

New law creates the crime of sexting which:

- (1) Prohibits a person under the age of 17 from knowingly and voluntarily using a computer or telecommunication device to transmit an indecent visual depiction of himself to another.
- (2) Prohibits a person under the age of 17 from knowingly possessing or transmitting such image.

New law provides for definitions of "indecent visual depiction", "sexually explicit conduct", "telecommunication device", and "transmit".

Existing law defines "delinquent act" as an act committed by a child of 10 years of age or older which if committed by an adult is designated an offense under the statutes or ordinances of this state, or of another state if the act occurred in another state, or under federal law, except traffic violations.

New law amends the definition of "delinquent act" to include the crime of sexting.

New law provides for the following penalties:

- (1) For a violation of the crime where a person under the age of 17 knowingly and voluntarily transmits an indecent visual depiction of himself to another, the disposition shall be governed by Title VII of the Louisiana Children's Code.
- (2) For a violation of the crime where a person under the age of 17 knowingly possesses or transmits an indecent visual depiction of another person under the age of 17, the penalties are as follows:
 - (a) A first offense provides for a fine of \$100 to \$250, imprisonment for not more than 10 days, or both. The sentence may be suspended if the court orders the offender to perform two eight-hour days of court-approved community service.
 - (b) A second offense provides for a fine of \$250 to \$500, imprisonment for 10 to 30 days, or both. The sentence may be suspended if the court orders the offender to perform five eight-hour days of court-approved community service.
 - (c) A third or subsequent offense provides for a fine of \$500 to \$750, imprisonment for 30 days to six months, or both. The sentence may be suspended if the court orders the offender to perform ten eight-hour days of court-approved community service.

Effective August 15, 2010.

(Amends Ch.C. Art. 804(3); Adds R.S. 14:81.1.1)