HLS 19RS-337 ORIGINAL

2019 Regular Session

HOUSE BILL NO. 187

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BY REPRESENTATIVES LARVADAIN AND JAMES

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

CRIME/SEX OFFENSES: Provides enhanced penalties for the crime of video voyeurism under certain circumstances

AN ACT

2	To amend and reenact R.S. 14:283(B)(1), (C), (D), (E), (F), (G), and (H) and R.S.
3	15:541(25)(o) and to enact R.S. 14:283(I) and R.S. 15:541(25)(p), relative to video
4	voyeurism; to provide enhanced penalties for the crime of video voyeurism under
5	certain circumstances; to provide relative to the sex offender registration and
6	notification requirements of persons convicted of video voyeurism and subject to the
7	enhanced penalties; and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 14:283(B)(1), (C), (D), (E), (F), (G), and (H) are hereby amended
10	and reenacted and R.S. 14:283(I) is hereby enacted to read as follows:
11	§283. Video voyeurism ; penalties
12	* * *
13	B.(1) Except as provided in <u>Subsection C and</u> Paragraphs (3) and (4) of this
14	Subsection, whoever commits the crime of video voyeurism shall, upon a first
15	conviction thereof, be fined not more than two thousand dollars or imprisoned, with
16	or without hard labor, for not more than two years, or both.
17	* * *
18	C. Notwithstanding the penalties provided in Subsection B of this Section:
19	(1) If the offender is eighteen years of age or older and is a caretaker of the
20	victim who is under the age of sixteen years, the offender shall be fined not more

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2	years nor more than fifteen years.
3	(2) If the offender is eighteen years of age or older and is employed by or
4	volunteers for any public or private elementary or secondary school or any early
5	learning center as defined by R.S. 17:407.33 and the offense is committed against a
6	student of the public or private elementary or secondary school or any early learning
7	center, the offender shall be fined not more than ten thousand dollars and shall be
8	imprisoned at hard labor for not less than five years nor more than fifteen years.
9	(3) If the offender is twenty-four years of age or older and commits the
10	offense against a victim who is under the age of sixteen years, the offender shall be
11	fined not more than ten thousand dollars and shall be imprisoned at hard labor for not
12	less than five years nor more than fifteen years.
13	C.D. The provisions of this Section shall not apply to the transference of
14	such images by a telephone company, cable television company, or any of its
15	affiliates, an Internet provider, or commercial online service provider, or to the
16	carrying, broadcasting, or performing of related activities in providing telephone,
17	cable television, Internet, or commercial online services.
18	D.E. After the institution of prosecution, access to and the disposition of any
19	material seized as evidence of this offense shall be in accordance with R.S. 46:1845.
20	E.F. Any evidence resulting from the commission of video voyeurism shall
21	be contraband.
22	F.G. A violation of the provisions of this Section shall be considered a sex
23	offense as defined in R.S. 15:541. Whoever commits the crime of video voyeurism
24	shall be required to register as a sex offender as provided for in Chapter 3-B of Title
25	15 of the Louisiana Revised Statutes of 1950.
26	G.H. For purposes of this Section, "unmanned:
27	(1) "Caretaker" is any parent, guardian, or other person having care and
28	control over the victim for a period of time.

than ten thousand dollars and shall be imprisoned at hard labor for not less than five

1	(2) "Unmanned aircraft system" means an unmanned, powered aircraft that
2	does not carry a human operator, can be autonomous or remotely piloted or operated,
3	and can be expendable or recoverable.
4	H.I. This Section shall not apply to any bona fide news or public interest
5	broadcast, website, video, report, or event and shall not be construed to affect the
6	rights of any news-gathering organization.
7	Section 2. R.S. 15:541(25)(o) is hereby amended and reenacted and R.S.
8	15:541(25)(p) is hereby enacted to read as follows:
9	§541. Definitions
10	For the purposes of this Chapter, the definitions of terms in this Section shall
11	apply:
12	* * *
13	(25) "Sexual offense against a victim who is a minor" means a conviction for
14	the perpetration or attempted perpetration of, or conspiracy to commit, any of the
15	following:
16	* * *
17	(o) Video voyeurism when prosecuted under the provisions of R.S.
18	<u>14:283(C).</u>
19	(o)(p) Any conviction for an offense under the laws of another state, or
20	military, territorial, foreign, tribal, or federal law which is equivalent to the offenses
21	listed in Subparagraphs (a) through (n)(o) of this Paragraph.
22	* * *

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 187 Original

2019 Regular Session

Larvadain

Abstract: Provides enhanced penalties for the crime of video voyeurism under certain circumstances involving the ages of and the relationship between the offender and the victim, and provides relative to the sex offender registration and notification requirements of the offender in these scenarios.

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<u>Present law</u> defines the crime of video voyeurism as the use of any image recording device or unmanned aircraft system equipped with any image recording device, for the purpose of observing, viewing, photographing, filming, or videotaping a person where that person has not consented to the specific instance of observing, viewing, photographing, filming, or videotaping and either:

- (1) It is for a lewd or lascivious purpose.
- (2) The observing, viewing, photographing, filming, or videotaping is of certain sexual acts or body parts and occurs in a place where an identifiable person has a reasonable expectation of privacy.

Present law provides for the following penalties:

- (1) For a first conviction: fine of not more than \$2,000, imprisonment with or without hard labor for not more than two years, or both.
- (2) For a second or subsequent conviction: fine of not more than \$2,000 and imprisonment at hard labor for not less than six months nor more than three years without benefit of probation, parole, or suspension of sentence.
- (3) If the observing, viewing, photographing, filming, or videotaping is of certain body parts or sexual acts: fine of not more than \$10,000 and imprisonment at hard labor for one to five years without benefit of probation, parole, or suspension of sentence.
- (4) If the observing, viewing, photographing, filming, or videotaping is of any child under the age of 17 with the intention of arousing or gratifying the sexual desires of the offender: fine of not more than \$10,000 and imprisonment at hard labor for two to ten years without benefit of probation, parole, or suspension of sentence.

<u>Present law</u> (R.S. 15:540 et seq.) requires persons convicted of video voyeurism to register and provide notification as a sex offender for 15 years.

<u>Proposed law</u> amends <u>present law</u> to provide for an enhanced penalty of imprisonment at hard labor for not less than five years nor more than 15 years and a fine of not more than \$10,000 when the elements of the offense include any of the following:

- (1) If the offender is 18 years of age or older and is a caretaker of the victim who is under the age of 16 years.
- (2) If the offender is 18 years of age or older and is employed by or volunteers for any public or private elementary or secondary school or any early learning center as defined by <u>present law</u> and the offense is committed against a student of the public or private elementary or secondary school or any early learning center.
- (3) If the offender is 24 years of age or older and commits the offense against a victim who is under the age of 16 years.

<u>Proposed law</u> requires any person who is convicted of video voyeurism and who is subject to the penalties provided in <u>proposed law</u> to register and provide notification as a sex offender for 25 years.

(Amends R.S. 14:283(B)(1), (C), (D), (E), (F), (G), and (H) and R.S. 15:541(25)(o); Adds R.S. 14:283(I) and R.S. 15:541(25)(p))