
DIGEST

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HB 79 Original

2018 Regular Session

Mack

Abstract: Creates the crime of abuse of persons with infirmities through electronic means and provides for criminal penalties, exceptions to the offense, and for definitions.

Proposed law creates the crime of abuse of persons with infirmities through electronic means and defines such offense as either of the following:

- (1) The use of any camera, videotape, photo-optical, photo-electric, unmanned aircraft system, or any other image recording device for the purpose of observing, viewing, photographing, filming, or videotaping a person who is infirm, has a disability, or is aged and who is incapable of consenting to the electronic recording because the person is either: (a) 65 years of age or older, or (b) because of unsoundness of mind, stupor, abnormal condition of the mind, or other mental or developmental disability, regardless of the age of the victim.
- (2) The transfer of an image obtained by any activity described in Paragraph (1) above by live or recorded telephone message, electronic mail, the internet, or a commercial online service with the malicious and willful intent to embarrass, shame, harass, coerce, abuse, torment, or intimidate, regardless of whether the victim has knowledge of the transfer.

Proposed law provides for the following penalties:

- (1) First offense conviction - a fine of not more than \$1,000, imprisonment for up to six months, or both.
- (2) Second or subsequent offense conviction - a fine of not more than \$2,000, and imprisonment at hard labor for one to three years, without benefit of parole, probation, or suspension of sentence.

Proposed law provides an exception to this offense for a telephone company, cable television company, or any of its affiliates, an internet provider, or commercial online service provider, or to the carrying, broadcasting, or performing of related activities in providing telephone, cable television, internet, or commercial online services.

Proposed law provides that any evidence resulting from the commission of abuse of persons with infirmities through electronic means shall be contraband.

(Adds R.S. 14:283.3)