

## RÉSUMÉ DIGEST

ACT 426 (HB 261)

2018 Regular Session

Marino

Prior law prohibited any person from engaging in or instituting a telephone call, telephone conversation, or telephone conference with another person, and using obscene, profane, vulgar, lewd, lascivious, or indecent language during the call, conversation, or conference, or making any suggestion or proposal of an obscene nature or threatening any illegal or immoral act with the intent to coerce, intimidate, or harass another person.

In this regard, new law does all of the following:

- (1) Removes from prior law the prohibition on using "indecent" language while engaging in or instituting a telephone call, telephone conversation, or telephone conference with another person.
- (2) Specifies that the requisite intent for commission of the offense is the intent to coerce, intimidate, or harass any person.
- (3) Adds that a person, with the intent to coerce, intimidate, or harass any person, is further prohibited from using any telecommunications device to send the prohibited language in any text message or other message directly to another person.

Prior law prohibited any person from making repeated telephone communications in a manner reasonably expected to annoy, abuse, torment, harass, embarrass, or offend another, whether or not conversation ensues.

In this regard, new law does all of the following:

- (1) Removes from prior law the prohibition on making repeated telephone communications in a manner reasonably expected to annoy another person.
- (2) Adds that a person is further prohibited from sending directly to a person repeated text messages or other messages using any telecommunications device in a manner reasonably expected to abuse, torment, harass, embarrass, or offend another.

Prior law prohibited any person from engaging in a telephone call, conference, or recorded communication by using obscene language, when by making a graphic description of a sexual act, and the offender knew or reasonably should have known that such obscene or graphic language is directed to, or will be heard by, a minor.

In this regard, new law does all of the following:

- (1) Amends prior law to prohibit any person from engaging in a telephone call, conference, or recorded communication by using obscene language or by making a graphic description of a sexual act.
- (2) Adds that a person is further prohibited from using any telecommunications device to send directly to another person any text message or other message containing obscene language or any obscene content, anonymously or otherwise.

Existing law prohibits any person from knowingly permitting any telephone under his control to be used for purposes prohibited by existing law (R.S. 14:285).

New law retains existing law and extends its application to telecommunications devices under the control of the person.

For purposes of new law, "telecommunications device" is defined as any type of instrument, device, or machine that is capable of transmitting or receiving telephonic, electronic, radio, text, or data communications, including but not limited to a cellular telephone, a text-messaging device, a personal digital assistant, a computer, or any other similar wireless device that is designed to engage in a call or communicate text or data.

Effective August 1, 2018.

(Amends R.S. 14:285(A)(1), (2), (4), and (5) and (B); Adds R.S. 14:285(E))