

2022 Regular Session

HOUSE BILL NO. 52

BY REPRESENTATIVE HOLLIS

CRIME: Creates the crime of unwarranted video surveillance of residential property

1 AN ACT

2 To enact R.S. 14:283.4, relative to video surveillance; to create the crime of unwarranted
3 video surveillance of residential property; to provide for criminal penalties; to
4 provide for a presumption of reasonable expectation of privacy; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:283.4 is hereby enacted to read as follows:

8 §283.4. Unwarranted video surveillance of residential property

9 A.(1) Unwarranted video surveillance of residential property for the purpose
10 of publishing the video on social media is the use of any camera or other image
11 recording device by a person with the intent to harass, intimidate, or cause emotional
12 distress by using the camera or other recording device to observe, photograph,
13 videotape, or otherwise record another person's backyard without the consent of that
14 person who has a reasonable expectation of privacy.

15 (2) If the backyard of a residential property is surrounded by fencing,
16 enclosure, or other barrier erected for the purpose of obstructing the view from a
17 public or private roadway or walkway or from another residential property, then a
18 reasonable expectation of privacy shall be presumed for any person who is within the
19 fencing, enclosure, or other barrier surrounding the backyard.

1 B.(1) Whoever commits the crime of unwarranted video surveillance of
2 residential property, upon a first offense, shall receive a written notice by a certified
3 letter from the homeowner.

4 (2) Whoever commits the crime of unwarranted video surveillance of
5 residential property, upon a second conviction, shall be fined not more than five
6 hundred dollars, imprisoned for not more than six months, or both.

7 (3) Upon a third or subsequent conviction, the offender shall be fined not
8 more than one thousand dollars, imprisoned with or without hard labor for not more
9 than one year, or both.

10 (4) Whoever commits the crime of unwarranted video surveillance of
11 residential property against any child under the age of seventeen shall be fined not
12 more than ten thousand dollars and be imprisoned at hard labor for not less than two
13 years nor more than ten years without benefit of parole, probation, or suspension of
14 sentence.

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 52 Engrossed

2022 Regular Session

Hollis

Abstract: Creates the crime of unwarranted video surveillance of residential property and provides penalties for commission of the offense.

Proposed law defines unwarranted video surveillance of residential property for the purpose of publishing the video on social media as the use of any camera or other image recording device by a person with the intent to harass, intimidate, or cause emotional distress by using the camera or other recording device to observe, photograph, videotape, or otherwise record another person's backyard without the consent of that person who has a reasonable expectation of privacy.

Proposed law provides that if the backyard of a residential property is surrounded by fencing, enclosure, or other barrier erected for the purpose of obstructing the view from a public or private roadway or walkway or from another residential property, then a reasonable expectation of privacy shall be presumed for any person who is within the fencing, enclosure, or other barrier surrounding the backyard.

Proposed law provides the following penalties:

(1) Upon a first offense, the offender shall receive a written notice by a certified letter from the homeowner.

- (2) Upon a second conviction, the offender shall be fined not more than \$500, imprisoned for not more than six months, or both.
- (3) Upon a third or subsequent conviction, the offender shall be fined not more than \$1,000, imprisoned with or without hard labor for not more than one year, or both.
- (4) When the crime is committed against any child under the age of 17, the offender shall be fined not more than \$10,000 and be imprisoned at hard labor for not less than two years or more than ten years without benefit of parole, probation, or suspension of sentence.

(Adds R.S. 14:283.4)

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Change the elements to include that a person needs to have intent to harass, intimidate, or cause emotional distress when committing this offense and that a person has to commit this offense for the purpose of publishing the video on social media.
3. Insert the term "person" in place of "neighbor" or "owner".
4. Establish a presumption of a reasonable expectation of privacy for a person located within a backyard of a residential property surrounded by fencing, enclosure or other barrier constructed for the purpose of obstructing the view from a public or private roadway, walkway, or from another residential property.