

SENATE BILL NO. 384

BY SENATOR REESE

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Art. 718.1(A) and (B) and R.S.  
3 14:107.4(D) and (E), relative to the crime of unlawful posting of criminal activity for  
4 notoriety and publicity; to provide relative to access to evidence of the crime; to  
5 provide relative to the disposition of evidence of the crime; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Art. 718.1(A) and (B) are hereby amended  
9 and reenacted to read as follows:

10 Art. 718.1. Evidence of obscenity, video voyeurism, ~~or~~ pornography involving  
11 juveniles, **or unlawful posting of criminal activity for notoriety**  
12 **and publicity**; prohibition on reproduction of pornography involving  
13 juveniles

14 A. In any criminal proceeding, any property or material that is alleged to  
15 constitute evidence of obscenity as defined in R.S. 14:106(A)(2) that is unlawfully  
16 possessed, video voyeurism as defined in R.S. 14:283, ~~or~~ pornography involving  
17 juveniles as defined in R.S. 14:81.1, **or unlawful posting of criminal activity for**  
18 **notoriety and publicity as defined in R.S. 14:107.4**, shall remain in the care,  
19 custody, and control of the investigating law enforcement agency, the court, or the  
20 district attorney.

21 B. Notwithstanding any other provision of law to the contrary, the court shall  
22 deny any request by the defendant to copy, photograph, duplicate, or otherwise  
23 reproduce any property or material that is alleged to constitute evidence of obscenity  
24 as defined in R.S. 14:106(A)(2) that is unlawfully possessed, video voyeurism as  
25 defined in R.S. 14:283, ~~or~~ pornography involving juveniles as defined in R.S.  
26 14:81.1, **or unlawful posting of criminal activity for notoriety and publicity as**

1 defined in R.S. 14:107.4, provided that the district attorney makes the property or  
2 material reasonably available to the defendant.

3 \* \* \*

4 Section 2. R.S. 14:107.4(D) and (E) are hereby amended and reenacted to read as  
5 follows:

6 §107.4. Unlawful posting of criminal activity for notoriety and publicity

7 \* \* \*

8 D. After the institution of prosecution, access to, ~~and the disposition of~~ any  
9 material seized as evidence of this offense shall be in accordance with ~~R.S. 46:1845~~

10 Code of Criminal Procedure Article 718.1.

11 E. Any evidence resulting from the commission of unlawful filming or  
12 recording criminal activity shall be contraband. The court, upon motion of the  
13 district attorney and after a contradictory hearing, may order the destruction  
14 of the contraband after it is determined that it is no longer needed as evidence.  
15 The contraband shall be presumed to be necessary as evidence if an appeal of  
16 the conviction is pending, if the convicted person is pursuing post-conviction  
17 remedies, or if the time for pursuing an appeal or post-conviction remedies has  
18 not expired.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_