



LOUISIANA

Legal System	Constitution	Bill of Rights	Form of Government
Civil Law	Written	Yes	Republic

A. Criminal Statutes

1. Human Trafficking and Related Offenses

a. La. Stat. Ann. § 14:46.2 (2020) – Human Trafficking

i. Summary

It is unlawful “[f]or any person to knowingly recruit, harbor, transport, provide, solicit, receive, isolate, entice, obtain, or maintain the use of another person through fraud, force, or coercion to provide services or labor.” La. Stat. Ann. § 14:46.2(A)(1)(a). If the victim is under the age of 21, a showing of fraud, force, or coercion is not required. La. Stat. Ann. § 14:46.2(A)(1)(b). In that case, it shall not be a defense to a prosecution “that the person did not know the age of the victim or that the victim consented to the prohibited activity.” La. Stat. Ann. § 14:46.2(A)(1)(b).

It is unlawful “[f]or any person to knowingly benefit from activity prohibited by the provisions of this Section.” La. Stat. Ann. § 14:46.2(A)(2).

It is unlawful “[f]or 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.” La. Stat. Ann. § 14:46.2(A)(3).

“Fraud, force, or coercion” shall include but not be limited to any of the following:

- (a) Causing or threatening to cause serious bodily injury.
- (b) Physically restraining or threatening to physically restrain another person.
- (c) Abduction or threatened abduction of an individual.
- (d) The use of a plan, pattern, or statement with intent to cause an individual to believe that failure to perform an act will result in the use of force against, abduction of, serious harm to, or physical restraint of an individual.
- (e) The abuse or threatened abuse of law or legal process.
- (f) The actual or threatened destruction, concealment, removal, confiscation, or possession of any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person.
- (g) Controlling or threatening to control an individual’s access to a controlled dangerous substance as set forth in [La. Stat. Ann. §§] 40:961 *et seq.*
- (h) The use of an individual’s physical or mental impairment, where such impairment has substantial adverse effects on the individual’s cognitive or volitional functions.
- (i) The use of debt bondage or civil or criminal fraud.

(j) Extortion as defined in [La. Stat. Ann. §] 14:66.

La. Stat. Ann. § 14:46.2(C)(3).

“Labor or services’ means activity having an economic value.” La. Stat. Ann. § 14:46.2(C)(4).

“Debt bondage” means inducing an individual to provide any of the following:

- (a) Commercial sexual activity in payment toward or satisfaction of a real or purported debt.
- (b) Labor or services in payment toward or satisfaction of a real or purported debt if either of the following occur:
 - (i) The reasonable value of the labor or services provided is not applied toward the liquidation of the debt.
 - (ii) The length of the labor or services is not limited and the nature of the labor or services is not defined.

La. Stat. Ann. § 14:46.2(C)(2).

“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, enticed, obtained, or maintained is actually a law enforcement officer or peace officer acting within the official scope of his duties.” La. Stat. Ann. § 14:46.2(D).

ii. Sentencing

“Except as provided in Paragraphs (2) and (3) of this Subsection, whoever commits the crime of human trafficking shall be fined not more than [USD 10,000] and shall be imprisoned at hard labor for not more than ten years.” La. Stat. Ann. § 14:46.2(B)(1).

“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 [USD 15,000] and shall be imprisoned at hard labor for not more than twenty years.” La. Stat. Ann. § 14:46.2(B)(2)(a).

“‘Commercial sexual activity’ means any sexual act performed or conducted when anything of value has been given, promised, or received by any person.” La. Stat. Ann. § 14:46.2(C)(1).

If the services include commercial sexual activity and the victim is under the age of 21, the offender shall be fined not more than USD 50,000, imprisoned at hard labor for 15 years to 50 years, or both. La. Stat. Ann. § 14:46.2(B)(2)(b).

In addition, a person convicted of human trafficking “shall be ordered to pay mandatory restitution to the victim” La. Stat. Ann. § 15:539.3(A).

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. Stat. Ann. § 15:539.3(A).

“For purposes of this Section, the return of the victim to the victim’s home country or other absence of the victim from the jurisdiction shall not prevent the victim from receiving restitution.” La. Stat. Ann. § 15:539.3(B).

iii. Statute of Limitations

The statute of limitations for the crime of human trafficking in violation of La. Stat. Ann. § 14:46.2(B)(2) or (3) is 30 years when the victim is under 17 years old at the time of the offense. “The thirty-year period begins to run when the victim attains the age of eighteen.” La. Code Crim. Proc. art. 571.1.

Otherwise, for felonies like human trafficking punishable by hard labor, the statute of limitations for a prosecution to begin is six years. La. Code Crim. Proc. art. 572.

b. La. Stat. Ann. § 14:46.3 (2020) – Trafficking of Children for Sexual Purposes

i. Summary

It is unlawful:

- (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.
- (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.

La. Stat. Ann. § 14:46.3(A).

Neither the consent of the minor nor the defendant’s lack of knowledge of the victim’s age is a defense to a prosecution of trafficking children for sexual purposes. La. Stat. Ann. § 14:46.3(C).

ii. Sentencing

The penalty for a violation of La. Stat. Ann. § 14:46.3 varies depending on the particular conduct at issue, prior convictions, and the age of the victim.

- (1) (a) Whoever violates the provisions of Paragraph (A)(1), (2), (4), (5), or (6) of [La. Stat. Ann. § 14:46.3] shall be fined not more than [USD 50,000], 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 [La. Stat. Ann. § 14:46.3] when the victim is under the age of fourteen years shall be fined not more than [USD 75,000] 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.
- (c) Any person who violates the provisions of Paragraph (A)(1), (2), (4), (5), or (6) of [La. Stat. Ann. § 14:46.3], who was previously convicted of a sex offense as defined in [La. Stat. Ann. §] 15:541 when the victim of the sex offense was under the age of eighteen years, shall be fined not more than [USD 100,000] and shall be imprisoned at hard labor for not less than fifty years or for life. At least fifty years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.
- (2) Whoever violates the provisions of Paragraph (A)(3) of [La. Stat. Ann. § 14:46.3] shall be required to serve at least five years of the sentence provided for in Subparagraph (D)(1)(a) of [La. Stat. Ann. § 14:46.3] 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 [La. Stat. Ann. § 14:46.3] without benefit of probation, parole, or suspension of sentence.

La. Stat. Ann. § 14:46.3(D).

In addition, a person convicted of trafficking of children for sexual purposes “shall be ordered to pay mandatory restitution to the victim” La. Stat. Ann. § 15:539.3(A).

iii. Statute of Limitations

The statute of limitations for the crime of trafficking of children for sexual purposes in violation of La. Stat. Ann. § 14:46.3 is 30 years when the victim is under 17 years old at the time of the offense. “The thirty-year period begins to run when the victim attains the age of eighteen.” La. Code Crim. Proc. art. 571.1.

Otherwise, for felonies like trafficking punishable by hard labor, the statute of limitations for a prosecution to begin is six years. La. Code Crim. Proc. art. 572.

c. La. Stat. Ann. § 14:46.3(E) (2020) – Immunity From Prosecution for Child Victims

No victim of trafficking under La. Stat. Ann. § 14:46.3 (trafficking of children for sexual purposes) “shall be prosecuted for unlawful acts committed as a direct result of being trafficked.” La. Stat. Ann. § 14:46.3(E).

d. La. Child. Code Ann. art. 804 (2018) – Delinquency

A “delinquent act” under Louisiana’s Children’s Code does not include a violation of La. Stat. Ann. §§ 14:82 (prostitution), 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 [La. Stat. Ann. § 14:46.3(E)].” La. Child. Code Ann. art. 804(3).

e. La. Stat. Ann. § 14:46.2(F) (2020) – Affirmative Defense

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) [La. Stat. Ann. §] 14:82 (Prostitution).
- (b) [La. Stat. Ann. §] 14:83.3 (Prostitution by massage).
- (c) [La. Stat. Ann. §] 14:83.4 (Massage; sexual conduct prohibited).
- (d) [La. Stat. Ann. §] 14:89 (Crime against nature).
- (e) [La. Stat. Ann. §] 14:89.2 (Crime against nature by solicitation).

La. Stat. Ann. § 14:46.2(F)(1) “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.” La. Stat. Ann. § 14:46.2(F)(2).

f. La. Stat. Ann. § 15:539.1 (2017) – Forfeiture

The 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 proceeds remaining shall be distributed by the district attorney in the following manner:

- (1) Sixty percent to the seizing agency or agencies in an equitable manner.
- (2) Twenty percent to the prosecuting agency.
- (3) Twenty percent to the criminal court fund of the parish in which the offender was prosecuted.

La. Stat. Ann. § 15:539.1(E).

g. La. Stat. Ann. § 46:1844 (2018) – Confidentiality of Trafficking Victims

For crime victims who are minors, “victims of sex offenses or human trafficking-related offenses, ... all public officials and officers and public agencies ...shall not publicly disclose the name, address, contact information, or identity of [such] crime victims ... except when the crime resulted in the death of the victim.” La. Stat. Ann. § 46:1844(W)(1)(a). These same restrictions apply to an attorney for any party subject to a possible filing under seal if certain conditions are met. La. Stat. Ann. § 46:1844(W)(1)(b).

h. La. Child. Code Ann. art. 923 (2017) – Expungement

A person may file a motion to expunge an adjudication of delinquency involving prostitution:

(A) ... when the child’s participation in the offense was a result of having been a victim of human trafficking under [La. Stat. Ann. §] 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.

(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.

La. Child. Code Ann. art. 923(A), (D), and (E).

i. La. Code Crim. Proc. Ann. art. 855.1 (2014) – New Trial Motion for Conviction Based on Acts Committed as a Direct Result of Being A Victim of Trafficking

A person convicted of prostitution and other crimes before August 2014 may file a motion for a new trial upon a

showing that the defendant was convicted of the offense which was committed as a direct result of being a victim of human trafficking or trafficking of children for sexual purposes, or a victim of an offense which would constitute human trafficking or trafficking of children for sexual purposes regardless of the date of conviction.

La. Code Crim. Proc. Ann. art. 855.1.

j. La. Code Crim. Proc. Ann. art. 732.2 (2021) – Subpoena Duces Tecum Available for Sex Trafficking Investigations

The Louisiana Criminal Procedure Code permits the use of administrative subpoenas for the production of information when investigating sex offenses involving human trafficking.

k. La. Rev. Stat. Ann. § 15:1352 (2018) – Racketeering Act

Louisiana’s racketeering statute includes human trafficking and trafficking of children for sexual purposes as predicate acts. La. Rev. Stat. Ann. § 15:1352(A).

2. Online Child Sexual Exploitation and Child Pornography Offenses

La. Stat. Ann. § 14:81.1 – Pornography Involving Juveniles

La. Stat. Ann. § 14:81.1.1 – Sexting

La. Stat. Ann. § 14:81.3 – Computer-Aided Solicitation of a Minor

La. Stat. Ann. § 14:81.5 – Unlawful Possession of Videotape of Protected Persons Under La. Stat. Ann. §§ 15:440.1 *et seq.*

La. Stat. Ann. § 14:91.11 – Sale, Exhibition, or Distribution of Material Harmful to Minors

3. La. Stat. Ann. §§ 15:541 *et seq.* (2016) – Sex Offender Registry

Sex offenders include people convicted of human trafficking and trafficking of children for sexual purposes. La. Stat. Ann. § 15:541. Sex offenders are required to register according to the requirements of La. Stat. Ann. §§ 15:542 *et seq.*

B. Civil Liability Statutes

1. La. Stat. Ann. § 46:2163 (2013) – Civil Lawsuits

a. Summary

An individual who is a victim of human trafficking may bring a civil lawsuit in district court. La. Stat. Ann. § 46:2163.

b. Damages and Other Relief

A court may award injunctive relief, and a victim may “recover actual damages, compensatory damages, punitive damages, and any other appropriate relief. A prevailing plaintiff shall also be awarded court costs and attorney’s fees. Treble damages shall be awarded on proof of actual damages where the defendant’s actions were willful and malicious.” La. Stat. Ann. § 46:2163.

c. Statute of Limitations

Louisiana’s general statute of limitations for civil lawsuits provides that “[u]nless otherwise provided by legislation, a personal [lawsuit] is subject to a liberative prescription of ten years.” La. Civ. Code Ann. art. 3499.

C. Additional Statutes Specific to Human Trafficking

1. La. Stat. Ann. § 23:632 (2014) – Unpaid Wages

An employee may bring a civil lawsuit against an employer for unpaid wages. If the court determines that the employer did not act in good faith, the employer may be subject to additional penalties. A successful employee may also recover reasonable attorney’s fees. La. Stat. Ann. § 23:632. Employers that fail to pay wages to employees engaged in certain industries may also face civil fines and imprisonment. La. Stat. Ann. § 23:633.

2. La. Stat. Ann. § 15:587.8 (2019) – Access to Criminal History System for Victims of Human Trafficking

[A] licensed attorney who is counsel of record in a case involving a victim of ... human trafficking ... shall be allowed to access state criminal history records on a certain individual who is a party or a witness in the civil cases in which the attorney is counsel of record.

La. Stat. Ann. § 15:587.8(A).

3. La. Stat. Ann. § 14:46.3 (2020) – Specialized Services for Child Trafficking Victims

“Any child determined to be a victim pursuant to the provisions of [La. Stat. Ann. § 14:46.3 (trafficking of children for sexual purposes)] shall be eligible for specialized services for sexually exploited children.” La. Stat. Ann. § 14:46.3(E). “The provisions of Chapter 1 of Title V of the Children’s Code regarding the multidisciplinary team 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 [La. Stat. Ann. § 14:46.3 (trafficking of children for sexual purposes)].” La. Stat. Ann. § 14:46.3(F).

4. La. Stat. Ann. § 14:46.2 (2020) – Specialized Services for Trafficking Victims

“Any person determined to be a victim pursuant to the provisions of [La. Stat. Ann. § 14:46.2(F) (that include commercial sexual activity or any sexual contact which constitutes a crime pursuant to the laws of this state)] shall be notified of any treatment or specialized services for sexually exploited persons to the extent that such services are available.” La. Stat. Ann. § 14:46.2(F)(3).

5. La. Stat. Ann. § 15:541.1 (2019) – Posters

All of the following establishments shall be required to post information regarding the National Human Trafficking Resource Center hotline:

- (1) Every massage parlor, spa, or hotel that has been found to be a public nuisance for prostitution as set forth in [La. Stat. Ann. §] 13:4711.
- (2) Every strip club or other sexually-oriented business as set forth in [La. Stat. Ann. §] 37:3558(C).
- (3) (a) Every full-service fuel facility adjacent to an interstate highway.
(b) Every highway rest stop.
- (4) Every outpatient abortion facility as defined by [La. Stat. Ann. §] 40:2175.3.
- (5) (a) Every hotel as defined in [La. Stat. Ann. § 15:541.1(A)(5)]. Each hotel shall post the information in the same location where other employee notices required by state or federal law are posted.

* * *

- (6) Every airport as defined in [La. Stat. Ann. §] 2:1 and by the Federal Aviation Administration, including private-use airports. Each airport shall post the information in the same location where other employee notices required by state or federal law are posted.
- (7) Every bus terminal or station or railroad passenger station, including terminals or stations that are privately owned or owned by the state or a local governing authority. Each bus station or terminal or railroad passenger station shall post the information in the same location where other employee notices required by state or federal law are posted.

La. Stat. Ann. § 15:541.1(A).

6. La. Stat. Ann. § 23:1019.4 (2018) – Mandatory Reporting by Operators of Sexually Oriented Businesses

If, at any time during the application process or subsequent hiring of an employee or independent contractor, an operator of a sexually oriented business believes that the potential employee, employee, or independent contractor may be a victim of human trafficking, he shall, as soon as possible, but within twenty-four hours, contact law enforcement or call the National Human Trafficking Resource Center Hotline to coordinate with local resources.

La. Stat. Ann. § 23:1019.4.

7. La. Stat. Ann. § 40:2175.7 (2019) – Mandatory Reporting by Outpatient Abortion Facilities and Training Requirements

Mandatory reporters must report to law enforcement if they have “cause to believe a minor or adult female who presents at an outpatient abortion facility is a victim of human trafficking [or] trafficking of children for sexual purposes” La. Stat. Ann. § 40:2175.7(A)(1). Mandatory reporters must also certify “that they have participated in training on human trafficking awareness and prevention on an annual basis.” La. Stat. Ann. § 40:2175.7(B)(1).

8. La. Stat. Ann. § 40:2405.7 (2014) – Human Trafficking Training for Law Enforcement

Louisiana requires “training for law enforcement agencies in addressing human trafficking.” La. Stat. Ann. § 40:2405.7(A).

9. La. Stat. Ann. § 37.3568 (2021) – Human Trafficking Training for the Louisiana Board of Massage Therapy

The Louisiana Board of Massage Therapy must provide human trafficking “training opportunities for its board members, staff, and contract inspectors to help identify signs of human trafficking.” La. Stat. Ann. § 37.3568(A). “The board shall also coordinate with law enforcement and other stakeholders to help identify and address any illicit activity related to human trafficking in the massage industry.” La. Stat. Ann. § 37.3568(B).

10. La. Stat. Ann. § 46:2161 (2021) – Human Trafficking Victims Services Plan for Children

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

- (1) Identifying victims of human trafficking in Louisiana;
- (2) Assisting victims of human trafficking with applying for federal and state benefits and services to which they may be entitled;
- (3) Coordinating the delivery of health, mental health, housing, education, job training, child care, victims’ compensation, legal, and other services to victims of human trafficking;
- (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;
- (5) Referring child victims to the appropriate community-based services for victims of human trafficking; and
- (6) Assisting victims of human trafficking with family reunification or return to their place of origin, if the victims so desire.

La. Stat. Ann. § 46:2161(A).

In 2021, the Louisiana legislature added a requirement that:

[e]ach statewide and local law enforcement entity that investigates cases of human trafficking or related sexual offenses and that provides services to victims pursuant to the provisions of this Section shall submit to the governor’s office of human trafficking prevention and to the Department of Children and Family Services an annual report on their operations including

information on type of investigation, outcome of the investigation, and any services offered to victims, and demographic information related to the case and services offered.

La. Stat. Ann. § 46:2161(C)(2).

Each private entity that provides services to victims pursuant to the provisions of this Section shall submit to the governor’s office of human trafficking prevention and to the Department of Children and Family Services an annual report on their operations including information on the services offered, geographic areas served, the number of persons served, and individual status updates on each person served. This information shall not include the name, address, or other identifying information of the person served. The governor’s office of human trafficking prevention shall compile the data from all of the reports submitted pursuant to the provisions of this Subsection and shall provide this information to the legislature on or before the first day of February each year.

La. Stat. Ann. § 46:2161(C)(1).

11. La. Stat. Ann. § 46:2161.1 (2021) – Human Trafficking Victims Services Plan for Adults

With respect to any person referred to the Department of Children and Family Services who is eighteen years of age or older and who is found to be a victim of human trafficking in which the trafficking activity included commercial sexual activity or any sexual conduct constituting a crime under the laws of this state, the department shall refer the person to the appropriate department, agency, or entity to provide the person with the following:

- (1) Assistance in applying for federal and state benefits and services to which the victim may be entitled;
- (2) Coordination of the delivery of health care, mental health care, housing, education, job training, child care, victims’ compensation, legal, and other services available to victims of human or sex trafficking;
- (3) Referral to the appropriate community-based services to the extent that such services are available; and
- (4) Assistance with family reunification or returning to the victim’s place of origin, if the victim so desires.

La. Stat. Ann. § 46:2161.1(A).

Each statewide and local law enforcement entity that investigates cases of human trafficking or related sexual offenses and that provides services to victims pursuant to the provisions of this Section shall submit to the governor’s office of human trafficking prevention and to the Department of Children and Family Services an annual report on their operations including information on the type of investigation, outcome of the investigation, and any services offered to victims, and demographic information related to the case and services offered.

La. Stat. Ann. § 46:2161.1(C)(2).

Each private entity that provides services to victims pursuant to the provisions of this Section shall submit to the governor’s office of human trafficking prevention and to the Department of Children and Family Services an annual report on their operations including information on the services offered, training or certifications received specific to human trafficking, geographic areas served, the number of persons served, and individual status updates on each person served. This information shall not include the name, address, or other identifying information of the person

served. The governor’s office of human trafficking prevention shall compile the data from all of the reports submitted pursuant to the provisions of this Subsection and shall provide this information to the legislature on or before the first day of February each year.

La. Stat. Ann. § 46:2161.1(C)(1).

12. La. Stat. Ann. § 46:2162 (2013) – Assistance to 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 [Louisiana] 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.

La. Stat. Ann. § 46:2162(A).

This section also requires law enforcement to assist with certain immigration documents.

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

La. Stat. Ann. § 46:2162(B).

13. La. Stat. Ann. §§ 46:2165 *et seq.* (2017) – Louisiana Human Trafficking Prevention Commission

“The Louisiana Human Trafficking Prevention Commission is established within the office of the governor and placed within the office of human trafficking prevention.” La. Stat. Ann. § 46:2165(A).

The commission shall do the following:

- (1) Assist state and local leaders in developing and coordinating human trafficking prevention programs.
- (2) Conduct a continuing comprehensive review of all existing public and private human trafficking victim assistance programs to identify gaps in prevention and intervention services.

- (3) Increase coordination among public and private programs to strengthen prevention and intervention services.
- (4) Make recommendations with respect to human trafficking prevention and intervention.
- (5) Develop a state needs assessment and a comprehensive and integrated service delivery approach that meets the needs of all human trafficking victims.
- (6) Establish a method to transition human trafficking victim assistance service providers toward evidence-based national best practices focusing on outreach and prevention.
- (7) Develop a plan that ensures that Louisiana laws on human trafficking are properly implemented and provide training to law enforcement, the judiciary, and service providers.
- (8) Review the statutory response to human trafficking, analyze the impact and effectiveness of strategies contained in Louisiana law, and make recommendations on legislation to further anti-trafficking efforts.
- (9) Develop mechanisms to promote public awareness of human trafficking, including promotion of the national twenty-four-hour toll-free hotline telephone service on human trafficking.
- (10) Promote training courses and other educational materials for use by persons required to undergo training on the handling of, and response procedures for, suspected human trafficking activities.
- (11) Develop a framework to collect and integrate data and measure program outcomes.
- (12) Receive reports and recommendations from the Human Trafficking Prevention Commission Advisory Board.
- (13) Do all other things reasonably necessary to accomplish the purposes for which the commission is created.

La. Stat. Ann. § 46:2165(B).

D. Significant Cases

1. *State v. Sims*, 195 So. 3d 441 (La. 2016)

A defendant charged with trafficking of children for sexual purposes challenged the constitutionality of La. Stat. Ann. § 14:46.3(C)(2), which provides that a defendant's lack of knowledge of the age of the victim shall not be a defense to charges for trafficking of children for sexual purposes under La. Stat. Ann. § 14:46.3. The defendant asserted that the statute was facially contradictory, vague, ambiguous, and indefinite so as to deny her due process and to violate her right to be informed of the nature and cause of the charges against her. The defendant argued that the statute criminalized the knowing trafficking of juveniles for sexual purposes while simultaneously precluding a defendant from asserting lack of knowledge of the victim's age as a defense. The trial court agreed, declared La. Stat. Ann. § 14:46.3 unconstitutional, and granted the defendant's motion to quash. *State v. Sims*, 195 So. 3d 441, 442, 443 (La. 2016).

On direct review, the Supreme Court of Louisiana reversed and held that La. Stat. Ann. § 14:46.3 was not unconstitutional. The court explained that deviation from the general preference for a *mens rea* requirement is not unusual in the realm of offenses involving juveniles, particularly where the underlying conduct would be illegal even if the strict liability element were eliminated. Addressing the defendant's textual arguments, the court first explained

that the statute is not contradictory, vague, ambiguous, or indefinite, because subsection (C)(2) clearly modifies the term “knowingly” in subsection (A)(1). In addition, the word “knowingly” in subsection (A)(1) is an adverb, and common usage makes clear that an adverb modifies the verbs that come after it—in this case, “recruit, harbor, transport, provide, sell, purchase, receive, isolate, entice, obtain, or maintain the use of a person” The term “knowingly” in subsection (A)(1) does not also modify the dependent clause “under the age of eighteen years of age” that comes after, and modifies, the noun “person.” The court also noted that its interpretation was in accord with federal appellate court interpretations of 18 U.S.C. § 2423, a statute that criminalizes the transportation of minors across state lines for the purpose of engaging in prostitution or any sexual activity for which any person can be charged with a criminal offense. *Id.* at 445- 448.

2. *State in Interest of M.J.*, 160 So. 3d 1040 (La. Ct. App. 2015)

A juvenile defendant appealed a delinquency adjudication for prostitution by solicitation in violation of La. Stat. Ann. § 14:82(A)(2) arguing that, pursuant to La. Stat. Ann. Ch. C. art. 804(3), the state had the burden to prove that the defendant was not a victim of sex trafficking at the time of the alleged violation of La. Stat. Ann. § 14:82.

The Court of Appeals held that the safe harbor for victims of sex trafficking is a defense that the defendant must present. The Court stated:

[N]either law enforcement nor the district attorney’s office are required to determine whether a juvenile arrested and charged with a violation of [La. Stat. Ann. §] 14:82 was a victim of sex trafficking at the time of the alleged offense. Furthermore, there is no statutory burden of proof on the State to establish that a juvenile was not a victim of sex trafficking in order to prove that a juvenile committed a delinquent act by violating [La. Stat. Ann. §] 14:82. If, however, there is evidence introduced during the delinquency proceeding tending to prove by a preponderance of the evidence that the juvenile was a victim of sex trafficking at the time of the alleged act of prostitution, then a violation of [La. Stat. Ann. §] 14:82 by that juvenile would not constitute a delinquent act pursuant to [La. Child. Code Ann.] art. 804(3); because a juvenile shall not be prosecuted or adjudicated delinquent for an unlawful act committed as a direct result of being trafficked pursuant to [La. Stat. Ann. §] 14:46.3.

State in Interest of M.J., 160 So. 3d 1040, 1053 (La. Ct. App. 2015).

3. *Zuniga v. Masse Contracting, Inc.*, 290 F. Supp. 3d 581 (E.D. La. 2017)

Plaintiffs brought a private civil lawsuit under the Louisiana Victims of Human Trafficking Act (LVHTA), alleging that they were solicited to come to the United States under a legal work visa program to work as welders, but after paying for the visa and arriving in the United States, they were trafficked to another company to work as general laborers. Defendants moved to dismiss the claims under the LVHTA, arguing that the plaintiffs failed to state a claim because they did not allege that they were recruited under “fraud, force, or coercion” as the statute requires. *Zuniga v. Masse Contracting, Inc.*, 290 F. Supp. 3d 581, 588 (E.D. La. 2017). The court held that the plaintiffs failed to state a claim under the LVHTA. The court reasoned:

Plaintiffs contend that they were solicited to the United States under a legal work visa program to work as welders. Although Plaintiffs allege that upon their arrival they worked as general laborers, solicitation under false pretenses does not rise to the level of “fraud, force, or coercion” as defined in the LVHTA.

Id. at 589.

E. Academic Research/Papers

Laura T. Murphy, *Labor and Sex Trafficking Among Homeless Youth—A Ten-City Study*, Loyola University New Orleans and Modern Slavery Research Project (2016), available at:

<https://www.covenanthouse.org/sites/default/files/inline-files/Loyola%20MultiCity%20Executive%20Summary%20FINAL.pdf>.

Laura T. Murphy et al., *Trafficking and Exploitative Labor Among Homeless Youth in New Orleans*, Modern Slavery Research Project and Loyola University New Orleans (2015).

Rachel M. Scarafia, Comment, *Human Trafficking: The Need for Stronger Legislation in Louisiana to Protect Victims*, 60 LOY. L. REV. 687 (2014).

F. Resources

Greater New Orleans Human Trafficking Task Force:

<http://www.nolatrafficking.org/>

Louisiana Department of Children & Family Services, *Human Trafficking, Trafficking of Children for Sexual Exploitation, and Commercial Sexual Exploitation Annual Report* (Jan. 2021):

<http://dcfs.la.gov/assets/docs/searchable/Newsroom/2021/Human-Trafficking-Report-2021.pdf>

National Human Trafficking Hotline (Louisiana):

<https://humantraffickinghotline.org/state/louisiana>

Shared Hope International, Louisiana Report Card (2019):

http://sharedhope.org/PICframe9/reportcards/PIC_RC_2019_LA.pdf

Shared Hope International, Louisiana Analysis and Recommendations (2019):

http://sharedhope.org/PICframe9/analysis/PIC_AR_2019_LA.pdf

U.S. Department of Health & Human Services, Louisiana: *Efforts to Combat Human Trafficking* (2017):

https://nhhtac.acf.hhs.gov/sites/default/files/2019-06/louisiana_profile_efforts_to_combat_human_trafficking.pdf

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