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## DIGEST

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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.