

2018 Regular Session

HOUSE BILL NO. 612

BY REPRESENTATIVES STOKES, BACALA, BAGNERIS, TERRY BROWN, CARPENTER, CONNICK, FALCONER, LANCE HARRIS, HAZEL, HODGES, HOWARD, HUNTER, IVEY, JORDAN, MACK, MARCELLE, JAY MORRIS, NORTON, PYLANT, RICHARD, STAGNI, AND STEFANSKI

CRIME: Provides relative to the observation or filming of a person and the disclosure of certain images of a person

1 AN ACT

2 To amend and reenact R.S. 14:283(A)(1) and (G) and 283.2(A)(4), relative to offenses  
3 affecting public morals; to provide relative to the crimes of video voyeurism and  
4 nonconsensual disclosure of a private image; to provide for actions that constitute  
5 video voyeurism; to amend certain intent requirements for the crime of  
6 nonconsensual disclosure of a private image; to provide for applicability; and to  
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:283(A)(1) and (G) and 283.2(A)(4) are hereby amended and  
10 reenacted to read as follows:

11 §283. Video voyeurism; penalties

12 A. Video voyeurism is any of the following:

13 (1) The use of any camera, videotape, photo-optical, photo-electric,  
14 ~~unmanned aircraft system~~, or any other image recording device for the purpose of  
15 observing, viewing, photographing, filming, or videotaping a person where that  
16 person has not consented to the specific instance of observing, viewing,  
17 photographing, filming, or videotaping and either:

18 (a) ~~it~~ It is for a lewd or lascivious purpose.



Proposed law removes use of an unmanned aircraft system as an element of the offense and repeals the provision which provides for its definition.

Proposed law adds to the crime of video voyeurism the observation or photography of certain sexual acts or body parts, without a lewd or lascivious intent, which occurs in a place where the subject of the image has a reasonable expectation of privacy.

Present law provides that nonconsensual disclosure of a private image is a crime when a person intentionally discloses an image of another person's intimate parts when the subject is identifiable in the image and is 17 years or older. Requires that the subject understood the image was to remain private, and the person disclosing the image did so with intent to harass or cause emotional distress to the subject, and the person who commits the offense knew or should have known that the disclosure could harass or cause emotional distress.

Proposed law amends present law to provide that the person committing the offense either had the intent to harass or cause emotional distress or knew or should have known that the disclosure could harass or cause emotional distress.

Proposed law provides an exception for any bona fide news or public interest broadcast, website, video, report, or event, and further provides that present and proposed law shall not affect the rights of any news-gathering organization.

(Amends R.S. 14:283(A)(1) and (G) and 283.2(A)(4))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove use of an unmanned aircraft system as an element of the offense and removes the definition of "unmanned aircraft system".
2. Restore present law which provides penalties for offenses which involve the observing, viewing, photographing, filming, or videotaping of any child under the age of 17 years.
3. Amends elements of the crime of nonconsensual disclosure of a private image to provide that the person committing the offense either had the intent to harass or cause emotional distress or knew or should have known that the disclosure could harass or cause emotional distress.

#### The House Floor Amendments to the engrossed bill:

1. Provide an exception for any bona fide news or public interest broadcast, website, video, report, or event.
2. Provide that present and proposed law shall not affect the rights of any news-gathering organization.