

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 between the person contacted and the offender or a person reasonably believed to
17 have not yet attained the age of seventeen and reasonably believed to be at least two
18 years younger than the offender.

19 * * *

1 §81.4. Prohibited sexual conduct between educator and student

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

4 * * *

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

11 * * *

12 B. As used in this Section:

13 * * *

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

16 * * *

17 §283. Video voyeurism; penalties

18 A. Video voyeurism is any of the following:

19 * * *

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

27 * * *

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 Reengrossed

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 of age or older to contact a person under the age of 17 years and there is an age difference of greater than two years between the person contacted and the offender.

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.

The House Floor Amendments to the engrossed bill:

1. Specify that the two year age difference is the age difference between the person contacted and the offender.