ACT No. 426

HOUSE BILL NO. 261

BY REPRESENTATIVE MARINO AND SENATOR CARTER

1	AN ACT
2	To amend and reenact R.S. 14:285(A)(1), (2), (4), and (5) and (B) and to enact R.S.
3	14:285(E), relative to unlawful telephone and telecommunications device
4	communications; to prohibit the use of any telecommunications device to send
5	certain types of communications; to provide for definitions; and to provide for
6	related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 14:285(A)(1), (2), (4), and (5) and (B) are hereby amended and
9	reenacted and R.S. 14:285(E) is hereby enacted to read as follows:
10	§285. Telephone Unlawful communications; telephones and telecommunications
11	devices; communications; improper language; harassment; penalty
12	A. No person shall:
13	(1) Engage in or institute a telephone call, telephone conversation, or
14	telephone conference, with another person, or use any telecommunications device
15	to send any text message or other message to another person directly, anonymously
16	or otherwise, and therein use obscene, profane, vulgar, lewd, or lascivious, or
17	indecent language, or make any suggestion or proposal of an obscene nature or
18	threaten any illegal or immoral act with the intent to coerce, intimidate, or harass
19	another any person.
20	(2) Make repeated telephone communications or send repeated text messages
21	or other messages using any telecommunications device directly to a person
22	anonymously or otherwise in a manner reasonably expected to annoy, abuse,
23	torment, harass, embarrass, or offend another, whether or not conversation ensues.
24	* * *

Page 1 of 2

CODING: Words in struck through type are deletions from existing law; words underscored are additions.

HB NO. 261 ENROLLED

1 (4) Engage in a telephone call, conference, or recorded communication by 2 using obscene language or by making a graphic description of a sexual act, or use 3 any telecommunications device to send any text message or other message 4 containing obscene language or any obscene content, anonymously or otherwise, 5 directly to another person, when by making a graphic description of a sexual act, and 6 the offender knows or reasonably should know that such obscene or graphic 7 language is directed to, or will be heard by, a minor. Lack of knowledge of age shall 8 not constitute a defense. 9 (5) Knowingly permit any telephone or any other telecommunications device under his control to be used for any purpose prohibited by this Section. 10 11 B. Any offense committed by use of a telephone as set forth in this Section 12 shall be deemed to have been committed at either the place where the telephone call 13 or calls communication originated or at the place where the telephone call or calls 14 communication was were received. 15 16 E. For the purposes of this Section, "telecommunications device" shall mean 17 any type of instrument, device, or machine that is capable of transmitting or 18 receiving telephonic, electronic, radio, text, or data communications, including but 19 not limited to a cellular telephone, a text-messaging device, a personal digital 20 assistant, a computer, or any other similar wireless device that is designed to engage 21 in a call or communicate text or data. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE GOVERNOR OF THE STATE OF LOUISIANA

Page 2 of 2

APPROVED: ___