

2018 Regular Session

HOUSE BILL NO. 612

BY REPRESENTATIVE STOKES

CRIME: Provides relative to the observation or filming of a person and the disclosure of certain images of a person

1 AN ACT

2 To amend and reenact R.S. 14:283(A)(1) and (B)(4) and 283.2(A)(4), relative to offenses  
3 affecting public morals; to provide relative to the crimes of video voyeurism and  
4 nonconsensual disclosure of a private image; to provide for actions that constitute  
5 video voyeurism; to remove the intent requirement for penalties for video voyeurism  
6 of a child under the age of seventeen; to remove certain intent requirements as an  
7 element of the crime of nonconsensual disclosure of a private image; and to provide  
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 14:283(A)(1) and (B)(4) and 283.2(A)(4) are hereby amended and  
11 reenacted to read as follows:

12 §283. Video voyeurism; penalties

13 A. Video voyeurism is any of the following:

14 (1) The use of any camera, videotape, photo-optical, photo-electric,  
15 unmanned aircraft system, or any other image recording device for the purpose of  
16 observing, viewing, photographing, filming, or videotaping a person where that  
17 person has not consented to the specific instance of observing, viewing,  
18 photographing, filming, or videotaping and either:

19 (a) ~~it~~ It is for a lewd or lascivious purpose.

1                    (b) The observing, viewing, photographing, filming, or videotaping is as  
2                    described in Paragraph(B)(3) of this Section.

3     \*           \*           \*

4                    B.

5     \*           \*           \*

6                    (4) Whoever commits the crime of video voyeurism when the observing,  
7                    viewing, photographing, filming, or videotaping is of any child under the age of  
8                    seventeen ~~with the intention of arousing or gratifying the sexual desires of the~~  
9                    ~~offender~~ shall be fined not more than ten thousand dollars and be imprisoned at hard  
10                   labor for not less than two years or more than ten years without benefit of parole,  
11                   probation, or suspension of sentence.

12     \*           \*           \*

13                    §283.2. Nonconsensual disclosure of a private image

14                    A. A person commits the offense of nonconsensual disclosure of a private  
15                    image when all of the following occur:

16     \*           \*           \*

17                    (4) The person who discloses the image ~~has the intent to harass or cause~~  
18                    ~~emotional distress to the person in the image, and the person who commits the~~  
19                    ~~offense~~ knew or should have known that the disclosure could harass or cause  
20                    emotional distress to the person in the image.

21     \*           \*           \*

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 612 Original     2018 Regular Session     Stokes

**Abstract:** Adds content element as grounds for the crime of video voyeurism, removes intent requirement from grounds for increased penalties for video voyeurism, and removes intent requirement from the crime of nonconsensual disclosure of a private image.

Present law provides that video voyeurism is the crime of using a camera or other image recording device to observe or photograph a person without their consent and with a lewd

or lascivious purpose. Provides enhanced penalties when the observation or photography involves certain sexual acts or body parts.

Proposed law adds to the crime of video voyeurism the observation or photography of certain sexual acts or body parts without a lewd or lascivious intent.

Present law imposes increased penalties on a person who commits the crime of video voyeurism with the intent of arousing or gratifying the sexual desires of the offender and the subject is under the age of 17. Proposed law removes intent as a requirement for increased penalties when the victim is under the age of 17.

Present law provides that nonconsensual disclosure of a private image is a crime when a person intentionally discloses an image of another person's (the subject) intimate parts when the subject is identifiable in the image and is 17 or older. Requires that the subject understood the image was to remain private, and the person disclosing the image did so with intent to harass or cause emotional distress on the subject. Proposed law removes intent to harass or cause emotional distress from the crime of nonconsensual disclosure of a private image.

(Amends R.S. 14:283(A)(1) and (B)(4) and 283.2(A)(4))