

Regular Session, 2014

SENATE BILL NO. 557

BY SENATOR JOHNS

CRIME/PUNISHMENT. Provides relative to the crime of "sexting" through computers and telecommunications devices. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 14:81.1.1(C) and to enact R.S. 14:81.1.1(D), relative to offenses
3 affecting the public morals; to provide relative to the elements of the crime of
4 "sexting"; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:81.1.1(C) is hereby amended and reenacted and R.S. 14:81.1.1(D)
7 is hereby enacted to read as follows:

8 §81.1.1. "Sexting"; prohibited acts; penalties

9 * * *

10 C. Any offense committed by use of a computer or telecommunication
11 device as set forth in this Section shall be deemed to have been committed at
12 either the place from which the indecent visual depiction was transmitted or at
13 the place where the indecent visual depiction was received.

14 D.(1) For a violation of the provisions of Paragraph (A)(1) of this Section,
15 the offender's disposition shall be governed exclusively by the provisions of Title VII
16 of the Louisiana Children's Code.

17 (2)(a) For a first offense in violation of Paragraph (A)(2) of this Section, the

1 offender shall be fined not less than one hundred dollars nor more than two hundred
2 fifty dollars, imprisoned for not more than ten days, or both. Imposition or execution
3 of the sentence shall not be suspended unless the offender is placed on probation
4 with a minimum condition that he perform two eight-hour days of court-approved
5 community service.

6 (b) For a second offense in violation of Paragraph (A)(2) of this Section, the
7 offender shall be fined not less than two hundred fifty dollars nor more than five
8 hundred dollars, imprisoned for not less than ten days nor more than thirty days, or
9 both. Imposition or execution of the sentence shall not be suspended unless the
10 offender is placed on probation with a minimum condition that he perform five eight-
11 hour days of court-approved community service.

12 (c) For a third or any subsequent offense in violation of Paragraph (A)(2) of
13 this Section, the offender shall be fined not less than five hundred dollars nor more
14 than seven hundred fifty dollars, imprisoned for not less than thirty days nor more
15 than six months, or both. Imposition or execution of the sentence shall not be
16 suspended unless the offender is placed on probation with a minimum condition that
17 he perform ten eight-hour days of court-approved community service.

18 Section 2. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

Johns (SB 557)

Present law provides relative to the crime of "sexting".

Present law provides that it is unlawful for a person under the age of 17 years to knowingly and voluntarily use a computer or telecommunication device to transmit an indecent visual depiction of himself to another person.

Proposed law retains present law and adds that any offense committed by use of a computer

or telecommunication device in violation of present law is deemed to have been committed at either the place from which the indecent visual depiction was transmitted or at the place where the indecent visual depiction was received.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:81.1.1(C); adds R.S. 14:81.1.1(D))

Summary of Amendments Adopted by Senate

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

1. Changes indecent visual depiction origin from "where the indecent visual depiction originated" to "from which the indecent visual depiction was transmitted."