

2024 Regular Session

HOUSE BILL NO. 138

BY REPRESENTATIVE SCHLEGEL

CRIME: Provides relative to the crime of nonconsensual disclosure of a private image

1 AN ACT

2 To amend and reenact R.S. 14:283.2(A)(1) and (4) and (B)(3) and to enact R.S.
3 14:283.2(C)(5), relative to the nonconsensual disclosure of a private image; to
4 provide relative to the offense of nonconsensual disclosure of a private image; to
5 provide relative to the elements of the offense of nonconsensual disclosure of a
6 private image; to provide for exceptions; to provide for definitions; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:283.2(A)(1) and (4) and (B)(3) are hereby amended and reenacted
10 and R.S. 14:283.2(C)(5) is hereby enacted to read as follows:

11 §283.2. Nonconsensual disclosure of a private image

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

14 (1) The person intentionally discloses an image of another person ~~who is~~
15 ~~seventeen years of age or older~~, who is identifiable from the image or information
16 displayed in connection with the image; and either whose intimate parts are exposed
17 in whole or in part or who is engaged in sexual conduct.

18 * * *

19 (4) The person who discloses the image ~~has the intent to harass or cause~~
20 ~~emotional distress to the person in the image, and the person who commits the~~

1 ~~offense~~ knew or should have known that the disclosure could harass or cause
2 emotional distress to the person in the image.

3 B. Disclosure of an image under any of the following circumstances does not
4 constitute commission of the offense defined in Subsection A of this Section:

5 * * *

6 (3) When the person depicted in the image voluntarily or knowingly exposed
7 his or her intimate parts or engaged in sexual conduct in a public setting.

8 * * *

9 C. For purposes of this Section:

10 * * *

11 (5) "Sexual conduct" means actual or simulated vaginal, anal, or oral sexual
12 intercourse, deviant sexual intercourse, sexual bestiality, masturbation,
13 sadoomasochistic abuse, exhibition of the genitals, or any other act undertaken with
14 the intention of arousing or gratifying the sexual desires of any person.

15 * * *

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)]

HB 138 Original

2024 Regular Session

Schlegel

Abstract: Relative to the crime of nonconsensual disclosure of a private image, removes the victim's age requirement, removes the requirement of intent to cause emotional distress, excludes a person engaged in sexual conduct in a public setting, and defines "sexual conduct".

Present law provides for elements designated as a crime of nonconsensual disclosure of a private image and provides exceptions.

Proposed law retains present law.

Present law provides for the application to people 17 years of age or older.

Proposed law eliminates the requirement that the victim be 17 years of age or older.

Present law requires the person who discloses the image to have the intent to cause harm or emotional distress to the victim.

Proposed law eliminates the specific intent to harass or cause emotional distress requirement.

Proposed law amends present law (R.S. 14:238.2(B)(3)) to include a person engaged in sexual conduct in a public setting.

Proposed law defines "sexual conduct".

(Amends R.S. 14:283.2(A)(1) and (4) and (B)(3); Adds R.S. 14:283.2(C)(5))