

Regular Session, 2010

HOUSE BILL NO. 1357

BY REPRESENTATIVE BALDONE

CRIME: Prohibits the transmission of indecent visual depictions in certain circumstances

1 AN ACT

2 To enact R.S. 14:81.1.1, relative to sexual offenses affecting minors; to create the crime of
3 sexting; to provide for elements of the crime; to provide for criminal penalties; to
4 provide for definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:81.1.1 is hereby enacted to read as follows:

7 §81.1.1. "Sexting"; prohibited acts; penalties

8 A.(1) No person under the age of seventeen years shall knowingly and
9 voluntarily use a computer or telecommunication device to transmit an indecent
10 visual depiction of himself to another person.

11 (2) No person under the age of seventeen years shall knowingly possess or
12 transmit an indecent visual depiction that was transmitted by another under the age
13 of seventeen years in violation of the provisions of Paragraph (1) of this Subsection.

14 B. For purposes of this Section:

15 (1) "Indecent visual depiction" means any photograph, videotape, film, or
16 other reproduction of a person under the age of seventeen years engaging in sexually
17 explicit conduct, and includes data stored on any computer, telecommunication
18 device, or other electronic storage media which is capable of conversion into a visual
19 image.

1 (2) "Sexually explicit conduct" means masturbation or lewd exhibition of the
2 genitals, pubic hair, anus, vulva, or female breast nipples of a person under the age
3 of seventeen years.

4 (3) "Telecommunication device" means an analog or digital electronic device
5 which processes data, telephonic, video, or sound transmission as part of any system
6 involved in the sending or receiving of voice, sound, data, or video transmissions.

7 (4) "Transmit" means to give, distribute, transfer, transmute, distribute,
8 circulate, or disseminate by use of a computer or telecommunication device.

9 C. Whoever violates the provisions of this Section shall be fined not less
10 than one hundred dollars nor more than two hundred fifty dollars and shall be
11 imprisoned for not less than ten days nor more than thirty days. Imposition or
12 execution of sentence shall not be suspended unless the offender is placed on
13 probation with a minimum condition that he perform ten eight-hour days of
14 court-approved community service.

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)]

Baldone

HB No. 1357

Abstract: Creates the crime of sexting, and provides for criminal penalties.

Proposed law creates the crime of sexting which:

- (1) Prohibits a person under the age of 17 from knowingly and voluntarily transmitting an indecent visual depiction of himself to another.
- (2) Prohibits a person under the age of 17 from knowingly possessing or transmitting such image.

Proposed law provides for definitions of "indecent visual depiction", "sexually explicit conduct", "telecommunication device", and "transmit".

Proposed law provides that whoever violates proposed law shall be fined not less than \$100 nor more than \$250 and shall be imprisoned for not less than 10 days nor more than 30 days. Provides that this sentence shall not be suspended unless the offender is placed on probation with a minimum condition that he perform 10 eight-hour days of court-approved community service.

(Adds R.S. 14:81.1.1)