

LOUISIANA

REPORT CARD | 2018

Louisiana's criminal laws make the actions of traffickers, buyers, and facilitators subject to serious penalties, including high fines and asset forfeiture. Child sex trafficking victims have access to specialized services and housing, but are not fully protected from criminalization for prostitution and other offenses committed as a result of their victimization.

Final Score

95.5

Final Grade

A



10

10

25

25

15

15

10

10

20.5

27.5

15

15

Criminalization of Domestic Minor Sex Trafficking

Trafficking a minor under 21 years of age is prohibited without regard to whether force, fraud, or coercion was used to cause the minor to engage in commercial sex acts. State commercial sexual exploitation of children (CSEC) laws include: "prostitution," "purchase of commercial sexual activity," "prostitution with persons under 18," "enticing persons into prostitution," "computer-aided solicitation of a minor," "pornography involving juveniles," "promoting prostitution," "pandering," and "soliciting for prostitutes." All of Louisiana's prostitution offenses refer to the human trafficking law in providing an affirmative defense to child sex trafficking victims. The state racketeering law includes CSEC and human trafficking offenses. Child sex trafficking is considered a crime of violence and sentences following a conviction for the offense may not be deferred or suspended.

Criminal Provisions for Demand

The sex trafficking statute makes it a crime to purchase sex acts with minors up to 21 years of age, and CSEC laws criminalize buying and soliciting sex with a minor under 18. The solicitation laws differentiate between soliciting sex with a minor versus an adult. Buyers convicted of child sex trafficking and CSEC face 15–50 years imprisonment and a fine up to \$50,000 if the minor is between 14–17, while penalties for the same offenses involving minors under 14 increase to 25–50 years imprisonment and a fine up to \$75,000. "Computer-aided solicitation of a minor" heightens penalties for buyers using the Internet to commit illegal sex acts. The offenses of "human trafficking," "trafficking of children for sexual purposes," "pornography involving juveniles," "prostitution with a minor under 18," and "crime against nature by solicitation" expressly prohibit an age mistake defense. Buyers who commit "human trafficking," "trafficking of children for a sexual purpose," "computer-aided solicitation of a minor," "pandering," or certain prostitution or images of child sexual exploitation (ICSE) offenses face mandatory criminal asset forfeiture. Buyers convicted of human trafficking and CSEC offenses are compelled to pay mandatory restitution to the victim and are subject to additional fines. Buyers convicted of sex trafficking and applicable CSEC offenses must register as sex offenders.

Criminal Provisions for Traffickers

Traffickers face up to 50 years imprisonment, mandatory restitution, and fines up to \$75,000 for sex trafficking or exploiting a victim under 21 years of age for commercial sexual purposes. Traffickers are ineligible to receive a suspension or deferment of a sentence for child sex trafficking. Promoting, advertising, and producing ICSE involving juveniles is punishable by 10–20 years imprisonment, or 25–99 years if the minor is under 13, and a fine up to \$50,000. The "computer-aided solicitation of a minor" under 17 law provides additional penalties for traffickers who use the Internet to recruit minors for illegal sex acts. Traffickers face mandatory criminal asset forfeiture under the "human trafficking," "trafficking of children for a sexual purpose," CSEC, and ICSE laws and restitution specifically for human trafficking, as well as any offense that caused a victim to suffer pecuniary loss. Traffickers must register as sex offenders if convicted of sex trafficking of minors, CSEC offenses, or ICSE crimes. Convictions under these laws establish grounds for termination of parental rights if the child or another child in the household is the victim.

Criminal Provisions for Facilitators

Those who assist, enable, advertise, or financially benefit from child sex trafficking face penalties as facilitators under “trafficking of children for sexual purposes.” Facilitators also face 15–50 years imprisonment and fines up to \$50,000 for prostitution-related offenses involving minors, or 25–50 years and fines up to \$75,000 when the minor is under 14. Facilitators convicted of human trafficking and CSEC offenses are subject to mandatory criminal asset forfeiture and restitution to a victim. Depending

on the age of the victim, distributing ICSE is punishable by 5–20 years imprisonment without “parole, probation, or suspension of sentence” and a fine up to \$50,000. A potentially heightened penalty of 2–10 years imprisonment, or 25–99 years if the victim is under 13, is imposed on facilitators who use a wireless router to distribute or sell ICSE. Louisiana’s sex trafficking law makes it a crime to sell or offer to sell travel services that include or facilitate sex trafficking of children.



Protective Provisions for the Child Victims

All commercially sexually exploited children are identifiable as sex trafficking victims under Louisiana’s core trafficking statutes. “Trafficking of children for sexual purposes,” “prostitution with a minor under 18,” “computer-aided solicitation of a minor,” “crime against nature by solicitation,” “enticing persons into prostitution,” and ICSE laws prohibit a defense based on the willingness of the minor to engage in the commercial sex act, but other CSEC laws do not. Prostitution laws apply to minors under 18; accordingly, child sex trafficking victims face criminalization for commercial sex acts committed as a result of their victimization. However, minor victims of sex trafficking may assert an affirmative defense to prostitution charges and otherwise avoid a delinquency adjudication through an informal adjustment. Louisiana law further provides several statutory avenues to specialized services. For purposes of child welfare intervention, the definition of “child in need of care” includes child sex trafficking, but child welfare’s authority is limited to cases of abuse or neglect by parents or caretakers. Victims of sex trafficking and CSEC offenses who suffer personal injury are eligible for crime victims’ compensation and are specifically exempt from ineligibility factors that might limit or preclude access to compensa-

tion. Victim-friendly criminal justice procedures are available to sex trafficking and CSEC victims under age 17 who may testify via closed circuit television in addition to protective courtroom procedures that are available to all victims, witnesses, and their families. Furthermore, the “rape shield” law reduces the trauma of cross-examination for testifying victims in sex trafficking cases, and victims are protected by limits on access to evidence in ICSE cases. Louisiana law allows child sex trafficking victims to petition for vacatur of adjudications without a waiting period and makes expungement automatic upon granting vacatur; however, relief extends only to adjudications for prostitution offenses. Victims are entitled to a civil cause of action, mandatory restitution is available for trafficking and CSEC offenses, and criminal restitution is available to victims who suffer pecuniary loss or incur costs related to prosecution. Prosecutions of sex trafficking and several CSEC offenses must be commenced within 30 years of the victim turning 18, while a 4 or 6 year limitation applies to prosecutions of other CSEC offenses depending on whether the offense is punishable at hard labor. Related civil statutes of limitations are not lengthened.



Criminal Justice Tools for Investigation and Prosecution

Training for law enforcement on human trafficking or domestic minor sex trafficking is mandated by law. Single party consent to audiotaping is permitted, and wiretapping is available for investigating trafficking and CSEC offenses. The offenses of sex trafficking, “enticing persons into prostitution,” “prostitution with a minor under 18,” and “purchase of commercial sexual activity”

expressly prohibit a defense based on the use of a law enforcement decoy posing as a minor during investigations, and use of the Internet is permitted to investigate violations of “computer-aided solicitation of a minor.” Louisiana law establishes a statewide reporting and response system for missing children and requires the reporting of both missing and located children.



The Report Card is based on the Protected Innocence Challenge Legislative Framework, an analysis of state laws performed by Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Challenge Legislative Framework Methodology, all state Report Cards, and foundational analysis and recommendations, please visit: www.sharedhope.org/reportcards.