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## DIGEST

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HB 237 Engrossed

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.

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))