

2021 Regular Session

HOUSE BILL NO. 222

BY REPRESENTATIVE STEFANSKI

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/SEX OFFENSES: Provides relative to certain sex offenses against minors

1 AN ACT

2 To amend and reenact R.S. 14:81.4(A)(2) and to enact R.S. 14:81.3(A)(5), 81.4(B)(5), and
3 283(A)(3), relative to certain sex offenses against minors; to provide relative to the
4 use of technology in the commission of the offense; to provide definitions; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:81.4(A)(2) is hereby amended and reenacted and R.S.
8 14:81.3(A)(5), 81.4(B)(5), and 283(A)(3) are hereby enacted to read as follows:

9 §81.3. Computer-aided solicitation of a minor

10 A.

11 * * *

12 (5) It shall also be a violation of the provisions of this Section when a person
13 seventeen years of age or older knowingly uses another individual who is seventeen
14 years of age or older to contact or communicate with a person who has not yet
15 attained the age of seventeen and there is an age difference of greater than two years
16 or a person reasonably believed to have not yet attained the age of seventeen and
17 reasonably believed to be at least two years younger.

18 * * *

19 §81.4. Prohibited sexual conduct between educator and student

20 A. Prohibited sexual conduct between an educator and a student is
21 committed when any of the following occur:

22 * * *

1 (2) An educator commits any lewd or lascivious act upon a student or in the
 2 virtual or physical presence of a student who is seventeen years of age or older, but
 3 less than twenty-one years of age, where there is an age difference of greater than
 4 four years between the two persons, with the intention of gratifying the sexual
 5 desires of either person, when the victim is a student at the school in which the
 6 educator is assigned, employed, or working at the time of the offense.

7 * * *

8 B. As used in this Section:

9 * * *

10 (5) "Virtual" means carried out, accessed, or stored by means of a computer
 11 or the exchange of digital media over any network.

12 * * *

13 §283. Video voyeurism; penalties

14 A. Video voyeurism is any of the following:

15 * * *

16 (3) The manipulation of a victim who has not yet attained the age of
 17 seventeen or who is reasonably believed to have not yet attained the age of seventeen
 18 to use any camera, videotape, photo-optical, photo-electric, or any other image
 19 recording device or an unmanned aircraft system equipped with any camera,
 20 videotape, photo-optical, photo-electric, or any other image recording device to
 21 photograph, film, or videotape oneself to send to the person manipulating the victim
 22 for a lewd or lascivious purpose.

23 * * *

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 222 Engrossed

2021 Regular Session

Stefanski

Abstract: Provides relative to the use of technology in the commission of certain sex offenses against minors.

Present law provides for the crime of computer-aided solicitation of a minor which prohibits persons 17 and older from using electronic textual communication for the purpose of persuading a person under age 17 to engage in sexual conduct.

Present law also provides penalties for whomever commits the crime of computer-aided solicitation of a minor.

Proposed law retains present law and adds that it shall also be a violation of present law when a person 17 years of age or older uses another person 17 years or older to contact a person under the age of 17 years.

Present law provides for the crime of prohibited sexual conduct between an educator and a student and provides penalties.

Proposed law retains present law and specifies that lewd or lascivious acts committed in the virtual or physical presence of a student are also in violation of present law.

Proposed law defines "virtual".

Present law provides for the crime of video voyeurism and provides penalties.

Proposed law retains present law and adds that it shall also be a violation of present law when an adult manipulates a person under the age of 17 years to take a photograph, film, or videotape of oneself to send to the adult for a lewd or lascivious purpose.

(Amends R.S. 14:81.4(A)(2); Adds R.S. 14:81.3(A)(5), 81.4(B)(5), and 283(A)(3))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Specify that video voyeurism occurs when proposed law is done for a lewd or lascivious purpose.