

2024 Regular Session

HOUSE BILL NO. 12

BY REPRESENTATIVE JORDAN

CRIME: Provides relative to the crime of nonconsensual disclosure of a private image

1 AN ACT

2 To amend and reenact R.S. 14:283.2(A)(1) and to enact R.S. 14:283.2(C)(5), relative to the  
3 nonconsensual disclosure of private images; to provide for elements of the offense;  
4 to provide for a definition; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:283.2(A)(1) is hereby amended and reenacted and R.S.  
7 14:283.2(C)(5) is hereby enacted to read as follows:

8 §283.2. Nonconsensual disclosure of a private image

9 A. A person commits the offense of nonconsensual disclosure of a private  
10 image when all of the following occur:

11 (1) The person intentionally discloses an image of another person who is  
12 seventeen years of age or older, who is identifiable from the image or information  
13 displayed in connection with the image, and who is either engaged in a sexual  
14 performance or whose intimate parts are exposed in whole or in part.

15 \* \* \*

16 C. For purposes of this Section:

17 \* \* \*

18 (5) "Sexual performance" means any performance or part thereof that  
19 includes actual or simulated sexual intercourse, deviate sexual intercourse, sexual

1 bestiality, masturbation, sadomasochistic abuse, or lewd exhibition of the genitals

2 or anus.

3 \* \* \*

DIGEST

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HB 12 Reengrossed

2024 Regular Session

Jordan

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

Present law 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.

Proposed law retains present law, but changes the element relative to the disclosure of an image of an identifiable person to encompass either the exposing of intimate parts of or the engaging in a sexual performance by the identifiable person.

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

Proposed law retains present law and provides a definition for "sexual performance".

(Amends R.S. 14:283.2(A)(1); Adds R.S. 14:283.2(C)(5))

The House Floor Amendments to the engrossed bill:

- 1. Clarify the elements of present law relative to the exposure of intimate parts or the engaging in a sexual performance by the identifiable person.