

GREEN SHEET REDIGEST

HB 261

2018 Regular Session

Marino

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

CRIME: Provides relative to the use of telecommunications devices as a form of harassment.

DIGEST

Present law prohibits any person from engaging in or instituting a telephone call, telephone conversation or conference, with another person, and using obscene, profane, vulgar, lewd, lascivious, or indecent language or making any suggestion or proposal of an obscene nature or threatening any illegal or immoral act with the intent to coerce, intimidate, or harass another person.

Proposed law removes indecent language but otherwise retains present law. Also prohibits any person from using any telecommunications device to send any text message or other message directly to another person that uses the type of language with certain intent identified in present law.

Present law prohibits any person from making repeated telephone communications in a manner reasonably expected to annoy, abuse, torment, harass, embarrass, or offend another, whether or not conversation ensues.

Proposed law amends present law to add a prohibition from sending repeated text messages or other messages directly to another person using any telecommunications device and to remove from the offense repeated communications in a manner reasonably expected to annoy another person.

Present law prohibits any person from engaging in a telephone call, conference, or recorded communication by using obscene language when the offender knows or should know that such language is directed to, or will be heard by a minor and prohibits any person from authorizing the use of a telephone under his control to violate the provisions of present law.

Proposed law maintains present law and adds a prohibition from using any telecommunications device to send any text message or other message containing obscene language or content, anonymously or otherwise, directly to another person, and from authorizing the use of any telecommunications device under his control to violate the provisions of present law.

Present law requires that any offense provided for in present law be deemed to have been committed at either the place where the telephone call or calls originated or at the place where the telephone call or calls were received.

Proposed law clarifies that any offense provided for in present law be deemed to have been committed at either the place where the communication originated or at the place where the communication was received.

Proposed law defines "telecommunications device" as any type of instrument, device, or machine that is capable of transmitting or receiving telephonic, electronic, radio, text, or data communications, including but not limited to a cellular telephone, a text-messaging device, a personal digital assistant, a computer, or any other similar wireless device that is designed to engage in a call or communicate text or data.

(Amends R.S. 14:285(A)(1), (2), (4), and (5) and (B); adds R.S. 14:285(E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove from the offense repeated communications in a manner reasonably expected to annoy another person.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the engrossed bill

1. Adds provision that the communication be made "directly" to another person.