

CONFERENCE COMMITTEE REPORT

HB 612

2018 Regular Session

Stokes

May 17, 2018

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 612 by Representative Stokes, recommend the following concerning the Reengrossed bill:

- 1. That Senate Committee Amendment Nos. 1, 2, 3, 4, 5, 7, 8, and 9 by Senate Committee on Judiciary C (#3465) be adopted.
- 2. That Senate Committee Amendment No. 6 by Senate Committee on Judiciary C (#3465) be rejected.
- 3. That the set of Senate Floor Amendments by Senator Claitor (#3678) be adopted.
- 4. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 3, after "voyeurism" delete the remainder of the line and at the beginning of line 4, delete "nonconsensual disclosure of a private image"

AMENDMENT NO. 2

On page 1, delete line 14 in its entirety and insert the following:

"unmanned aircraft system, or any other image recording device, or an unmanned aircraft system equipped with any camera, videotape, photo-optical, photo-electric, or any other image recording device, for the purpose of"

AMENDMENT NO. 3

On page 2, line 2, after "where" and before "person" delete "the" and insert "an identifiable"

Respectfully submitted,

Representative Julie Stokes

Senator Dan Claitor

Representative Sherman Mack

Senator Daniel "Danny" Martiny

Representative Raymond Crews

Senator Jean-Paul J. Morrell

CONFERENCE COMMITTEE REPORT DIGEST

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Keyword and oneliner of the instrument as it left the House

CRIME: Provides relative to the crime of video voyeurism

Report adopts Senate amendments to:

1. Reinstates the present law definition of "unmanned aircraft system".
2. Removes changes to the crime of nonconsensual disclosure of a private image and reinstates present law which requires the person committing the offense to have the intent to harass or cause emotional distress and to have actual or constructive knowledge that the disclosure could harass or cause emotional distress.

Report rejects Senate amendments which would have:

1. Reinstated use of an unmanned aircraft system as a present law element of the offense of video voyeurism.

Report amends the bill to:

1. Amend the present law elements of the offense to provide that the offense includes the use of an unmanned aircraft system equipped with any camera, videotape, photo-optical, photo-electric, or any other image recording device for the prohibited purposes specified in present and proposed law.
2. Amend proposed law to require the image to be taken in a place where an identifiable person has a reasonable expectation of privacy.

Digest of the bill as proposed by the Conference Committee

Present law provides that video voyeurism is the crime of using a camera, videotape, photo-optical, photo-electric, unmanned aircraft system, 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 amends present law elements of the offense relative to unmanned aircraft systems, to provide that the offense is committed by using an unmanned aircraft system equipped with a camera, videotape, photo-optical, photo-electric, or other image recording device.

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, which occurs in a place where an identifiable person has a reasonable expectation of privacy.

Proposed law provides an exception for any bona fide news or public interest broadcast, website, video, report, or event, and further provides that present and proposed law shall not affect the rights of any news-gathering organization.

(Amends R.S. 14:283(A)(1); Adds R.S. 14:283(H))