
DIGEST

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HB 153 Reengrossed

2015 Regular Session

Tim Burns

Abstract: Creates the crime of unlawful distribution of material harmful to minors through the Internet, provides criminal penalties including a fine of up to \$10,000, and provides for exceptions.

Proposed law creates the crime of unlawful distribution of material harmful to minors through the Internet, providing that any person or entity in La. that publishes material harmful to minors on the Internet shall, prior to permitting access to such material, require any person attempting to access such material to acknowledge that the person is 18 years of age or older.

Proposed law provides that if the person seeking to access such material is under the age of 18 and falsely acknowledges that he is 18 years of age or older, the person or entity in La. that publishes material harmful to minors on the Internet and who complies with the requirements set forth in proposed law shall not be held liable for this offense.

Proposed law provides exceptions for the following:

- (1) Internet service provider, interactive computer service provider as defined by federal law (47 U.S.C. 230(f)), or radio or television broadcast licensee of the Federal Communications Commission for material harmful to minors that is provided by another person.
- (2) Material that is a bona fide news or public interest broadcast, website, video, report, or event.

Provides that the provisions of proposed law do not affect the rights of any news-gathering organization.

Proposed law provides for definitions of "descriptions or depictions of illicit sex or sexual immorality", "material harmful to minors", and "news-gathering organization".

Provides that whoever violates the provisions of proposed law shall be fined up to \$10,000.

(Adds R.S. 14:91.14)

Summary of Amendments Adopted by House

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

1. Add an exception to the offense for an Internet service provider or interactive computer service provider for material published or distributed by another person.
2. Add an exception to the offense for material that is a bona fide news or public interest broadcast, website, video, report, or event.
3. Provide that proposed law does not affect the rights of any news-gathering organization and provide a definition for "news-gathering organization".

The House Floor Amendments to the engrossed bill:

1. Add an exception to the offense for radio or television broadcast licensees of the Federal Communications Commission for material published or distributed by another person.