

SENATE BILL NO. 557

BY SENATOR JOHNS

1 AN ACT

2 To amend and reenact R.S. 14:81.1.1(C) and to enact R.S. 14:81.1.1(D), relative to offenses
3 affecting the public morals; to provide relative to the elements of the crime of
4 "sexting"; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:81.1.1(C) is hereby amended and reenacted and R.S. 14:81.1.1(D)
7 is hereby enacted to read as follows:

8 §81.1.1. "Sexting"; prohibited acts; penalties

9 * * *

10 C. **Any offense committed by use of a computer or telecommunication**
11 **device as set forth in this Section shall be deemed to have been committed at**
12 **either the place from which the indecent visual depiction was transmitted or at**
13 **the place where the indecent visual depiction was received.**

14 **D.**(1) For a violation of the provisions of Paragraph (A)(1) of this Section,
15 the offender's disposition shall be governed exclusively by the provisions of Title VII
16 of the Louisiana Children's Code.

17 (2)(a) For a first offense in violation of Paragraph (A)(2) of this Section, the
18 offender shall be fined not less than one hundred dollars nor more than two hundred
19 fifty dollars, imprisoned for not more than ten days, or both. Imposition or execution
20 of the sentence shall not be suspended unless the offender is placed on probation
21 with a minimum condition that he perform two eight-hour days of court-approved
22 community service.

23 (b) For a second offense in violation of Paragraph (A)(2) of this Section, the
24 offender shall be fined not less than two hundred fifty dollars nor more than five
25 hundred dollars, imprisoned for not less than ten days nor more than thirty days, or
26 both. Imposition or execution of the sentence shall not be suspended unless the

1 offender is placed on probation with a minimum condition that he perform five eight-
2 hour days of court-approved community service.

3 (c) For a third or any subsequent offense in violation of Paragraph (A)(2) of
4 this Section, the offender shall be fined not less than five hundred dollars nor more
5 than seven hundred fifty dollars, imprisoned for not less than thirty days nor more
6 than six months, or both. Imposition or execution of the sentence shall not be
7 suspended unless the offender is placed on probation with a minimum condition that
8 he perform ten eight-hour days of court-approved community service.

9 Section 2. This Act shall become effective upon signature by the governor or, if not
10 signed by the governor, upon expiration of the time for bills to become law without signature
11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
13 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____