
DIGEST

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HB 187 Original

2019 Regular Session

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Abstract: Provides enhanced penalties for the crime of video voyeurism under certain circumstances involving the ages of and the relationship between the offender and the victim, and provides relative to the sex offender registration and notification requirements of the offender in these scenarios.

Present law defines the crime of video voyeurism as the use of any image recording device or unmanned aircraft system equipped with any image recording device, for the purpose of observing, viewing, photographing, filming, or videotaping a person where that person has not consented to the specific instance of observing, viewing, photographing, filming, or videotaping and either:

- (1) It is for a lewd or lascivious purpose.
- (2) The observing, viewing, photographing, filming, or videotaping is of certain sexual acts or body parts and occurs in a place where an identifiable person has a reasonable expectation of privacy.

Present law provides for the following penalties:

- (1) For a first conviction: fine of not more than \$2,000, imprisonment with or without hard labor for not more than two years, or both.
- (2) For a second or subsequent conviction: fine of not more than \$2,000 and imprisonment at hard labor for not less than six months nor more than three years without benefit of probation, parole, or suspension of sentence.
- (3) If the observing, viewing, photographing, filming, or videotaping is of certain body parts or sexual acts: fine of not more than \$10,000 and imprisonment at hard labor for one to five years without benefit of probation, parole, or suspension of sentence.
- (4) If the observing, viewing, photographing, filming, or videotaping is of any child under the age of 17 with the intention of arousing or gratifying the sexual desires of the offender: fine of not more than \$10,000 and imprisonment at hard labor for two to ten years without benefit of probation, parole, or suspension of sentence.

Present law (R.S. 15:540 et seq.) requires persons convicted of video voyeurism to register and provide notification as a sex offender for 15 years.

Proposed law amends present law to provide for an enhanced penalty of imprisonment at hard labor for not less than five years nor more than 15 years and a fine of not more than \$10,000 when the elements of the offense include any of the following:

- (1) If the offender is 18 years of age or older and is a caretaker of the victim who is under the age of 16 years.
- (2) If the offender is 18 years of age or older and is employed by or volunteers for any public or private elementary or secondary school or any early learning center as defined by present law and the offense is committed against a student of the public or private elementary or secondary school or any early learning center.
- (3) If the offender is 24 years of age or older and commits the offense against a victim who is under the age of 16 years.

Proposed law requires any person who is convicted of video voyeurism and who is subject to the penalties provided in proposed law to register and provide notification as a sex offender for 25 years.

(Amends R.S. 14:283(B)(1), (C), (D), (E), (F), (G), and (H) and R.S. 15:541(25)(o); Adds R.S. 14:283(I) and R.S. 15:541(25)(p))