HLS 24RS-704 ORIGINAL

2024 Regular Session

HOUSE BILL NO. 541

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BY REPRESENTATIVE LYONS

CRIME/SEX OFFENSES: Amends the elements of nonconsensual disclosure of a private image

AN ACT

To amend and reenact R.S. 14:283.2(A)(2) and to enact R.S. 14:283.2(C)(5), relative to the 2 3 nonconsensual disclosure of a private image; to provide relative to the elements of 4 the offense of nonconsensual disclosure of a private image; to provide for a 5 definition; and to provide for related matters. 6 Be it enacted by the Legislature of Louisiana: 7 Section 1. R.S. 14:283.2(A)(2) is hereby amended and reenacted and R.S. 8 14:283.2(C)(5) is hereby enacted to read as follows: 9 §283.2. Nonconsensual disclosure of a private image 10 A. A person commits the offense of nonconsensual disclosure of a private 11 image when all of the following occur: 12 13 (2) The person who discloses the image obtained it through unauthorized 14 access or under circumstances in which a reasonable person would know or 15 understand that the image was to remain private. 16 17 C. For purposes of this Section: 18

1 (5) "Unauthorized access" means the retrieval of an image from an
2 individual's telecommunication device as defined in R.S. 14:81.1.1 without that
3 person's permission.
4 \* \* \* \*

## **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 541 Original

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Lyons

**Abstract:** Amends the elements of nonconsensual disclosure of a private image and provides for a definition.

<u>Present law</u> provides for the crime of nonconsensual disclosure of a private image and provides for elements of the offense, penalties, and definitions.

Proposed law retains present law.

Present law provides that a person commits this offense when all of the following occur:

- (1) The person intentionally discloses an image of another person who is 17 years of age or older, who is identifiable from the image or information displayed in connection with the image, and whose intimate parts are exposed in whole or in part.
- (2) The person who discloses the image obtained it under circumstances in which a reasonable person would know or understand that the image was to remain private.
- (3) The person who discloses the image knew or should have known that the person in the image did not consent to the disclosure of the image.
- (4) The person who discloses the image has the intent to harass or cause emotional distress to the person in the image, and the person who commits the offense knew or should have known that the disclosure could harass or cause emotional distress to the person in the image.

<u>Proposed law</u> retains <u>present law</u>, but changes the element relative to obtaining the image under certain circumstances to include obtaining the image through unauthorized access.

<u>Present law</u> defines the terms "criminal justice agency", "disclosure", "image", and "intimate parts".

Proposed law retains present law and provides a definition for "unauthorized access".

(Amends R.S. 14:283.2(A)(2); Adds R.S. 14:283.2(C)(5))