

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 1357 by Representative Baldone

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

Synopsis of Senate Amendments

1. Provided for civil fines for the first three violations, amended criminal penalties relative to fourth and subsequent violations, and provided that the determination of guilt or innocence shall be determined by an administrative law judge pursuant to procedures established by the office of juvenile justice.
2. Provided for criminal penalties for offenders 18 years or older even though the proposed law crime applies only to persons under the age of 17.

Digest of Bill as Finally Passed by SenateProposed 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 if a parent or guardian has evidence that his minor child is the victim of sexting committed by another minor, the parent or guardian may file a complaint with the office of juvenile justice. A copy of evidence to establish sexting shall be attached to the complaint.Proposed law further provides that if the office of juvenile justice finds that there is reason to believe that the crime of sexting has occurred pursuant to the complaint, the office shall notify the parents in writing, by certified mail, and shall conduct a hearing before an administrative law judge.Proposed law provides for penalties of a civil fine of not more than \$100 for the first three offenses.Proposed law provides when the minor has been found to have committed and has been found guilty three separate times for sexting, upon the fourth or subsequent offense, the district attorney may file charges against the minor offender and if convicted, the following penalties shall apply:

- (1) A fine of not more than \$500, imprisonment for not more than six months, or both.
- (2) Upon a second conviction, a fine of not more than \$2,000, imprisonment for not more than one year, or both.
- (3) Upon a third or subsequent conviction, a fine of not more than \$5,000, imprisonment for not less than one year and not more than three years, or both.
- (4) When the offender is over the age of 18, he shall be fined not more than \$3,000, imprisoned for not more than one year, or both.

(Adds R.S. 14:81.1.1)