

Regular Session, 2014

HOUSE BILL NO. 978

BY REPRESENTATIVE GREENE

CRIME/OBSCENITY: Requires that notice be given to certain persons when certain acts of obscenity occur near a school

1 AN ACT

2 To enact R.S. 14:106(I), relative to obscenity; to provide relative to certain acts of obscenity  
3 occurring within a certain distance of school property; to require that notice of the  
4 act of obscenity be given to the principal and parents of all students at the school; to  
5 provide for the contents of the notice; to provide for a period of time in which such  
6 notice shall be provided; to provide for immunity from liability for certain persons;  
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:106(I) is hereby enacted to read as follows:

10 §106. Obscenity

11 \* \* \*

12 I.(1)(a) When an act of obscenity as defined in Paragraph (A)(1) of this  
13 Section is reported, the law enforcement agency acting in response to the reported  
14 incident shall provide notice of the incident to the principal or headmaster of each  
15 school located within two thousand feet of where the incident occurred. This notice  
16 shall be provided by the law enforcement agency to the principal or headmaster  
17 within twenty-four hours of receiving the report of the incident and by any  
18 reasonable means, including but not limited to live or recorded telephone message  
19 or electronic mail.

1           (b) The notice required by the provisions of Subparagraph (a) of this  
2           Paragraph shall include the date, time, and location of the incident, a brief  
3           description of the incident, and a brief description of the physical characteristics of  
4           the alleged offender which may include but shall not be limited to the alleged  
5           offender's sex, race, hair color, eye color, height, age, and weight.

6           (2)(a) Within twenty-four hours of receiving notice of the incident from law  
7           enforcement pursuant to the provisions of Paragraph (1) of this Subsection, the  
8           principal or headmaster shall provide notice of the incident to the parents of all  
9           students enrolled at the school by any reasonable means, including but not limited  
10          to live or recorded telephone message or electronic mail.

11          (b) The notice required by the provisions of Subparagraph (a) of this  
12          Paragraph shall include the same information required for the notice provided in  
13          Paragraph (1) of this Subsection to the extent that the information is provided by law  
14          enforcement to the principal or headmaster of the school.

15          (3) When the expiration of the twenty-four-hour period occurs on a weekend  
16          or holiday, notice shall be provided no later than the end of the next regular school  
17          day.

18          (4) For purposes of this Subsection, "school" means any public or private  
19          elementary or secondary school in this state, including all facilities of the school  
20          located within the geographical boundaries of the school property.

21          (5) The principal, headmaster, school, owner of the school, operator of the  
22          school, and the insurer or self-insurance program for the school shall be immune  
23          from any liability that arises as a result of compliance or non-compliance with this  
24          Subsection, except for any willful violation of the provisions of this Subsection.

---

**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)]

---

Greene

HB No. 978

**Abstract:** Requires that notice be given to the principal and the parents of all students at a school when certain acts of obscenity occur within 2,000 feet of the school.

Present law defines the crime of obscenity to include the intentional exposure of the genitals, pubic hair, anus, vulva, or female breast nipples in any public place or place open to the public view, or in any prison or jail, with the intent of arousing sexual desire or which appeals to prurient interest or is patently offensive.

Proposed law provides that when these acts of obscenity occur within 2,000 feet of a school, within 24 hours of receiving the report of the incident, the law enforcement agency acting in response to the reported incident shall notify the principal or headmaster of the school that the incident occurred.

Proposed law further provides that the notice shall include all of the following: the date, time, and location of the incident, a brief description of the incident, and a brief description of the physical characteristics of the alleged offender which may include but shall not be limited to the alleged offender's sex, race, hair color, eye color, height, age, and weight.

Within 24 hours of receiving notice of the incident from law enforcement, proposed law requires the principal or headmaster to notify the parents of all students enrolled at the school.

Proposed law provides that such notice shall include the same information required of the notice provided by law enforcement to the school to the extent that such information is included in the notice provided by law enforcement.

Proposed law further provides that the principal, headmaster, school, owner of the school, operator of the school, and the insurer or self-insurance program for the school shall be immune from any liability that arises as a result of compliance or non-compliance with proposed law, except for any willful violation.

Proposed law provides for a definition of "school".

(Adds R.S. 14:106(I))

Summary of Amendments Adopted by House

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

1. Added provision which requires the notice provided to the parents of students at the school to include the same information required of the notice provided by law enforcement to the school to the extent that such information is included in the notice from law enforcement.
2. Added provision which provides for immunity for certain persons affiliated with the school from liability which may arise as a result of compliance or non-compliance with the proposed law notice requirements.