HLS 18RS-510 REENGROSSED

2018 Regular Session

1

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

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 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.

Page 1 of 3

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(b) The observing, viewing, photographing, filming, or videotaping is as
2	described in Paragraph(B)(3) of this Section and occurs in a place where the person
3	has a reasonable expectation of privacy.
4	* * *
5	G. For purposes of this Section, "unmanned aircraft system" means an
6	unmanned, powered aircraft that does not carry a human operator, can be
7	autonomous or remotely piloted or operated, and can be expendable or recoverable.
8	This Section shall not apply to any bona fide news or public interest broadcast,
9	website, video, report, or event and shall not be construed to affect the rights of any
10	news-gathering organization.
11	* * *
12	§283.2. Nonconsensual disclosure of a private image
13	A. A person commits the offense of nonconsensual disclosure of a private
14	image when all of the following occur:
15	* * *
16	(4) The person who discloses the image has the intent to harass or cause
17	emotional distress to the person in the image, and or the person who commits the
18	offense knew or should have known that the disclosure could harass or cause
19	emotional distress to the person in the image.
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 612 Reengrossed

2018 Regular Session

Stokes

Abstract: Expands the crime of video voyeurism when the voyeurism involves certain content and under certain conditions, and amends certain intent requirements for the crime of nonconsensual disclosure of a private image.

<u>Present law</u> provides that video voyeurism is the crime of using a camera, videotape, photooptical, photo-electric, unmanned aircraft system, or other image recording device to observe or photograph a person without their consent and with a lewd or lascivious purpose. Provides enhanced penalties when the observation or photography involves certain sexual acts or body parts.

Page 2 of 3

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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

<u>Proposed law</u> 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.

<u>Present law</u> 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.

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

<u>Proposed law</u> provides an exception for any bona fide news or public interest broadcast, website, video, report, or event, and further provides that <u>present</u> and <u>proposed law</u> 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 <u>House Committee on Administration of</u> 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 <u>present law</u> 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 <u>present</u> and <u>proposed law</u> shall not affect the rights of any newsgathering organization.