

2018 Regular Session

HOUSE BILL NO. 237

BY REPRESENTATIVE LEOPOLD

CRIMINAL/SENTENCING: Amends the criminal sentences and fines for convictions of pornography involving juveniles

1 AN ACT

2 To amend and reenact R.S. 14:81.1(E)(1)(b), (2)(b), (3), and (4), relative to pornography
3 involving juveniles; to provide relative to the crime of pornography involving
4 juveniles; to provide relative to the criminal penalties for the crime of pornography
5 involving juveniles; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:81.1(E)(1)(b), (2)(b), (3), and (4) are hereby amended and
8 reenacted to read as follows:

9 §81.1. Pornography involving juveniles

10 * * *

11 E.(1)

12 * * *

13 (b) On a second or subsequent conviction for the intentional possession of
14 pornography involving juveniles, the offender shall be fined not more than seventy-
15 five thousand dollars and imprisoned at hard labor for not less than ten years nor
16 more than forty years, without benefit of parole, probation, or suspension of
17 sentence.

18 (2)

19 * * *

1 (b) On a second or subsequent conviction for distributing or possessing with
2 the intent to distribute pornography involving juveniles, the offender shall be fined
3 not more than seventy-five thousand dollars and imprisoned at hard labor for not less
4 than ten years nor more than forty years, without benefit of parole, probation, or
5 suspension of sentence.

6 (3) Any parent, legal guardian, or custodian of a child who consents to the
7 participation of the child in pornography involving juveniles shall be fined not more
8 than ~~ten~~ fifty thousand dollars and be imprisoned at hard labor for not less than five
9 years ~~or~~ nor more than twenty years, without benefit of probation, parole, or
10 suspension of sentence.

11 (4)(a) Whoever engages in the promotion, advertisement, or production of
12 pornography involving juveniles shall be fined not more than ~~fifteen~~ fifty thousand
13 dollars and be imprisoned at hard labor for not less than ten years ~~or~~ nor more than
14 twenty years, without benefit of probation, parole, or suspension of sentence.

15 (b) On a second or subsequent conviction for promotion, advertisement, or
16 production of pornography involving juveniles, the offender shall be fined not more
17 than seventy-five thousand dollars and imprisoned at hard labor for not less than
18 twenty years nor more than forty years, without benefit of parole, probation, or
19 suspension of sentence.

20 * * *

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 237 Original 2018 Regular Session Leopold

Abstract: Increases certain penalties with regard to the crime of pornography involving juveniles.

Present law provides for the crime of pornography involving juveniles which prohibits any person from producing, promoting, advertising, distributing, possessing, or possessing with the intent to distribute pornography involving juveniles. The crime further prohibits any parent, legal guardian, or custodian of the child to consent to the child's participation in the pornography involving juveniles.

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

Present law provides for the following penalties for the intentional possession of pornography involving juveniles:

- (1) A fine of not more than \$50,000 and imprisonment at hard labor for not less than five years or more than 20 years, without benefit of parole, probation, or suspension of sentence.
- (2) On a second or subsequent conviction, a fine of not more than \$75,000 and imprisonment at hard labor for not more than 40 years, without benefit of parole, probation, or suspension of sentence.

Proposed law amends the present law penalties for a second or subsequent conviction for the intentional possession of pornography involving juveniles to retain the present law fine and provide for a term of imprisonment of not less than ten years nor more than 40 years without benefit of parole, probation, or suspension of sentence.

Present law provides for the following penalties for the distribution of or possession with the intent to distribute pornography involving juveniles:

- (1) A fine of not more than \$50,000 and imprisonment at hard labor for not less than five years or more than 20 years, without benefit of parole, probation, or suspension of sentence.
- (2) On a second or subsequent conviction, a fine of not more than \$75,000 and imprisonment at hard labor for not more than 40 years, without benefit of parole, probation, or suspension of sentence.

Proposed law amends the present law penalties for a second or subsequent conviction for the distribution of or possession with the intent to distribute pornography involving juveniles to retain the present law fine and provide for a term of imprisonment of not less than ten years nor more than 40 years without benefit of parole, probation, or suspension of sentence.

With regard to any parent, legal guardian, or custodian of a child who consents to the child's participation in pornography involving juveniles, present law provides that the person shall be fined not more than \$10,000 and imprisoned at hard labor for not less than five years or more than 20 years, without benefit of probation, parole, or suspension of sentence.

Proposed law increases the present law fine from \$10,000 to \$50,000.

Present law provides that whoever engages in the promotion, advertisement, or production of pornography involving juveniles shall be fined not more than \$15,000 and imprisoned at hard labor for not less than ten years or more than 20 years, without benefit of probation, parole, or suspension of sentence.

Proposed law increases the present law fine from \$15,000 to \$50,000 and provides that on a second or subsequent conviction for the promotion, advertisement, or production of pornography involving juveniles, the person shall be fined not more than \$75,000 and imprisoned for not less than 20 years nor more than 40 years, without benefit of parole, probation, or suspension of sentence.

(Amends R.S. 14:81.1(E)(1)(b), (2)(b), (3) and (4))