lastly, La. Rev. Stat. Ann. § 14:86(A) (Enticing persons into prostitution) states in part, “Lack of knowledge of the other person’s age shall not be a defense.”

Policy Goal 1.5 Use of a law enforcement decoy is not an available defense in child sex trafficking cases.

Louisiana’s child sex trafficking law expressly prohibits a defense to prosecution based on the use of a law enforcement decoy posing as a minor. La. Rev. Stat. Ann. § 14:46.3(C)(3) (Trafficking of children for sexual purposes) states, “It shall not be a defense to prosecution for a violation of this Section that the person being recruited, harbored, transported, provided, sold, purchased, received, isolated, enticed, obtained, or maintained is actually a law enforcement officer or peace officer acting within the official scope of his duties.”

Similarly, La. Rev. Stat. Ann. § 14:46.2(D)¹⁰ (Human trafficking) provides, “It shall not be a defense to prosecution for a violation of this Section that the person being recruited, harbored, transported, provided, solicited, received, isolated, patronized, procured, purchased, enticed, obtained, or maintained is actually a law enforcement officer or peace officer acting within the official scope of his duties.”

Policy Goal 1.6 The trafficking law expressly allows for business entity liability and establishes a business-specific penalty scheme.

Louisiana’s trafficking law does not expressly allow for business entity liability.

- 1.6.1 Recommendation: Ensure business entities can be held liable under state trafficking laws and establish a business-specific penalty scheme.

Policy Goal 1.7 State law mandates that financial penalties are levied on sex trafficking and CSEC offenders and are directed to a victim services fund.

Louisiana law levies financial penalties, including a monetary assessment and asset forfeiture, on sex trafficking and CSEC offenders and directs a percentage of those financial penalties to a victim services fund. Regarding mandatory

⁹ Pursuant to La. Rev. Stat. Ann. § 14:46.2(A)(1)(b),

It shall be unlawful:

(1)

. . . .

(b) For any person to knowingly recruit, harbor, transport, provide, solicit, sell, purchase, patronize, procure, hold, restrain, induce, threaten, subject, receive, isolate, entice, obtain, or maintain 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

See supra note 2.

¹⁰ *See supra* note 2.

fees, La. Rev. Stat. Ann. § 15:539.2 (Exploited Children’s Special Fund) requires sex trafficking and CSEC offenders to pay a monetary assessment, which is directed, in part, to the Exploited Children’s Special Fund for purposes of providing services and training. Specifically, La. Rev. Stat. Ann. § 15:539.2 provides,

A. Any person who is convicted or pleads guilty or nolo contendere to an offense involving trafficking of children for sexual purposes under R.S. 14:46.3, prostitution with persons under seventeen under R.S. 14:82.1, or enticing persons into prostitution under R.S. 14:86 shall be ordered to pay a mandatory monetary assessment of two thousand dollars

B.

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

(2)

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

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

Further, sex trafficking and CSEC offenders face asset forfeiture under La. Rev. Stat. Ann. § 15:539.1 (Forfeited property related to certain sex crimes; exempt property; allocation of forfeited property), which directs a percentage of forfeited assets to the Exploited Children’s Special Fund. Specifically, La. Rev. Stat. Ann. § 15:539.1 provides,

A. Upon conviction of a human trafficking-related offense¹¹ as defined in R.S. 46:1844(W), . . . the court shall order that the personal property used in the commission of the offense be seized or impounded and sold at public sale or auction by the district attorney or otherwise distributed or disposed of in accordance with the provisions of this Section

B. When personal property is forfeited under the provisions of this Section, the district attorney shall authorize a public sale or a public auction conducted by a licensed auctioneer, without appraisal, of that

¹¹ La. Rev. Stat. Ann. § 46:1844(W)(2)(a) (Basic rights for victim and witness) defines “human trafficking-related offense” as

the perpetration or attempted perpetration of R.S. 14:46.2 [Human trafficking] or 46.3 [Trafficking of children for sexual purposes] or any other crime involving commercial sexual exploitation including R.S. 14:81.1 [Pornography involving juveniles], 81.3 [Computer-aided solicitation of a minor], 82 [Prostitution; definition; penalties; enhancement], 82.1 [Prostitution; persons under eighteen; additional offenses], 82.2 [Purchase of commercial sexual activity; penalties], 83 [Soliciting for prostitutes], 83.1 [Inciting prostitution], 83.2 [Promoting prostitution], 83.3 [Prostitution by massage], 83.4 [Massage; sexual conduct prohibited], 84 [Pandering], 85 [Letting premises for prostitution], 86 [Enticing persons into prostitution], 89.2 [Crime against nature by solicitation], 104 [Keeping a disorderly place], 105 [Letting a disorderly place], and 282 [Operation of places of prostitution; prohibited; penalty].

which is not required by law to be destroyed and which is not harmful to the public. Any currency, instruments, or securities forfeited shall be distributed or disposed of as provided in this Section.

.....

F. Notwithstanding Subsection E of this Section, when the currency, instruments, securities, or other property is forfeited following a conviction for a violation of R.S. 14:46.2 (human trafficking), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:81.1 (pornography involving juveniles), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:82.1 (prostitution; persons under eighteen; additional offenses), R.S. 14:83 (soliciting for prostitutes), R.S. 14:83.1 (inciting prostitution), R.S. 14:83.2 (promoting prostitution), R.S. 14:84 (pandering), R.S. 14:85 (letting premises for prostitution), R.S. 14:86 (enticing persons into prostitution), R.S. 14:104 (keeping a disorderly place), R.S. 14:105 (letting a disorderly place), and R.S. 14:282 (operation of places of prostitution), the currency, instruments, and securities and proceeds of the public sale or public auction shall pay the costs of the public sale or public auction, court costs, and fees related to the seizure and storage of the personal property and shall then be applied to any restitution granted to the victim. Any remaining currency, instruments, securities, or proceeds shall be distributed in the following manner:

- (1) Twenty-five percent to the seizing agency or agencies allocated among the seizing agencies in proportion to their participation in the management of the investigation, seizure, and forfeiture.
- (2) Twenty-five percent to the prosecuting agency.
- (3) Fifty percent to the Exploited Children's Special Fund pursuant to R.S. 15:539.2.



ISSUE 2: Identification of & Response to Victims

Policy Goal 2.1 The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control.

The definition of child sex trafficking victim includes all commercially sexually exploited children without requiring third party control. Both La. Rev. Stat. Ann. § 14:46.3 (Trafficking of children for sexual purposes) and La. Rev. Stat. Ann. § 14:46.2 (Human trafficking) expressly apply to buyers of commercial sex with minors,¹² meaning a buyer can be charged regardless of whether a trafficker is involved or identified. Accordingly, third party control is not required to establish the crime of child sex trafficking or, consequently, to identify a commercially sexually exploited child as a trafficking victim.

Policy Goal 2.2 State law provides policy guidance to facilitate access to services and assistance for trafficked foreign national children.

Louisiana law provides policy guidance that facilitates access to services and assistance for trafficked foreign national children. Pursuant to La. Rev. Stat. Ann. § 46:2162 (Assistance to victims of human trafficking),

A. Classification of victims of human trafficking. As soon as practicable after the initial encounter with a person who reasonably appears to a law enforcement agency, a district attorney's office, or the office of the attorney general to be a victim of human trafficking, such agency or office shall:

(1) Notify the Crime Victims Services Bureau of the Department of Public Safety and Corrections that such person may be eligible for services under this Chapter.

(2) Make a preliminary assessment of whether such victim or possible victim of human trafficking appears to meet the criteria for certification as a victim of a severe form of trafficking as defined in the federal Trafficking Victims Protection Act (22 U.S.C. 7101 et seq.) or appears to be otherwise eligible for any federal, state, or local benefits and services.

(a) If it is determined that the victim or possible victim appears to meet such criteria, then the agency or office shall report the finding to the victim and shall refer the child victim to appropriate services available, including legal services providers.

(b) If the victim or possible victim is under the age of eighteen or is an adult in need of protective services pursuant to the provisions of the Adult Protective Services Act, the agency or office shall also notify the appropriate protective service agency.

B. Law enforcement assistance with respect to immigration.

(1) After the agency or office makes a preliminary assessment pursuant to Paragraph (A)(2) of this Section that a victim or possible victim of human trafficking appears to meet the criteria for certification as a victim of a severe form of trafficking as defined in the federal Trafficking Victims Protection Act, and upon the request of such victim, the agency or office shall provide the victim or possible victim of human trafficking with a completed and executed United States Citizenship and Immigration Services (USCIS) Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Human Trafficking in Persons, or a USCIS Form I-918, Supplement B, U Nonimmigrant Status Certification, or both. These forms shall be completed by the certifying officer in accordance with the forms' instructions and applicable rules and regulations.

¹² See *supra* Policy Goal 1.1 for a full discussion of buyer-applicability under La. Rev. Stat. Ann. § 14:46.3 and La. Rev. Stat. Ann. § 14:46.2.

(2) The victim or possible victim of human trafficking may choose which form to have the certifying officer complete.

Policy Goal 2.3 State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking.

Louisiana law does not require child welfare to conduct trauma-informed CSEC screening of system-involved children and youth who are at risk of sex trafficking.

2.3.1 Recommendation: Enact a state law requiring child welfare to screen system-involved children and youth at risk of sex trafficking for experiences of commercial sexual exploitation.

Policy Goal 2.4 State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking.

Louisiana law does not require juvenile justice agencies to conduct trauma-informed CSEC screening of children and youth who are at risk of sex trafficking.

2.4.1 Recommendation: Enact a state law requiring juvenile justice agencies to screen children and youth who are at risk of sex trafficking for experiences of commercial sexual exploitation.

Policy Goal 2.5 State law prohibits the criminalization of minors under 18 for prostitution offenses and establishes a services-referral protocol as an alternative to arrest.

Louisiana law fails to prohibit the criminalization of minors for prostitution offenses. While several protections exist, providing non-criminalization for prostitution for child sex trafficking victims and establishing a services-referral protocol, such safeguards are undermined by conflicting statutes that allow minors, including child sex trafficking victims, to be prosecuted for prostitution and prostitution-related offenses. Pursuant to La. Rev. Stat. Ann. § 14:46.3(E) (Trafficking of children for sexual purposes),

No victim of human trafficking as provided by the provisions of this Section shall be prosecuted for unlawful acts committed as a direct result of being trafficked. Any child determined to be a victim pursuant to the provisions of this Subsection shall be eligible for specialized services for sexually exploited children.

Such protections are further enumerated under La. Child. Code Ann. art. 804(3), (5) (Definitions), which states,

(3) “Delinquent act” means an act committed by a child ten years of age or older which if committed by an adult is designated an offense under the statutes or ordinances of this state, or of another state if the offense occurred there, or under federal law, except traffic violations “Delinquent act” shall not include a violation of R.S. 14:82 [Prostitution; definition; penalties; enhancement], 83.3 [Prostitution by massage], 83.4 [Massage; sexual conduct prohibited], 89 [Crime against nature], or 89.2 [Crime against nature by solicitation] for a child who, during the time of the alleged commission of the offense, was a victim of trafficking of children for sexual purposes pursuant to R.S. 14:46.3(E).

.....
(5) “Felony-grade delinquent act” means an offense that if committed by an adult, may be punished by death or by imprisonment at hard labor. “Felony-grade delinquent act” shall not include a violation of R.S. 14:82, 83.3, 83.4, 89, or 89.2 for a child who, during the time of the alleged commission of the offense, was a victim of trafficking of children for sexual purposes pursuant to R.S. 14:46.3(E).

In addition to the protections outlined above, Louisiana law requires law enforcement officers to refer all suspected cases of child sex trafficking to a service provider. La. Rev. Stat. Ann. § 46:2162(A)(2)(a)–(b) (Assistance to victims of human trafficking) states,

As soon as practicable after the initial encounter with a person who reasonably appears to a law enforcement agency, a district attorney’s office, or the office of the attorney general to be a victim of human trafficking, such agency or office shall:

- (1) Notify the Crime Victims Services Bureau of the Department of Public Safety and Corrections that such person may be eligible for services under this Chapter.
- (2) Make a preliminary assessment of whether such victim or possible victim of human trafficking appears to meet the criteria for certification as a victim of a severe form of trafficking as defined in the federal Trafficking Victims Protection Act (22 U.S.C. 7101 et seq.) or appears to be otherwise eligible for any federal, state, or local benefits and services.
 - (a) If it is determined that the victim or possible victim appears to meet such criteria, then the agency or office shall report the finding to the victim and shall refer the child victim to appropriate services available, including legal services providers.
 - (b) If the victim or possible victim is under the age of eighteen . . . , the agency or office shall also notify the appropriate protective service agency.

In addition, La. Child. Code Ann. art. 725.4 (Duties of law enforcement) states,

The officer shall notify the Crime Victims Services Bureau of the Department of Public Safety and Corrections that the child may be eligible for special services and, as a mandatory reporter as required by Children’s Code Article 610, shall notify the Department of Children and Family Services that the child is in need of protective services.

However, other statutes clearly permit the criminalization of minors for prostitution. Specifically, La. Child. Code Ann. art. 839(A), (D) (Availability of an informal adjustment agreement) provides,

A. Prior to the filing of a petition, the district attorney or the court with the consent of the district attorney may authorize an informal adjustment agreement.¹³

....

D.

- (1) Where a petition involves an allegation of an act of prostitution pursuant to R.S. 14:82, prostitution by massage pursuant to R.S. 14:83.3 or 83.4, or crimes against nature by solicitation pursuant to R.S. 14:89.2 and it is the child’s first offense and the child expresses a willingness to cooperate and receive specialized services for sexually exploited children, the district attorney may effect an informal adjustment agreement which includes specialized services for the child.
- (2) If, however, the child has previously been adjudicated a delinquent in violation of R.S. 14:82, 83.3, 83.4, or 89.2 or is unwilling to cooperate with specialized services for sexually exploited children, continuing with the delinquency proceeding shall be within the discretion of the district attorney.
- (3) The specialized services referenced in Subparagraph (1) of this Paragraph may include but are not limited to safe and stable housing, comprehensive on-site case management, integrated mental health

¹³ La. Child. Code Ann. art. 841(B) (Effect of agreement) explains:

An informal adjustment agreement suspends the proceedings on the delinquent acts charged in the complaint or petition. If any of the terms of the agreement are violated, the case may proceed to an adjudication hearing on the charges. If the child satisfies the terms of the agreement, he shall be discharged from further supervision, and the pending complaint or petition shall be dismissed with prejudice.

and chemical dependency services, including specialized trauma recovery services, education and employment training, and referrals to off-site specialized services, as appropriate.

In addition, the core prostitution offense, La. Rev. Stat. Ann. § 14:82(A), (G)(1), applies equally to minors and adults and acknowledges prosecution of child sex trafficking victims, stating,

A. Prostitution is:

- (1) The practice by a person of indiscriminate sexual intercourse with others for compensation.
- (2) The solicitation by one person of another with the intent to engage in indiscriminate sexual intercourse with the latter for compensation.

....

....

G.

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

Relatedly, La. Rev. Stat. Ann. § 14:83.3 (Prostitution by massage)¹⁴ and La. Rev. Stat. Ann. § 14:83.4 (Massage; sexual conduct prohibited)¹⁵ are similarly structured, applying equally to minors and adults, while providing an affirmative defense to child sex trafficking victims.

Likewise, La. Rev. Stat. Ann. § 14:46.2(F)(1), (2) (Human trafficking) provides an affirmative defense to all sex trafficking victims charged with prostitution offenses, stating,

¹⁴ La. Rev. Stat. Ann. § 14:83.3(A), (D) states,

A. Prostitution by massage is the erotic stimulation of the genital organs of another by any masseur, masseuse, or any other person, whether resulting in orgasm or not, by instrumental manipulation, touching with the hands, or other bodily contact exclusive of sexual intercourse or unnatural carnal copulation, when done for money.

....

D.

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

¹⁵ La. Rev. Stat. Ann. § 14:83.4(A), (C)(1) states,

A. It shall be unlawful for any masseur, masseuse, or any other person, while in a massage parlor or any other enterprise used as a massage parlor, by stimulation in an erotic manner, to:

- (1) Expose, touch, caress, or fondle the genitals, anus, or pubic hairs of any person or the nipples of the female breast; or
- (2) To perform any acts of sadomasochistic abuse, flagellation, or torture in the context of sexual conduct.

....

C.

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

(1) A victim of trafficking involving services that include commercial sexual activity or any sexual contact which constitutes a crime pursuant to the laws of this state shall have an affirmative defense to prosecution for any of the following offenses which were committed as a direct result of being trafficked:

- (a) R.S. 14:82 (Prostitution).
- (b) R.S. 14:83.3 (Prostitution by massage).
- (c) R.S. 14:84.4 (Massage; sexual conduct prohibited).
- (d) R.S. 14:89 (Crime against nature).
- (e) R.S. 14:89.2 (Crime against nature by solicitation).

(2) Any person seeking to raise this affirmative defense shall provide written notice to the state at least forty-five days prior to trial or at an earlier time as otherwise required by the court.

Consequently, while La. Rev. Stat. Ann. § 14:46.3(E) and La. Child. Code Ann. art. 804(3) provide important non-criminalization protections to commercially sexually exploited minors, such protections are undermined by several provisions permitting the criminalization of children for prostitution offenses.

- 2.5.1 Recommendation: Amend existing law to prohibit all punitive aspects of a juvenile justice response, including informal adjustment, and, instead, prohibit criminal liability for all minors for prostitution and require law enforcement to direct children suspected of engaging in commercial sex to services.

Policy Goal 2.6 State law prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanor and non-violent felony offenses committed as a result of their trafficking victimization.

Louisiana law prohibits the criminalization of child sex trafficking victims for status offenses as well as misdemeanors and non-violent felonies committed as a result of their trafficking victimization. La. Rev. Stat. Ann. § 14:46.3(E) (Trafficking of children for sexual purposes) broadly provides,

No victim of trafficking as provided by the provisions of this Section shall be prosecuted for unlawful acts committed as a direct result of being trafficked. Any child determined to be a victim pursuant to the provisions of this Subsection shall be eligible for specialized services for sexually exploited children.

Policy Goal 2.7 State law prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

Louisiana law prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization. La. Rev. Stat. Ann. § 14:46.3(E) (Trafficking of children for sexual purposes) broadly provides,

No victim of trafficking as provided by the provisions of this Section shall be prosecuted for unlawful acts committed as a direct result of being trafficked. Any child determined to be a victim pursuant to the provisions of this Subsection shall be eligible for specialized services for sexually exploited children.

Policy Goal 2.8 State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

Louisiana law prohibits the criminalization of child sex trafficking victims for violent felonies committed as a result of their trafficking victimization. La. Rev. Stat. Ann. § 14:46.3(E) (Trafficking of children for sexual purposes) broadly provides,

No victim of trafficking as provided by the provisions of this Section shall be prosecuted for unlawful acts committed as a direct result of being trafficked. Any child determined to be a victim pursuant to the provisions of this Subsection shall be eligible for specialized services for sexually exploited children.

Policy Goal 2.9 Juvenile court jurisdiction aligns with international human rights standards.

Louisiana law does not provide age-appropriate juvenile court responses for all minors accused of engaging in juvenile or criminal conduct. While Louisiana law extends juvenile court jurisdiction to all minors under 18 years of age, governing state statute does not establish a minimum age for juvenile court jurisdiction, permits automatic transfers for minors 14 years of age or older charged with certain offenses, and fails to require courts to consider the impact of trauma or past victimization in make discretionary transfer determinations.

	Minimum Age of Juvenile Court Jurisdiction	Maximum Age for Charging Youth in Juvenile Court	Automatic Transfers or Direct File	Discretionary Transfers	Requirement for Court to Consider Trauma or Past Victimization
Summary	None. “Child” is defined as, “any person under the age of twenty-one . . . who commits a delinquent act . . . before the person attains eighteen years of age.”	17	Yes. Minors: (1) 15+ years of age who are indicted for certain offenses; (2) 15+ years of age who, following a probable cause hearing in juvenile court, is determined to have committed certain offenses.	Yes. Minors 14+ years of age charged with certain offenses.	No; however, the court is required to consider whether “the child’s behavior might be related to physical or mental problems.”
Relevant Statute(s)	La. Child. Code art. 804(1)(c) (Definitions)	La. Child. Code art. 804(1)(c) (Definitions)	La. Child Code art. 305(A)(1) (Divestiture of juvenile court jurisdiction; original criminal court jurisdiction over children)	La. Child Code art. 857(A) (Transfers for criminal prosecution; authority)	La. Child Code art. 862(A) (Transfer hearing; required findings)

Consequently, some minors may still be subjected to age-inappropriate juvenile court responses due to state laws that: (1) fail to establish a minimum age for juvenile court jurisdiction that aligns with international human rights standards; (2) allows minors to be subject to direct file and automatic transfers; and (3) do not require the juvenile court to consider past trafficking victimization or trauma when making a transfer determination.

- 2.9.1 Recommendation: Enact comprehensive state laws requiring age-appropriate juvenile court responses for all children accused of engaging in juvenile or criminal conduct.

Policy Goal 2.10 State law defines child abuse to include child sex trafficking for purposes of accessing child welfare services.

Louisiana law defines “abuse” to include commercial sexual exploitation of children, which is further defined to include child sex trafficking. Specifically, La. Child. Code Ann. art. 603(2)(b) (Definitions) defines “abuse” to include “[t]he exploitation or overwork of a child by a parent or any other person, including but not limited to commercial sexual exploitation of the child.” La. Child. Code Ann. art. 603(9.1) defines “commercial sexual exploitation” to include the following:

[I]nvolvement of the child activity prohibited by the following statutes: R.S. 14:46.2 [Human trafficking], 46.3 [Trafficking of children for sexual purposes], . . . 81.3 [Computer-aided solicitation of a minor], 82 [Prostitution; definition; penalties; enhancement], 82.1 [Prostitution; persons under eighteen; additional offenses], 82.2 [Purchase of commercial sexual activity; penalties], 83 [Soliciting for prostitutes], 83.1 [Inciting prostitution], 83.2 [Promoting prostitution], 83.3 [Prostitution by massage], 83.4 [Massage; sexual conduct prohibited], 84 [Pandering], 85 [Letting premises for prostitution], 86 [Enticing persons into prostitution], 89.2 [Crime against nature by solicitation], 104 [Keeping a disorderly place], 105 [Letting a disorderly place], and 282 [Operation of places of prostitution prohibited; penalty].

Policy Goal 2.11 State law allows for child welfare involvement in non-familial child sex trafficking cases without hinging involvement on caregiver fault and provides for an alternative, specialized investigation in those cases.

Although Louisiana’s safe harbor statutes prescribe specific duties to the Department of Children and Family Services for responding to child sex trafficking victims¹⁶ and state mandatory reporter laws require reports to be made to the department regardless of parent or caregiver fault,¹⁷ Louisiana’s child welfare jurisdictional statutes do not allow for a child welfare response in non-familial child sex trafficking cases. Specifically, both La. Child. Code Ann. art. 606(A) (Grounds; child in need of care)¹⁸ and La. Child Code Ann. art. 725.5 (Duties of the Department

¹⁶ Pursuant to La. Child. Code Ann. art. 725.5(B)–(E) (Duties of the Department of Children and Family Services),

- B. The department shall fully cooperate with law enforcement, prosecutors, and court staff in the investigation and prosecution of child sexual exploitation, including ensuring that all state, federal, and community-based resources for sexually exploited children are known to the child.
- C. The department shall maintain a current listing of licensed residential homes that specialize in the provision of services to exploited children. This listing shall be made available to courts, prosecutors, law enforcement, and other stakeholders involved in proceedings pertaining an exploited child.
- D. The department shall cooperate with the prosecution of any perpetrator of child exploitation.
- E. The department shall develop policies that reflect best practices. It shall consider all protocols developed by the Louisiana Human Trafficking Commission and assist in compiling data requested by the commission when available.

¹⁷ Pursuant to La. Child. Code Ann. art. 610(A)(1) (Reporting procedure; reports to the legislature and the United States Department of Defense and Family Advocacy Program) states in part, “If a report involves alleged sex trafficking, all mandatory reporters shall report to the department regardless of whether there is alleged parental or caretaker culpability.” The text of La. Child. Code Ann. art. 610 cited here and elsewhere in this report includes amendments made by the enactment of Senate Bill 63 during the 2022 Regular Session of the Louisiana state legislature (effective January 1, 2023).

¹⁸ La. Child. Code Ann. art. 606(A) provides,

Allegations that a child is in need of care must assert one or more of the following grounds:

of Children and Family Services)¹⁹ expressly limit child welfare's ability to respond to child sex trafficking victims to cases where a parent or caregiver is the perpetrator or otherwise at fault for the child's victimization. Further, a specialized investigation is not statutorily required for children reported to child welfare due to trafficking victimization perpetrated by a non-familial trafficker.

2.11.1 Recommendation: Statutorily allow for child welfare involvement in child sex trafficking cases regardless of parent or caregiver fault and provide for a specialized investigation in those cases.

- (1) The child is the victim of abuse perpetrated, aided, or tolerated by the parent or caretaker, by a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or by a person living in the same residence with the parent or caretaker as a spouse whether married or not, and his welfare is seriously endangered if he is left within the custody or control of that parent or caretaker.
- (2) The child is a victim of neglect.
- (3) The child is without necessary food, clothing, shelter, medical care, or supervision because of the disappearance or prolonged absence of his parent or when, for any other reason, the child is placed at substantial risk of imminent harm because of the continuing absence of the parent.
- (4) As a result of a criminal prosecution, the parent has been convicted of a crime against the child who is the subject of this proceeding, or against another child of the parent, and the parent is now unable to retain custody or control or the child's welfare is otherwise endangered if left within the parent's custody or control.
- (5) The conduct of the parent, either as principal or accessory, constitutes a crime against the child or against any other child.

¹⁹ La. Child Code Ann. art. 725.5(A) states,

The department shall be responsible for investigating reports of abuse or neglect where the abuser is believed to be a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not.



ISSUE 3: Continuum of Care

Policy Goal 3.1 State law mandates a process for coordinating access to specialized services for child sex trafficking victims that does not require involvement in child-serving systems.

Louisiana law authorizes the provision of specialized, community-based services through family justice centers but does not mandate a clear process for connecting child sex trafficking victims with those services. Pursuant to La. Rev. Stat. Ann. § 46:1861(A)(1)(f) (Family justice centers), “A family justice center may be established in any judicial district to provide support, services, and assistance to victims of . . . [h]uman trafficking as defined by R.S. 14:46.2 and trafficking of children for sexual purposes as defined by R.S. 14:46.3.” Additionally, La. Rev. Stat. Ann. § 46:1861(D) provides,

No family justice center shall:

- (1) Deny services to any victim on the grounds of the victim's criminal history.
- (2) Request the criminal history of a victim without the victim's written consent unless pursuant to a criminal investigation.
- (3) Require a victim to participate in the criminal justice system or cooperate with law enforcement in order to receive counseling, medical care, or any other services at a family justice center.
- (4) Require a victim to sign a consent form to share information in order to access services at the family justice center.

3.1.1 Recommendation: Strengthen existing law to mandate a process for coordinating access to specialized services for child sex trafficking victims that does not require involvement in child-serving systems.

Policy Goal 3.2 State law provides for a survivor-centered multi-disciplinary team response to child sex trafficking cases.

Although Louisiana law allows for a multi-disciplinary team (MDT) response, the response is discretionary and is not expressly mandated to be specialized to the needs of trafficking survivors. La. Rev. Stat. Ann. § 46:51(16)²⁰ (Duties of the department) states,

The Department of Children and Family Services, through its secretary, shall administer the public assistance and welfare laws of the state, as follows:

.....

(16) Make care coordination and advocacy services available for child victims of child sex trafficking as follows:

- (a) Care coordination services may include emergency and ongoing multidisciplinary coordination and service planning with key agencies to address medical, psychological, safety, housing, and other emergency and long-term needs of the child and the investigative needs of law enforcement.
- (b) Based on the needs of the child and the child’s family, advocacy services may include:
 - (i) Face-to-face visits to include emotional support.
 - (ii) Development, implementation, and updates to safety plans.
 - (iii) Communication and advocacy on the child’s behalf with care coordinators.

²⁰ The text of La. Rev. Stat. Ann. § 46:51 cited here and elsewhere in this report includes amendments made by the enactment of Senate Bill 63 during the 2022 Regular Session of the Louisiana state legislature (effective January 1, 2023).

- (iv) Assistance with referrals and implementation of services.
- (v) Twenty-four hour on-call crisis assistance to respond to the needs of the child.
- (vi) Assistance with transportation and other physical needs.
- (vii) Support work with the family to develop safety procedures based on the particular situation and the child's needs.
- (viii) Education on how to monitor and address the child's internet access, messaging, and telephone contacts.

Further, La. Rev. Stat. Ann. § 14:46.3(F) (Trafficking of children for sexual purposes) provides child sex trafficking victims with access to an existing child abuse and neglect MDT, stating,

The provisions of Chapter 1 of Title V [Protection of children in abuse investigations] of the Louisiana Children's Code regarding the multidisciplinary team²¹ approach applicable to children who have been abused or neglected, to the extent practical, shall apply to the children who are victims of the provisions of this Section.

- 3.2.1 Recommendation: Strengthen existing law to require a multi-disciplinary team response specific to child sex trafficking victims.

Policy Goal 3.3 State law requires child welfare to provide access to specialized services for identified sex trafficked children and youth.

Louisiana law requires child welfare to provide access to services that are specialized to the unique needs of child sex trafficking victims. Pursuant to La. Rev. Stat. Ann. § 46:51(16)²² (Duties of the department),

²¹ Pursuant to La. Child Code Ann. art. 512 (Composition of the multidisciplinary investigative team),

- A. The permanent members of the multidisciplinary investigative team shall include governmental entities and other professions with an expertise in evaluating child abuse.
- B. Governmental entities that have responsibilities imposed by law for the investigation of child abuse include:
 - (1) The office of children and family services, Department of Children and Family Services.
 - (2) The district attorney.
 - (3) The sheriff and any other law enforcement agency having responsibility in the district for the investigation of child abuse.
 - (4) The coroner or his designee who is a licensed medical professional with experience in the investigation of child abuse or the evaluation of child victims.
- C. Professionals whose expertise can contribute significantly to the investigation and evaluation of allegations of child abuse or to the provision of services to child victims and their families include:
 - (1) A licensed medical professional with experience in the investigation of child abuse or the evaluation of child victims.
 - (2) A licensed mental health professional with experience in the investigation of child abuse or the evaluation of child victims.
 - (3) A representative of a child advocacy center that serves the judicial district or if no center exists within the district, a child advocate who is appointed by the juvenile court, or if there is no juvenile court, the division of the district court that hears juvenile cases, to ensure that the best interests of children remain at the forefront of planning and decision making.
 - (4) A representative of any community agency or other professional who is knowledgeable about child abuse and who might contribute to the decision-making process involving the investigation, evaluation or treatment of child victims of abuse.
 - (5) The victim assistance coordinator of the judicial district.
 -

²² See *supra* note 20.

The Department of Children and Family Services, through its secretary, shall administer the public assistance and welfare laws of the state, as follows:

-
- (16) Make care coordination and advocacy services available for child victims of child sex trafficking as follows:
- (a) Care coordination services may include emergency and ongoing multidisciplinary coordination and service planning with key agencies to address medical, psychological, safety, housing, and other emergency and long-term needs of the child and the investigative needs of law enforcement.
 - (b) Based on the needs of the child and the child's family, advocacy services may include:
 - (i) Face-to-face visits to include emotional support.
 - (ii) Development, implementation, and updates to safety plans.
 - (iii) Communication and advocacy on the child's behalf with care coordinators.
 - (iv) Assistance with referrals and implementation of services.
 - (v) Twenty-four hour on-call crisis assistance to respond to the needs of the child.
 - (vi) Assistance with transportation and other physical needs.
 - (vii) Support work with the family to develop safety procedures based on the particular situation and the child's needs.
 - (viii) Education on how to monitor and address the child's internet access, messaging, and telephone contacts.

Further, La. Child. Code Ann. art. 725.5(B) (Duties of the Department of Children and Family Services) requires the Department of Children and Family Services to “fully cooperate with law enforcement, prosecutors, and court staff in the investigation and prosecution of child sexual exploitation, including ensuring that all state, federal, and community-based resources for sexually exploited children²³ are known to the child.”

Lastly, specialized services may be available through a safe house. Under La. Child. Code Ann. art. 622(B)(5) (Placement pending a continued custody hearing),²⁴ pending a continued custody hearing, a child sex trafficking

²³ La. Child. Code Ann. art. 725.1(3) (Definitions) defines “sexually exploited child” as “any person under the age of eighteen who has been subject to sexual exploitation because the person either: (a) Is a victim of trafficking of children for sexual purposes under R.S. 14:46.3. (b) Is a victim of child sex trafficking under 18 U.S.C. 1591.”

²⁴ Pursuant to La. Child. Code Ann. art. 622 (Placement pending a continued custody hearing),

A. Prior to the continued custody hearing required in Article 624 [Continued custody hearing; continue safety plan hearing; federal Indian Child Welfare Act], a suitable relative or other suitable individual may seek and obtain an ex parte court order to take provisional custody of the child pending the continued custody hearing. The provisions of Code of Civil Procedure Article 3945 are inapplicable to an ex parte order rendered pursuant to this Paragraph.

B. Unless the best interest of the child requires a different placement, a child who appears to be a child in need of care and whose immediate removal is necessary shall be placed, pending a continued custody hearing, in accordance with the following priorities of placement:

- (1) In the home of a suitable relative who is of the age of majority and with whom the child has been living in a stable and safe environment if the relative is willing and able to continue to offer such environment for the child pending an adjudication hearing and if the relative agrees to the safety plan.
- (2) In the home of a suitable relative who is of the age of majority if the relative is willing and able to offer a stable and safe environment for the child pending an adjudication hearing and if the relative agrees to the safety plan.
- (3) In the home of a suitable individual who is of the age of majority if the individual is willing and able to offer a stable and safe environment for the child pending an adjudication hearing and if the individual agrees to the safety plan.

victim may be placed in a shelter care facility. La. Child. Code Ann. art. 116(25) (Definitions) defines “shelter care facility” to include “a licensed, physically unrestricting public or private child caring facility, a residential facility operated for runaway, homeless, or sexually exploited children, or a safe house as defined in Children’s Code Article 725.1 [Definitions] which provides temporary care for children.” Safe houses must provide specialized services. La Child. Code Ann. art. 725.2(A)(2), (3) (Safe house for sexually exploited children) states,

- (2) The department may, to the extent funds are available, operate or contract with an appropriate nongovernmental agency with experience working with sexually exploited children to operate one or more safe houses in a geographically appropriate area of the state.
- (3) Each safe house shall provide safe and secure housing and specialized services for sexually exploited children.

Policy Goal 3.4 State law requires the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

While services may be available in conjunction with diversion, diversion is limited to children facing prostitution-related charges, and Louisiana law does not provide access to specialized services for all identified sex trafficked children and youth in the juvenile justice system. Specifically, La. Child. Code Ann. art. 725.3(1) (Statewide protocol; applicability of child in need of care procedure) establishes a statewide protocol for victim’s services for children who have been granted diversion, stating,

The [Department of Child and Family Services] shall develop a statewide protocol for helping to coordinate the delivery of services to sexually exploited children²⁵ and shall work with court intake officers to ensure that all state, federal, and community-based resources for sexually exploited children are known to children who have been granted diversion under Article 839 [Availability of an informal adjustment agreement].

Under La. Child. Code Ann. art. 839(A), (D) (Availability of an informal adjustment agreement),

(A) Prior to the filing of a petition, the district attorney or the court with the consent of the district attorney may authorize an informal adjustment agreement.

....

(D)

(1) Where a petition involves an allegation of an act of prostitution pursuant to R.S. 14:82, prostitution by massage pursuant to R.S. 14:83.3 or 83.4, or crimes against nature by solicitation pursuant to R.S. 14:89.2 and it is the child’s first offense and the child expresses a willingness to cooperate and receive specialized services for sexually exploited children, the district attorney may effect an informal adjustment agreement which includes specialized services for the child.

(2) If, however, the child has previously been adjudicated a delinquent in violation of R.S. 14:82, 83.3, 83.4, or 89.2 or is unwilling to cooperate with specialized services for sexually exploited children, continuing with the delinquency proceeding shall be within the discretion of the district attorney.

(4) In foster care under the supervision of the department until further orders of the court.

(5) In a shelter care facility if the child, who is not in the custody of the department, has been the victim of human trafficking as provided for in R.S. 14:46.2 or trafficking of children for sexual purposes as provided for in R.S. 14:46.3.

The text of La. Child Code Ann. art. 622 cited here and elsewhere in this report includes amendments made by the enactment of House Bill 360 during the 2022 Regular Session of the Louisiana state legislature (effective August 1, 2022).

²⁵ La. Child. Code Ann. art. 725.1(3) (Definitions) defines “sexually exploited child” as “any person under the age of eighteen who has been subject to sexual exploitation because the person either: (a) Is a victim of trafficking of children for sexual purposes under R.S. 14:46.3. (b) Is a victim of child sex trafficking under 18 U.S.C. 1591.”

(3) The specialized services referenced in Subparagraph (1) of this Paragraph may include but are not limited to safe and stable housing, comprehensive on-site case management, integrated mental health and chemical dependency services, including specialized trauma recovery services, education and employment training, and referrals to off-site specialized services, as appropriate.

3.4.1 Recommendation: Enact legislation requiring the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

Policy Goal 3.5 State law extends foster care services to older foster youth.

Louisiana law extends foster care services to youth under 21 years of age. However, these services are not extended to youth under 23 years of age as permitted under federal law.²⁶ La. Rev. Stat. Ann. § 46:288.2 (3) (Definitions) defines “youth” as “an individual who was adjudicated as a child in need of care, was in foster care in the department’s custody on the day before his eighteenth birthday, and is at least eighteen years of age but less than twenty- one years of age.” Additionally, La. Rev. Stat. Ann. § 46:288.3 (Eligibility; notice) provides access to extended foster care services for youth that meet the eligibility requirements.²⁷

3.5.1 Recommendation: Strengthen existing law to better support transition age youth by extending transitional foster care services to youth under 23 years of age.

Policy Goal 3.6 State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement.

The Louisiana state legislature appropriated funds during the 2021 and 2022 sessions to the provision of specialized, community-based services for child and youth survivors of sex trafficking. Further, appropriations were made during the 2021 and 2022 sessions to support child-serving agencies in addressing the needs of that population.

2021-2022 Legislative Session				
Bill	Recipient	Amount	Intended Purpose	Term
HB 1	Children’s Trafficking Collaborative	\$498,561	Support the Collaborative, an MDT formed to improve outcomes for child and youth survivors of sex and labor trafficking. The Collaborative is a project of the Governor’s Office and the Louisiana Alliance of Children’s Advocacy Centers.	FY 2022-2023
2022 Legislative Session				July 1 st to June 30 th

²⁶ For more information, see Shared Hope Int’l, *Issue Brief 3.5: Continuum of Care*, <https://reportcards.sharedhope.org/wp-content/uploads/2022/10/2022-Issue-Briefs-3.5.pdf> (discussing federal laws that allow for funded foster care services to be extended to youth under 23 years of age).

²⁷ Criteria for eligibility defined under La. Rev. Stat. Ann. § 46:288.3 (Eligibility; notice), and further authorized by the parties entering into an extended foster care voluntary placement agreement, per the terms laid out in La. Rev. Stat. Code § 46:288.4 (Extended foster care voluntary placement agreement).

HB 1	Children’s Trafficking Collaborative	\$489,561	Support the Collaborative, an MDT formed to improve outcomes for child and youth survivors of sex and labor trafficking. The Collaborative is a project of the Governor’s Office and the Louisiana Alliance of Children’s Advocacy Centers.	FY 2021-2022
2021 Legislative Session				July 1st to June 30th
HB 1	Office of Human Trafficking Prevention, Office of the Governor	\$450,100	Four salaries to support the requirements outlined in SB 170. Among several of the mandates outlined in Senate Bill 170, the Office of Human Trafficking Prevention is required to “develop, manage, operate, and support services and programs for human trafficking victims.”	FY 2021-2022
2021 Legislative Session				July 1 st -June 30 th

EXTRA CREDIT



The Louisiana state legislature appropriated funds during the 2021 and 2022 sessions to the provision of specialized, community-based services for child and youth survivors of sex and labor trafficking.



ISSUE 4: Access to Justice for Trafficking Survivors

Policy Goal 4.1 State law allows trafficking victims to seek emergency civil orders of protection.

Louisiana law allows trafficking victims to seek ex parte civil orders of protection against their exploiters. Pursuant to La. Rev. Stat. Ann. § 46:2183 (Protection from sexual assault; temporary restraining order),

- A. A victim of sexual assault as defined by R.S. 46:2184 [Definitions], perpetrated by a person who is either unknown to the victim or who is an acquaintance of the victim, shall be eligible to receive all services, benefits, and other forms of assistance provided by Chapter 28 [Protection for victims of sexual assault act] of this Title.
- B. For persons who are eligible, under the provisions of this Chapter, to seek a temporary restraining order pursuant to the provisions of R.S. 46:2135 [Temporary restraining order],²⁸ a showing that the person is or has been a victim of sexual assault shall constitute good cause for purposes of obtaining a temporary restraining order in an ex parte proceeding.

²⁸ La. Rev. Stat. Ann. § 46:2135(A) states in part,

The court shall consider any and all past history of abuse, or threats thereof, in determining the existence of an immediate and present danger of abuse. There is no requirement that the abuse itself be recent, immediate, or present. The order may include but is not limited to the following:

- (1) Directing the defendant to refrain from abusing, harassing, or interfering with the person or employment or going near the residence or place of employment of the petitioner, the minor children, or any person alleged to be incompetent, on whose behalf a petition was filed under this Part.
- (2) Awarding to a party use and possession of specified jointly owned or leased property, such as an automobile.
- (3) Granting possession to the petitioner of the residence or household to the exclusion of the defendant, by evicting the defendant or restoring possession to the petitioner where:
 - (a) The residence is jointly owned in equal proportion or leased by the defendant and the petitioner or the person on whose behalf the petition is brought;
 - (b) The residence is solely owned by the petitioner or the person on whose behalf the petition is brought; or
 - (c) The residence is solely leased by defendant and defendant has a duty to support the petitioner or the person on whose behalf the petition is brought.
- (4) Prohibiting either party from the transferring, encumbering, or otherwise disposing of property mutually owned or leased by the parties, except when in the ordinary course of business, or for the necessary support of the party or the minor children.
- (5) Awarding temporary custody of minor children or persons alleged to be incompetent.
- (6) Awarding or restoring possession to the petitioner of all separate property and all personal property, including but not limited to telephones or other communication equipment, computers, medications, clothing, toiletries, social security cards, birth certificates or other forms of identification, tools of the trade, checkbooks, keys, automobiles, photographs, jewelry, or any other items or personal effects of the petitioner and restraining the defendant from transferring, encumbering, concealing, or disposing of the personal or separate property of the petitioner.
- (7) Granting to the petitioner the exclusive care, possession, or control of any pets belonging to or under the care of the petitioner or minor children residing in the residence or household of either party, and directing the defendant to refrain from harassing, interfering with, abusing or injuring any pet, without legal justification, known to be owned, possessed, leased, kept, or held by either party or a minor child residing in the residence or household of either party.

La. Rev. Stat. Ann. § 46:2184 (Definitions) defines “sexual assault” to include “any nonconsensual sexual contact including but not limited to any act provided in R.S. 15:541(24),” and La. Rev. Stat. Ann. § 15:541(24)(a) (Definitions) includes the following sex offenses,

[H]uman trafficking when prosecuted under the provisions of R.S. 14:46.2(B)(2), R.S. 14:46.3 (trafficking of children for sexual purposes), . . . R.S. 14:89.2(B)(3) (crime against nature by solicitation), . . . R.S. 14:81.3 (computer-aided solicitation of a minor), . . . R.S. 14:82.1 (prostitution; persons under eighteen), R.S. 14:82.2(C)(4) and (5) (purchase of commercial sexual activity) . . .

Policy Goal 4.2 Ineligibility factors for crime victims’ compensation do not prevent victims of child sex trafficking and commercial sexual exploitation of children (CSEC) from accessing compensation.

Louisiana’s crime victims’ compensation laws provide victims of child sex trafficking and CSEC with exceptions to most, but not all, ineligibility factors, leaving some commercially sexually exploited children without access to an award.

For purposes of accessing crime victims’ compensation, La. Rev. Stat. Ann. § 46:1802(13)(a) (Definitions) expressly defines “victim” to include commercially sexually exploited children, stating,

Any person who suffers personal injury, death, or catastrophic property loss as a result of a crime committed in this state and covered by this Chapter [Crime victims reparations]. This includes any person who is a victim of human trafficking as defined by R.S. 14:46.2 [Human trafficking], a victim of trafficking of children for sexual purposes as defined by R.S. 14:46.3 [Trafficking of children for sexual purposes], or a victim of any offense involving commercial sexual exploitation including but not limited to R.S. 14:81.1 [Pornography involving juveniles], 81.3 [Computer-aided solicitation of a minor], 82 [Prostitution; definitions; penalties; enhancement], 82.1 [Prostitution; persons under eighteen; additional offenses], 82.2 [Purchase of commercial sexual activity; penalties], 83 [Soliciting for prostitutes], 83.1 [Inciting prostitution], 83.2 [Promoting prostitution], 83.3 [Prostitution by massage], 83.4 [Massage; sexual conduct prohibited], 84 [Pandering], 85 [Letting premises for prostitution], 86 [Enticing persons into prostitution], 89.2 [Crime against nature by solicitation], 104 [Keeping a disorderly place], 105 [Letting a disorderly place], and 282 [Operation of places of prostitution prohibited; penalty].

Further, commercially sexually exploited children are provided with exceptions to several ineligibility factors. Pursuant to La. Rev. Stat. Ann. § 46:1809(B)(3)²⁹ (Criteria for making awards; prohibitions; authority to deny or reduce awards),

- (a) No award of reparations shall be made if the board finds that:
 - (i) The claimant failed or refused to cooperate substantially with the reasonable requests of appropriate law enforcement officials.
 - (ii) A totality of the circumstances indicate that the claimant was the offender or an accessory, or that an award to the claimant would unjustly benefit any of them. However, such ineligibility shall not apply if the claimant is a victim of human trafficking or trafficking of children for sexual purposes.

²⁹ The text of La. Rev. Stat. Ann. § 46:1809 cited here and elsewhere in this report includes amendments made by the enactment of House Bill 648 during the 2022 Regular Session of the Louisiana state legislature (effective August 1, 2022).

(b) The ineligibility provisions provided for in Items (a)(i) and (ii) of this Paragraph shall not apply if the claim for reparations results from a sexually-oriented criminal offense.³⁰

Further, La. Rev. Stat. Ann. § 46:1809(B)(4)(a) provides,

The board may deny or reduce an award:

(a) If the totality of the circumstances indicate that the behavior of the victim at the time of the crime giving rise to the claim was such that the victim bears some measure of responsibility for the crime that caused the physical injury, death, or catastrophic property loss or for the physical injury, death, or catastrophic property loss. However, such ineligibility shall not apply if the claimant is a victim of a human trafficking-related offense as defined by R.S. 46:1805 or a sexually-oriented criminal offense as defined by R.S. 15:622.

La. Rev. Stat. Ann. § 46:1806(B)(2)³¹ (Application; requirements; confidentiality) ensures that a victim of sexually-oriented criminal offense is not subject to reporting requirements, stating, “A victim of a sexually-oriented criminal offense shall not be required to report a sexually-oriented criminal offense to any law enforcement officer for purposes of a claimant filing a valid application for reparations pursuant to this Subsection.”

Lastly, La. Rev. Stat. Ann. § 46:1806(B)(1) expressly allows the board to extend the filing deadline for claims related to a sexually-oriented criminal offense, stating, “An application for reparations related to a sexually-oriented criminal offense shall be filed in writing with the board within one year after the date on which the personal injury, death, or catastrophic property loss occurred or within such longer period as the board determines is justified by the circumstances.” Notably, however, La. Rev. Stat. Ann. § 46:1806(A)(1)(a) broadly provides a similar exception regardless of the offense giving rise to the claim, stating in part, “An application for reparations shall be filed in writing with the board within one year after the date of the personal injury, death, or catastrophic property loss or within such longer period as the board determines is justified by the circumstances”

In contrast to the victim-centered nature of the exceptions noted above, La. Rev. Stat. Ann. § 46:1806(B)(3) requires victims of sexually-oriented criminal offenses to submit records related to a forensic medical examination, stating,

A claimant that files an application for reparations for personal injury or death resulting from a sexually-oriented criminal offense shall submit certification from a healthcare provider or coroner that a forensic medical examination of the victim was conducted and an itemized billing statement for all related services provided by the healthcare provider or coroner.

³⁰ La. Rev. Stat. Ann. § 46:1802(12) (Definitions) defines “sexually-oriented criminal offense” to “have the same meaning as sex offense as defined in R.S. 15:541 (24) [Definitions],” which includes the following:

deferred adjudication, adjudication withheld, or conviction for the perpetration or attempted perpetration of or conspiracy to commit human trafficking when prosecuted under the provisions of R.S. 14:46.2(B)(2), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:89 (crime against nature), R.S. 14:89.1 (aggravated crime against nature), R.S. 14:89.2(B)(3) (crime against nature by solicitation), R.S. 14:80 (felony carnal knowledge of a juvenile), R.S. 14:81 (indecent behavior with juveniles), R.S. 14:81.1 (pornography involving juveniles), R.S. 14:81.2 (molestation of a juvenile or a person with a physical or mental disability), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:81.4 (prohibited sexual conduct between an educator and student), R.S. 14:82.1 (prostitution; persons under eighteen), R.S. 14:82.2(C)(4) and (5) (purchase of commercial sexual activity)

³¹ The text of La. Rev. Stat. Ann. § 46:1806 cited here and elsewhere in this report includes amendments made by the enactment of House Bill 648 during the 2022 Regular Session of the Louisiana state legislature (effective August 1, 2022).

Accordingly, victims are required to undergo a forensic medical exam in order to have access to an award. Further, La. Rev. Stat. Ann. § 46:1806(A)(1)(a) requires “reasonable documentation³² of the crime resulting in the personal injury, death, or catastrophic property loss [to be] submitted with the application.”

- 4.2.1 Recommendation: Statutorily exempt victims of child sex trafficking and CSEC from ineligibility factors for crime victims’ compensation.

Policy Goal 4.3 Sex trafficked children and youth may vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

Although Louisiana law allows child sex trafficking victims to vacate delinquency adjudications, vacatur is unavailable for criminal convictions arising from trafficking victimization, leaving sex trafficked youth without access to this important form of relief. Pursuant to La. Child. Code Ann. art. 923 (Expungement and sealing of adjudications involving human trafficking victims),

A. A motion to set aside an adjudication pursuant to the provisions of this Article, may be filed and served upon the district attorney at any time following an adjudication of delinquency and completion of the disposition relating thereto involving the offenses of prostitution pursuant to R.S. 14:82, prostitution by massage pursuant to R.S. 14:83.3 or 83.4, or crime against nature by solicitation pursuant to R.S. 14:89.2 when the child’s participation in the offense was a result of having been a victim of human trafficking under R.S. 14:46.2 or a victim of a severe form of trafficking under the federal Trafficking Victims Protection Act (22 U.S.C. 7101 et seq.).

....

D. The court shall grant the motion if the court finds by a preponderance of the evidence that the violation was a result of the child having been a victim of human trafficking. Documentation of a child’s status as a victim of human trafficking provided by a federal, state, or local government agency shall create a presumption that the child’s adjudication was obtained as a result of having been a victim of human trafficking. However, such documentation shall not be required to grant a motion under this Article.

E. If the motion is granted, the court shall order the expungement and sealing of the record and report of the juvenile proceedings including all records and files related to the child’s arrest, citation, investigation, charge, delinquency proceedings, adjudication, and probation for the offense.

Further, vacatur is limited to violations of Louisiana’s prostitution offenses, which fails to recognize the array of crimes trafficking victims are charged with and leaves many survivors without any avenue for relief.

- 4.3.1 Recommendation: Strengthen existing law by allowing sex trafficked children and youth to vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

³² La. Rev. Stat. Ann. § 46:1806(A)(1)(b) defines “reasonable documentation” to include any of the following:

- (i) A police report documenting the commission of the crime.
- (ii) Court records evidencing the criminal prosecutions of a crime relevant to the application.
- (iii) A certification of the crime signed under oath by any licensed clinical social worker, professional counselor, or healthcare provider that conducted an examination of the injuries resulting from the commission of the crime.
- (iv) A certification of the crime signed under oath by a prosecuting attorney or investigating law enforcement officer who has personal involvement in the prosecution or investigation of any criminal case relative to the application.
- (v) Any other documentation the board deems sufficient to show the commission of a crime relevant to the application.

Policy Goal 4.4 State law mandates restitution for child sex trafficking and commercial sexual exploitation of children (CSEC) offenses.

Louisiana law requires an offender convicted of a child sex trafficking or CSEC offense to pay restitution. Pursuant to La. Rev. Stat. Ann. § 15:539.3(A) (Mandatory restitution),

A person convicted of an offense enumerated in R.S. 15:539.1(A)³³ [Forfeited property related to certain sex crimes; exempt property; allocation of forfeited property] shall be ordered to pay mandatory restitution to the victim, with the proceeds from property forfeited under R.S. 15:539.1 applied first to payment of restitution, after the costs of the public sale or auction, court costs, and fees related to seizure and storage have been satisfied. Restitution under this Section shall include any of the following:

- (1) Costs of medical and psychological treatment.
- (2) Costs of necessary transportation and temporary housing.
- (3) The greater of the value of the victim’s labor as guaranteed under the minimum wage and overtime provisions of the federal Fair Labor Standards Act or the gross income or value to the defendant of the victim’s labor or services engaged in by the victim while in the human trafficking situation. In the case of sex trafficking, the victim shall be entitled to restitution for the income he would have earned, had he not been victimized, as guaranteed under the minimum wage and overtime provisions of the federal Fair Labor Standards Act.
- (4) Return of property, cost of damage to property, or full value of property if destroyed or damaged beyond repair.
- (5) Expenses incurred by the victim and any household members or other family members in relocating away from the defendant or the defendant’s associates, including but not limited to deposits for utilities and telephone service, deposits for rental housing, temporary lodging and food expenses, clothing, and personal items. Expenses incurred pursuant to this Section shall be verified by law enforcement to be necessary for the personal safety of the victim or household or family members, or by a mental health treatment provider to be necessary for the emotional well-being of the victim.

La. Rev. Stat. Ann. § 15:539.3(A) applies to victims of offenses enumerated in La. Rev. Stat. Ann. § 15:539.1(A), which specifically includes human trafficking-related offenses. La. Rev. Stat. Ann. § 46:1844(W)(2)(a) (Basic rights for victim and witness) defines “human trafficking-related offense” as follows:

[T]he perpetration or attempted perpetration of R.S. 14:46.2 [Human trafficking] or 46.3 [Trafficking of children for sexual purposes] or any other crime involving commercial sexual exploitation including R.S. 14:81.1 [Pornography involving juveniles], 81.3 [Computer-aided solicitation of a minor], 82 [Prostitution; definition; penalties; enhancement], 82.1 [Prostitution; persons under eighteen; additional offenses], 82.2 [Purchase of commercial sexual activity; penalties], 83 [Soliciting for prostitutes], 83.1 [Inciting prostitution], 83.2 [Promoting prostitution], 83.3 [Prostitution by massage], 83.4 [Massage; sexual conduct prohibited], 84 [Pandering], 85 [Letting premises for prostitution], 86 [Enticing persons into prostitution], 89.2 [Crime against nature by solicitation], 104 [Keeping a disorderly place], 105 [Letting a disorderly place], and 282 [Operation of places of prostitution; prohibited; penalty].

³³ La. Rev. Stat. Ann. § 15:539.1(A) includes the following offenses:

[H]uman trafficking-related offense as defined in R.S. 46:1844(W), any felony sex offense as defined in R.S. 46:1844(W), R.S. 14:40.3 (cyberstalking), R.S. 14:81.1.1 (sexting; prohibited acts; penalties), R.S. 14:283.2 (nonconsensual disclosure of a private image), R.S. 14:78 (incest) as that offense existed prior to its repeal by Act Nos. 177 and 602 of the 2014 Regular Session of the Legislature, R.S. 14:78.1 (aggravated incest) as that offense existed prior to its repeal by Act Nos. 177 and 602 of the 2014 Regular Session of the Legislature, [R.S. 14:89](#) (crime against nature), or R.S. 14:89.1 (aggravated crime against nature)

Accordingly, Louisiana law mandates restitution in trafficking and CSEC cases. Further, restitution is available more generally to victims of other crimes pursuant to La. Rev. Stat. Ann. § 46:1844(M)(1), (2) (Basic rights for victim and witness), which provides,

Victims' right to seek restitution.

- (1) If the defendant is found guilty, the court or the committee on parole shall require the defendant to pay restitution to the appropriate party in an amount and manner determined by the court. In addition, the court or the committee on parole may require the defendant to perform community service work in an amount and according to a schedule determined by the court.
- (2) One of the conditions of work release shall be a requirement that an inmate pay from his earnings all restitution ordered by the court or the committee on parole. Even if no restitution has been ordered, the sheriff or director of the program shall have the right to require payment of restitution as a condition of work release.

Lastly, La. Code Crim. Proc. Ann. art. 883.2(A), (B) (Restitution to victim) states,

A. In all cases in which the court finds an actual pecuniary loss to a victim, or in any case where the court finds that costs have been incurred by the victim in connection with a criminal prosecution, the trial court shall order the defendant to provide restitution to the victim as a part of any sentence that the court shall impose.

B. Additionally, if the defendant agrees as a term of a plea agreement, the court shall order the defendant to provide restitution to other victims of the defendant's criminal conduct, although those persons are not the victim of the criminal charge to which the defendant pleads

EXTRA CREDIT



Louisiana law mandates restitution for victims of child labor trafficking under La. Rev. Stat. Ann. § 15:539.3(A), which requires offenders convicted of a “human trafficking-related offense” to pay victim restitution. Importantly, La. Rev. Stat. Ann. § 46:1844(W)(2)(a) defines “human trafficking-related offense” to include a violation of La. Rev. Stat. Ann. § 14:46.2 (Human trafficking), which criminalizes both sex and labor trafficking.

Policy Goal 4.5 State law provides child sex trafficking victims with a trafficking-specific civil remedy.

Louisiana law allows victims of child sex trafficking to pursue civil remedies against their exploiters. La. Rev. Stat. Ann. § 46:2163 (Civil cause of action for victims of human trafficking) states,

An individual who is a victim of human trafficking shall have a civil cause of action in district court for injunctive relief and to recover actual damages, compensatory damages, punitive damages, and for any other appropriate relief. A prevailing plaintiff shall also be awarded court costs and attorney fees. Treble damages shall be awarded on proof of actual damages where the defendant's actions were willful and malicious.

EXTRA CREDIT



Louisiana law provides sex trafficked youth with a trafficking-specific civil remedy under La. Rev. Stat. Ann. § 46:2163, which provides “[a]n individual who is a victim of human trafficking [with] a civil cause of action” Although “victim of human trafficking” is not defined, the criminal offense, La. Rev. Stat. Ann. § 14:46.2 (Human trafficking), applies to both minor and adult victims.



Louisiana law provides a child labor trafficking victim with a trafficking-specific civil remedy under La. Rev. Stat. Ann. § 46:2163, which provides “[a]n individual who is a victim of human trafficking [with] a civil cause of action” Although “victim of human trafficking” is not defined, the criminal offense, La. Rev. Stat. Ann. § 14:46.2 (Human trafficking), applies to both sex and labor trafficking.

Policy Goal 4.6 Statutes of limitation for criminal and civil actions for child sex trafficking or commercial sexual exploitation of children (CSEC) offenses are eliminated to allow prosecutors and victims a realistic opportunity to pursue criminal action and legal remedies.

Louisiana law eliminates the statute of limitation for filing trafficking-specific civil actions but only lengthens the statutes of limitation for child sex trafficking and CSEC prosecutions. Regarding civil actions, La. Rev. Stat. Ann. § 9:2800.9(A)(2) (Action against a person for abuse of a minor) states, “An action against a person convicted of a crime against the child does not prescribe and may be filed at any time following conviction. ‘Crime against the child’ has the same meaning as provided in Children’s Code Article 603.” La. Child. Code Ann. art. 603(12)(r), (s) (Definitions) defines “crime against the child” to include “the commission of or the attempted commission of any of the following crimes against the child as provided by federal or state statutes: . . . (r) Human trafficking. (s) Trafficking of children for sexual purposes”

Accordingly, although La. Rev. Stat. Ann. § 46:2163 (Civil cause of action for victims of human trafficking) is silent regarding when an action must be filed, La. Rev. Stat. § 9:2800.9 allows child sex trafficking-specific civil actions to be filed at any time. For other civil actions, La. Civ. Code Ann. art. 3499 (Personal actions) states, “Unless otherwise provided by legislation, a personal action is subject to a liberative prescription³⁴ of ten years.”

Regarding prosecutions, La. Code Crim. Proc. Ann. art. 571.1³⁵ (Time limitation for certain sexual offenses) states,

Except as provided by Article 572 [Limitation of prosecution of noncapital offenses] of this Chapter, the time within which to institute prosecution of the following sex offenses, regardless of whether the crime involves force, serious physical injury, death, or is punishable by imprisonment at hard labor shall be thirty

³⁴ La. Civ. Code Ann. art. 3447 (Liberative prescription) defines “liberative prescription” as “a mode of barring of actions as a result of inaction for a period of time.”

³⁵ The text of La. Code Crim. Proc. Ann. art. 571.1 cited here and elsewhere in this report includes amendments made by the enactment of House Bill 64 during the 2022 Regular Session of the Louisiana state legislature (effective August 1, 2022).

years: . . . human trafficking (R.S. 14:46.2(B)(2) or (3)), trafficking of children for sexual purposes (R.S. 14:46.3), . . . prostitution of persons under eighteen (R.S. 14:82.1), enticing persons into prostitution (R.S. 14:86), crime against nature (R.S. 14:89), . . . crime against nature by solicitation (R.S. 14:89.2(B)(3)), that involves a victim under eighteen years of age. This thirty-year period begins to run when the victim attains the age of eighteen.

General criminal statutes of limitation are governed by La. Code Crim. Proc. Ann. art. 572(A), (B) (Limitation of prosecution of noncapital offenses), which provides,

A. Except as provided in Articles 571 [Crimes for which there is no time limitation] and 571.1 [Time limitation for certain sexual offenses], no person shall be prosecuted, tried, or punished for an offense not punishable by death or life imprisonment, unless the prosecution is instituted within the following periods of time after the offense has been committed:

- (1) Six years, for a felony necessarily punishable by imprisonment at hard labor.
- (2) Four years, for a felony not necessarily punishable by imprisonment at hard labor.
- (3) Two years, for a misdemeanor punishable by a fine, or imprisonment, or both.
- (4) Six months, for a misdemeanor punishable only by a fine or forfeiture.

. . . .

B.

- (1) Notwithstanding the provisions of Article 571.1 and Paragraph A of this Article, prosecutions for any sex offense may be commenced beyond the time limitations set forth in this Title if the identity of the offender is established after the expiration of such time limitation through the use of a DNA profile.
- (2) A prosecution under the exception provided by this Paragraph shall be commenced within three years from the date on which the identity of the suspect is established by DNA testing.

4.6.1 Recommendation: Strengthen existing law to allow prosecutions for child sex trafficking and CSEC offenses to commence at any time.



ISSUE 5: Tools for a Victim-Centered Criminal Justice Response

Policy Goal 5.1 State law provides a child sex trafficking-specific hearsay exception that applies to non-testimonial evidence to reduce reliance on victim testimony.

Louisiana law does not allow non-testimonial, out-of-court statements made by a commercially sexually exploited child to be admitted into evidence in lieu of, or for the purpose of corroborating, the child's testimony.

- 5.1.1 Recommendation: Enact a hearsay exception that applies to non-testimonial evidence in cases involving commercial sexual exploitation of children under 18 years of age.

Policy Goal 5.2 State law provides child sex trafficking victims with alternatives to live, in-court testimony regardless of the prosecuted offense.

Louisiana law allows child sex trafficking victims who are under 17 years of age to testify by an alternative method regardless of the prosecuted offense. Specifically, La. Rev. Stat. Ann. § 15:283(A) (Protected person; testimony taken outside courtroom)³⁶ states,

On its own motion or on the motion of the attorney for any party, a court may order that the testimony of a protected person who may have been a witness to or victim of a crime be taken in a room other than the courtroom and be simultaneously televised by closed circuit television to the court and jury, when the court makes a specific finding of necessity based upon both of the following:

- (1) Expert testimony that the protected person would be likely to suffer serious emotional distress if forced to give testimony in open court.
- (2) Expert testimony that, without such simultaneous televised testimony, the protected person cannot reasonably communicate his testimony to the court or jury.

La. Rev. Stat. Ann. § 15:283(E)(1) defines "protected person" to include "a person who is the victim of a crime or a witness in a criminal prosecution who is . . . [u]nder the age of seventeen years."

Notably, child victims who are 17 years of age are not permitted to testify by an alternative method, thereby increasing their risk of re-traumatization from testifying.

³⁶ La. Child Code Ann. art. 329(A) (Closed circuit television; testimony taken outside courtroom) provides a similar protection in cases of physical or sexual abuse, stating,

On its own motion or on the motion of the attorney for any party, a court may order that the testimony of a protected person who may have been physically or sexually abused be taken in a room other than the courtroom and be simultaneously televised by closed circuit television to the court when the court makes a specific finding of necessity based upon both the following:

- (1) Expert testimony that the protected person would be likely to suffer serious emotional distress if forced to give testimony in open court.
- (2) Expert testimony that without such special shielding procedures, the protected person cannot reasonably communicate his testimony to the court.

- 5.2.1 Recommendation: Strengthen existing protections to allow all commercially sexually exploited children to testify by an alternative method regardless of the child’s age and the offense charged.

Policy Goal 5.3 Child sex trafficking victims have access to victim protections in the criminal justice system.

	Child sex trafficking victims have the right to a victim advocate	Child sex trafficking victims testifying against their exploiter are provided supports in the courtroom	Child sex trafficking victims’ identifying information is protected from disclosure in court records
Summary	Louisiana law provides for the right to a sexual assault advocate during medical examinations or scheduled law enforcement interviews.	A court shall allow witnesses under 18 to have a facility dog accompany them while testifying in court. Additionally, Louisiana law provides for designated seating in the court room for victim and family away from defendant.	Identifying and contact information of minors, victims of sex offenses, and victims of trafficking is kept confidential from the public.
Relevant Statute(s)	L.a. Rev. Stat. Ann. § 46:1845(B) (Additional rights for victims of sexual assaults; notification of rights)	L.a. Rev. Stat. Ann § 15:284 (Facility dogs; use in court; procedure); L.a. Rev. Stat. Ann. § 46:1844(G) (Basic Rights for victim and witness)	L.a. Rev. Stat. Ann § 46:1844(W)(1)(a) (Basic right for victim and witness)

Policy Goal 5.4 State law provides for privileged communications between caseworkers and child sex trafficking victims.

Louisiana law does not provide for privileged communications between caseworkers and child sex trafficking victims. Although La. Rev. Stat. Ann. § 46:2187(B) (Privileged communications and records) broadly states that “no person shall be required to disclose, by way of testimony or otherwise, a privileged communication, or to produce any records, documentary evidence, opinions, or decisions relating to such privileged communication, in connection with any civil or criminal proceeding,” the definitions of privileged communication³⁷ and victim³⁸ limits this protection to cases involving sexual assault.

- 5.4.1 Recommendation: Enact a child sex trafficking-specific caseworker privilege law that protects a child sex trafficking victim’s communications with a caseworker from being disclosed.

³⁷ La. Rev. Stat. Ann. § 46:2187(A)(1) defines “privileged communication” as “a communication made to a representative or employee of a sexual assault center by a victim. It also means a communication not otherwise privileged made by a representative or employee of a sexual assault center to a victim in the course of rendering services authorized by R.S. 46:2186 [Assistance; clerk of court; sexual assault advocate.” In turn, “sexual assault center” is defined under La. Rev. Stat. Ann. § 46:2187(A)(2) as “a program established and accredited in accordance with the standards set by the Louisiana Foundation Against Sexual Assault.”

³⁸ La. Rev. Stat. Ann. § 46:2187(A)(3) defines “victim” as “a person against whom an act of attempted or perpetrated sexual assault was committed.”



ISSUE 6: Prevention & Training

Policy Goal 6.1 State law mandates statewide training for child welfare agencies on identification and response to child sex trafficking.

Louisiana law authorizes statewide training for local departments of social service on identification and response to child sex trafficking. Pursuant to La. Rev. Stat. Ann. § 46:2161(A), (B) (Human trafficking victims services plan),

A. With respect to children found to be victims of human trafficking, the Department of Children and Family Services, in conjunction with the Department of Health and Hospitals, shall develop a plan for the delivery of services to victims of human trafficking. Such plan shall include provisions for:

.....

(4) Preparing and disseminating educational and training programs and materials to increase awareness of human trafficking and services available to victims of human trafficking among local departments of social services, public and private agencies and service providers, and the public.

.....

B. In developing the plan, the departments shall work together with such other state and federal agencies, public and private entities, and other stakeholders as they deem appropriate.

Resultingly, resources and training regarding child sex trafficking may be, or become, available for use by child welfare. However, Louisiana law does not statutorily require individuals employed by child welfare to receive such training.

6.1.1 Recommendation: Statutorily mandate statewide training for child welfare agencies on identification and response to child sex trafficking.

Policy Goal 6.2 State law mandates statewide training for juvenile justice agencies on identification and response to child sex trafficking.

Louisiana law does not mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking.

6.2.1 Recommendation: Statutorily mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking.

Policy Goal 6.3 State law mandates ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

Louisiana law mandates a one-time, trafficking-specific training for law enforcement; however, officers are not required to receive ongoing in-service training on human trafficking. Pursuant to La. Rev. Stat. Ann. § 40:2405.7³⁹ (Human trafficking training; report to legislature),

³⁹ The text of La. Rev. Stat. Ann. § 40:2405.7 cited here and elsewhere in this report includes amendments made by the enactment of Senate Bill 115 during the 2022 Regular Session of the Louisiana state legislature (effective August 1, 2022).

- A. The [Council on Peace Officer Standards and Training] shall provide training for law enforcement agencies in addressing human trafficking.
- B. Such training shall focus on all of the following:
 - (1) Investigating human trafficking under R.S. 14:46.2.
 - (2) Investigating trafficking of children for sexual purposes under R.S. 14:46.3 and the special needs of sexually exploited children.
 - (3) Methods used in identifying United States citizens and foreign national victims of human trafficking, including preliminary interview techniques and appropriate questioning methods.
 - (4) Methods of increasing effective collaboration with nongovernmental organizations and other relevant social service organizations in the course of investigating and prosecuting a human trafficking case.
 - (5) Methods for protecting the rights of victims of human trafficking, taking into account the need to consider human rights and the special needs of female and child victims.
 - (6) The necessity of treating victims of human trafficking as crime victims rather than criminals.
 - (7) Methods for promoting the safety of victims of human trafficking.
- C. The council shall seek input and participation of appropriate nongovernmental organizations and other relevant organizations in the preparation and presentation of training called for in this Section.
- D.
 - (1) Within one year of employment all peace officers, as defined in R.S. 40:2402, shall receive seven hours of training on human trafficking from the Council on Peace Officer Standards and Training’s online Learning Management System program. All peace officers employed on August 1, 2022, who have been employed for one year or more, shall receive seven hours of training on human trafficking from the Council on Peace Officer Standards and Training’s Learning Management System program by December 31, 2022.
 -
- E. The council shall promulgate rules and regulations in accordance with the Administrative Procedure Act, subject to the oversight of the Senate Committee on Judiciary B and the House Committee on Judiciary, for the implementation of the human trafficking training program.

6.3.1 Recommendation: Statutorily mandate ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

Policy Goal 6.4 State law mandates trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

Louisiana law does not mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

6.4.1 Recommendation: Statutorily mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

Policy Goal 6.5 State law mandates child sex trafficking training for school personnel.

Louisiana law does not mandate training on child sex trafficking for school personnel.

6.5.1 Recommendation: Statutorily mandate trafficking-specific prevention education training for school personnel.

Policy Goal 6.6 State law mandates child sex trafficking prevention education in schools.

Louisiana law does not mandate child sex trafficking prevention education in schools.

6.6.1 Recommendation: Statutorily mandate developmentally and age-appropriate child sex trafficking prevention education in schools.

State Laws Addressing Child Sex Trafficking

1. La. Rev. Stat. Ann. § 14:46.2(A), (B)⁴⁰ (Human trafficking) states,

A. It shall be unlawful:

(1)

....

(b) For any person to knowingly recruit, harbor, transport, provide, solicit, sell, purchase, patronize, procure, hold, restrain, induce, threaten, subject, receive, isolate, entice, obtain, or maintain the use of a person under the age of twenty-one years for the purpose of engaging in commercial sexual activity⁴¹ regardless of whether the person was recruited, harbored, transported, provided, solicited, sold, purchased, received, isolated, enticed, obtained, or maintained through fraud, force, or coercion. It shall not be a defense to prosecution for a violation of the provisions of this Subparagraph that the person did not know the age of the victim or that the victim consented to the prohibited activity.

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

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

B.

(1) Except as provided in Paragraphs (2) and (3) of this Subsection, whoever commits the crime of human trafficking shall be fined not more than ten thousand dollars and shall be imprisoned at hard labor for not more than ten years.

(2)

(a) 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 fifteen thousand dollars and shall be imprisoned at hard labor for not more than twenty years.

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

(3) Whoever commits the crime of human trafficking when the trafficking involves a person under the age of eighteen shall be fined not more than twenty-five thousand dollars and shall be imprisoned at hard labor for not less than five nor more than twenty-five years, five years of which shall be without the benefit of parole, probation, or suspension of sentence.

2. La. Rev. Stat. Ann. § 14:46.3(A)–(D) (Trafficking of children for sexual purposes) states,

A. It shall be unlawful:

⁴⁰ See *supra* note 2.

⁴¹ La. Rev. Stat. Ann. § 14:46.2(C) defines “commercial sexual activity” as “any sexual act performed or conducted when anything of value has been given, promised, or received by any person, directly or indirectly, including the production of pornography.”

- (1) For any person to knowingly recruit, harbor, transport, provide, sell, purchase, receive, isolate, entice, obtain, or maintain the use of a person under the age of eighteen years for the purpose of engaging in commercial sexual activity.⁴²
- (2) For any person to knowingly benefit from activity prohibited by the provisions of this Section.
- (3) For any parent, legal guardian, or person having custody of a person under the age of eighteen years to knowingly permit or consent to such minor entering into any 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.
- (6) For any person to knowingly sell or offer to sell travel services that include or facilitate any of the activities prohibited by this Section.

....
D.

- (1)
 - (a) Whoever violates the provisions of Paragraph (A)(1), (2), (4), (5), or (6) 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 Paragraph (A)(1), (2), (4), (5), or (6) 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.

-
- (2) Whoever violates the provisions of Paragraph (A)(3) of this Section shall be required to serve at least five years of the sentence provided for in Subparagraph (D)(1)(a) of this Section without benefit of probation, parole, or suspension of sentence. Whoever violates the provisions of Paragraph (A)(3) when the victim is under the age of fourteen years shall be required to serve at least ten years of the sentence provided for in Subparagraph (D)(1)(b) of this Section without benefit of probation, parole, or suspension of sentence.

....

⁴² La. Rev. Stat. Ann. § 14:46.3(B) defines “commercial sexual activity” as “any sexual act performed or conducted when any thing of value has been given, promised, or received by any person.”

State Laws Addressing Commercial Sexual Exploitation of Children (CSEC)

1. La. Rev. Stat. Ann. § 14:82 (Prostitution; definition; penalties; enhancement) states,

A. Prostitution is:

.....
(2) The solicitation by one person of another with the intent to engage in indiscriminate sexual intercourse with the latter for compensation.

.....
C.

.....
(4) Whoever commits the crime of prostitution with a person under the age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both.

(5) Whoever commits the crime of prostitution with a person under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both.

2. La. Rev. Stat. Ann. § 14:82.2 (Purchase of commercial sexual activity; penalties) states,

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

.....
C.

(1) Whoever violates the provisions of this Section shall be fined not more than seven hundred fifty dollars or be imprisoned for not more than six months, or both, and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4 [Fines related to solicitation of prostitute and purchase of commercial sexual activity].

.....
(4) Whoever violates the provisions of this Section with a person the offender knows to be under the age of eighteen years, or with a person the offender knows to be a victim of human trafficking as defined by R.S. 14:46.2 or trafficking of children for sexual purposes as defined by R.S. 14:46.3, shall be fined not less than three thousand nor more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both, and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.

(5) Whoever violates the provisions of this Section with a person the offender knows to be under the age of fourteen years shall be fined not less than five thousand and not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both, and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.

3. La. Rev. Stat. Ann. § 14:82.1(A)–(D) (Prostitution; persons under eighteen; additional offenses) states,

A. It shall be unlawful:

(1) For any person over the age of seventeen to engage in sexual intercourse with any person under the age of eighteen who is practicing prostitution, and there is an age difference of greater than two years between the two persons.

(2) For any parent or tutor of any person under the age of eighteen knowingly to consent to the person's entrance or detention in the practice of prostitution.

.....
D.

(1) Whoever violates the provisions of Paragraph (A)(1) of this Section shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both.

(2) Whoever violates the provisions of Paragraph (A)(1) of this Section when the person practicing prostitution is under the age of fourteen shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both. Twenty-five years of the sentence imposed shall be without benefit of parole, probation, or suspension of sentence.

(3)

(a) Whoever violates the provisions of Paragraph (A)(2) of this Section shall be required to serve at least five years of the sentence imposed in Paragraph (1) of this Subsection without benefit of parole, probation, or suspension of sentence.

(b) Whoever violates the provisions of Paragraph (A)(2) of this Section when the person practicing prostitution is under the age of fourteen shall be required to serve at least ten years of the sentence imposed in Paragraph (2) of this Subsection without benefit of parole, probation, or suspension of sentence.

4. La. Rev. Stat. Ann. § 14:81.3(A), (B) (Computer-aided solicitation of a minor) states,

A.

(1) Computer-aided solicitation of a minor is committed when a person seventeen years of age or older knowingly contacts or communicates, through the use of electronic textual communication,⁴³ with a person who has not yet attained the age of seventeen where there is an age difference of greater than two years, or a person reasonably believed to have not yet attained the age of seventeen and reasonably believed to be at least two years younger, for the purpose of or with the intent to persuade, induce, entice, or coerce the person to engage or participate in sexual conduct or a crime of violence as defined in R.S. 14:2(B) [Definitions], or with the intent to engage or participate in sexual conduct in the presence of the person who has not yet attained the age of seventeen, or person reasonably believed to have not yet attained the age of seventeen.

(2) It shall also be a violation of the provisions of this Section when a person seventeen years of age or older knowingly contacts or communicates, through the use of electronic textual communication, with a person who has not yet attained the age of seventeen where there is an age difference of greater than two years, or a person reasonably believed to have not yet attained the age of seventeen and reasonably believed to be at least two years younger, for the purpose of or with the intent to arrange for any third party to engage in any of the conduct proscribed by the provisions of Paragraph (1) of this Subsection.

(3) It shall also be a violation of the provisions of this Section when a person seventeen years of age or older knowingly contacts or communicates, through the use of electronic textual communication, with a person who has not yet attained the age of seventeen, or a person reasonably believed to have not yet attained the age of seventeen, for the purpose of recruiting, enticing, or coercing the person to engage in commercial sexual activity.

(4) It shall also be a violation of the provisions of this Section when the contact or communication is initially made through the use of electronic textual communication and subsequent communication is made through the use of any other form of communication.

B.

(1)

(a) Whoever violates the provisions of this Section when the victim is thirteen years of age or more but has not attained the age of seventeen shall be fined not more than ten thousand dollars and shall be imprisoned at hard labor for not less than five years nor more than ten years, without benefit of parole, probation, or suspension of sentence.

⁴³ La. Rev. Stat. Ann. § 14:81.3(D)(3) defines “electronic textual communication” as “a textual communication made through the use of a computer on-line service, Internet service, or any other means of electronic communication, including but not limited to a local bulletin board service, Internet chat room, electronic mail, or on-line messaging service.”

(b) Whoever violates the provisions of this Section when the victim is under thirteen years of age shall be fined not more than ten thousand dollars and shall be imprisoned at hard labor for not less than ten years nor more than twenty years, without benefit of parole, probation, or suspension of sentence.

(c) Whoever violates the provisions of this Section, when the victim is a person reasonably believed to have not yet attained the age of seventeen, shall be fined not more than ten thousand dollars and shall be imprisoned at hard labor for not less than two years nor more than ten years, without benefit of parole, probation, or suspension of sentence.

(d) If the computer-aided solicitation results in actual sexual conduct between the offender and victim and the difference between the age of the victim and the age of the offender is five years or greater, the offender shall be fined not more than ten thousand dollars and shall be imprisoned, with or without hard labor, for not less than seven years nor more than ten years.

....

(3) In addition to the penalties imposed in either Paragraph (1) or (2) of this Subsection, the court may impose, as an additional penalty on the violator, the limitation or restriction of access to the Internet when the Internet was used in the commission of the crime.

....

5. La. Rev. Stat. Ann. § 14:89.2 (Crime against nature by solicitation) states,

A. Crime against nature by solicitation is the solicitation by a human being of another with the intent to engage in any unnatural carnal copulation for compensation.

B.

....

(3)

(a) Whoever violates the provisions of this Section, when the person being solicited is under the age of eighteen years, shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both.

(b) Whoever violates the provisions of this Section, when the person being solicited is under the age of fourteen years, shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both. Twenty-five years of the sentence imposed shall be without benefit of parole, probation, or suspension of sentence.

6. La. Rev. Stat. Ann. § 14:83.2 (Promoting prostitution) states,

A. Promoting prostitution is the knowing and willful control of, supervision of, or management of an enterprise for profit in which customers are charged a fee for services which include prostitution, regardless of what portion of the fee is actually for the prostitution services.

B.

....

(2) Whoever commits the crime of promoting prostitution of persons under the age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both.

(3) Whoever commits the crime of promoting prostitution of persons under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both.

....

7. La. Rev. Stat. Ann. § 14:84 (Pandering) states,

A. Pandering is any of the following intentional acts:

(1) Enticing, placing, persuading, encouraging, or causing the entrance of any person into the practice of prostitution, either by force, threats, promises, or by any other device or scheme.

(2) Maintaining a place where prostitution is habitually practiced.

- (3) Detaining any person in any place of prostitution by force, threats, promises, or by any other device or scheme.
- (4) Receiving or accepting by a person as a substantial part of support or maintenance anything of value which is known to be from the earnings of any person engaged in prostitution.
- (5) Consenting, on the part of any parent or tutor of any person, to the person's entrance or detention in the practice of prostitution.
- (6) Transporting any person from one place to another for the purpose of promoting the practice of prostitution.

B.

....

(2) Whoever commits the crime of pandering involving the prostitution of persons under the age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both.

(3) Whoever commits the crime of pandering involving the prostitution of persons under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both.

....

8. La. Rev. Stat. Ann. § 14:104 (Keeping a disorderly place) states,

A. Keeping a disorderly place is the intentional maintaining of a place to be used habitually for any illegal purpose.

B.

....

(2) Whoever commits the crime of keeping a disorderly place for the purpose of prostitution of persons under the age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both.

(3) Whoever commits the crime of keeping a disorderly place for the purpose of prostitution of persons under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both.

....

9. La. Rev. Stat. Ann. § 14:105 (Letting a disorderly place) states,

A. Letting a disorderly place is the granting of the right to use any premises knowing that they are to be used as a disorderly place, or allowing the continued use of the premises with such knowledge.

B.

....

(2) Whoever commits the crime of letting a disorderly place for the purpose of prostitution of persons under the age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both.

(3) Whoever commits the crime of letting a disorderly place for the purpose of prostitution of persons under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both.

....

10. La. Rev. Stat. Ann. § 14:83 (Soliciting for prostitutes) states,

A. Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting a person to any place with the intention of promoting prostitution.

B.

....

(2) Whoever commits the crime of soliciting for prostitutes when the person being solicited is under the age of eighteen years shall be fined not less than three thousand dollars nor more than fifty

thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both, and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4 [Fines related to solicitation of prostitution and purchase of sexual activity].

(3) Whoever commits the crime of soliciting for prostitutes when the person being solicited is under the age of fourteen years shall be fined not less than five thousand dollars nor more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both, and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.

....

11. La. Rev. Stat. Ann. § 14:83.1 (Inciting prostitution) states,

A. Inciting prostitution is the aiding, abetting, or assisting in an enterprise for profit in which:

(1) Customers are charged a fee for services which include prostitution, regardless of what portion of the fee is actually for the prostitution services,

(2) When the person knows or when a reasonable person in such a position should know that such aiding, abetting, or assisting is for prostitution, and

(3) When the proceeds or profits are to be in any way divided by the prostitute and the person aiding, abetting, or assisting the prostitute.

B.

....

(2) Whoever commits the crime of inciting prostitution of persons under the age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both.

(3) Whoever commits the crime of inciting prostitution of persons under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both.

....

12. La. Rev. Stat. Ann. § 14:85 (Letting premises for prostitution) states,

A. Letting premises for prostitution is the granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of prostitution, or allowing the continued use of the premises with such knowledge.

B.

....

(2) Whoever commits the crime of letting premises for prostitution of persons under the age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both.

(3) Whoever commits the crime of letting premises for prostitution of persons under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both.

....

13. La. Rev. Stat. Ann. § 14:282 (Operation of places of prostitution; prohibited; penalty) states,

A. No person shall maintain, operate, or knowingly own any place or any conveyance used for the purpose of lewdness, assignation, or prostitution, or shall rent or let any place or conveyance to any person with knowledge of or good reason to believe that the lessee intends to use the place or conveyance for the purpose of lewdness, assignation, or prostitution, or reside in, enter, or remain in any place for the purpose of lewdness, assignation, or prostitution.

B.

....

(2) Whoever violates any provision of this Section for the purpose of lewdness, assignation, or prostitution of persons under the age of eighteen shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both.

(3) Whoever violates any provision of this Section for the purpose of lewdness, assignation, or prostitution of persons under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both.

.....

14. La. Rev. Stat. Ann. § 14:86 (Enticing persons into prostitution) states,

A. Enticing persons into prostitution is committed when any person over the age of seventeen entices, places, persuades, encourages, or causes the entrance of any other person under the age of twenty-one into the practice of prostitution, either by force, threats, promises, or by any other device or scheme. Lack of knowledge of the other person's age shall not be a defense.

B.

(1)

.....

(b) Whoever commits the crime of enticing persons into prostitution when the person being enticed into prostitution is under the age of eighteen years shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both.

(c) Whoever commits the crime of enticing persons into prostitution when the person being enticed into prostitution is under the age of fourteen years shall be fined not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both.

.....