
DIGEST

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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.

Present law provides that video voyeurism is the crime of using a camera, videotape, photo-optical, 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.

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.