

2025 Regular Session

HOUSE BILL NO. 268

BY REPRESENTATIVES LAFLEUR, ADAMS, BACALA, BOYD, BOYER, COX,
HORTON, KNOX, AND MOORE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/SEX OFFENSES: Amends terminology regarding pornography involving juveniles

1 AN ACT

2 To amend and reenact R.S. 14:73.8 (A), (C), and (D), 81.1(A), (B)(8) and (9), (E)(1) through
3 (4) and (5)(a) and (b), (F)(2), (3)(b) and (c), (4), and (5)(introductory paragraph) and
4 (d), 89.1(A)(2)(b)(i), 91.2(B), and 91.5(A)(1), R.S. 15:537(A), 539.1(F)(introductory
5 paragraph), 541(24)(a) and (25)(d), 543.1(18), 545.1(C), and 1352(A)(45), R.S.
6 17:100.7(A)(1), R.S. 46:51.2(C)(1)(a), Code of Criminal Procedure Articles 571.1,
7 648(B)(3)(i), and 718.1(A), and (B), Children's Code Articles 502(3) and (4)(I),
8 603(8) and (12)(I), and 610(F), and Civil Code Article 2315.3 and to enact R.S.
9 14:81.1(I) and R.S. 15:541(24)(c), relative to pornography involving juveniles; to
10 change all references of "pornography involving juveniles" to "child sexual abuse
11 materials"; to provide relative to the effects of these changes; and to provide for
12 related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 14:73.8(A), (C), and (D), 81.1(A), (B)(8) and (9), (E)(1) through (4)
15 and (5)(a) and (b), (F)(2), (3)(b) and (c), (4), and (5)(introductory paragraph) and (d),
16 89.1(A)(2)(b)(i), 91.2(B), and 91.5(A)(1) are hereby amended and reenacted and R.S.
17 14:81.1(I) is hereby enacted to read as follows:

§73.8. Unauthorized use of a wireless router system; ~~pornography involving juveniles~~ child sexual abuse materials; penalty

A. Unauthorized use of a wireless router system is the accessing or causing to be accessed of any computer, computer system, computer network, or any part thereof via any wireless router system for the purposes of uploading, downloading, or selling of ~~pornography involving juveniles~~ child sexual abuse materials as defined in R.S. 14:81.1.

* * *

C. Whoever commits the crime of unauthorized use of a wireless router system for the purpose of accessing ~~pornography involving a juvenile~~ child sexual abuse materials shall be imprisoned at hard labor for not less than two years or more than ten years, and fined not more than ten thousand dollars. Imprisonment shall be without benefit of parole, probation, or suspension of sentence.

D. Whoever commits the crime of unauthorized use of a wireless routing system for the purpose of accessing ~~pornography involving a juvenile~~ child sexual abuse materials when the victim is under the age of thirteen years and the offender is seventeen years of age or older, shall be punished by imprisonment at hard labor for not less than twenty-five years nor more than ninety-nine years. At least twenty-five years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

* * *

§81.1. ~~Pornography involving juveniles~~ Child sexual abuse materials

A.(1) It shall be unlawful for a person to produce, promote, advertise, distribute, possess, or possess with the intent to distribute ~~pornography involving juveniles~~ child sexual abuse materials.

(2) It shall also be a violation of the provision of this Section for a parent, legal guardian, or custodian of a child to consent to the participation of the child in ~~pornography involving juveniles~~ child sexual abuse materials.

B. For purposes of this Section, the following definitions shall apply:

* * *

(8) "~~Pornography involving juveniles~~ Child sexual abuse materials" is any photograph, videotape, film, or other reproduction, whether electronic or otherwise, of any sexual performance involving a child under the age of seventeen.

(9) "Produce" means to photograph, videotape, film, or otherwise reproduce ~~pornography involving juveniles~~ child sexual abuse materials, or to solicit, promote, or coerce any child for the purpose of ~~pornography involving juveniles~~ child sexual abuse materials.

* * *

E.(1)(a) Whoever intentionally possesses ~~pornography involving juveniles~~ child sexual abuse materials shall be fined not more than fifty thousand dollars and shall be imprisoned at hard labor for not less than five years or more than twenty years, without benefit of parole, probation, or suspension of sentence.

(b) On a second or subsequent conviction for the intentional possession of ~~pornography involving juveniles~~ child sexual abuse materials, the offender shall be fined not more than seventy-five thousand dollars and imprisoned at hard labor for not less than ten years nor more than forty years, without benefit of parole, probation, or suspension of sentence.

(2)(a) Whoever distributes or possesses with the intent to distribute ~~pornography involving juveniles~~ child sexual abuse materials shall be fined not more than fifty thousand dollars and shall be imprisoned at hard labor for not less than five years or more than twenty years, without benefit of parole, probation, or suspension of sentence.

(b) On a second or subsequent conviction for distributing or possessing with the intent to distribute ~~pornography involving juveniles~~ child sexual abuse materials, the offender shall be fined not more than seventy-five thousand dollars and imprisoned at hard labor for not less than ten years nor more than forty years, without benefit of parole, probation, or suspension of sentence.

1 (3) Any parent, legal guardian, or custodian of a child who consents to the
2 participation of the child in ~~pornography involving juveniles~~ child sexual abuse
3 materials shall be fined not more than fifty thousand dollars and imprisoned at hard
4 labor for not less than five years nor more than twenty years, without benefit of
5 probation, parole, or suspension of sentence.

6 (4)(a) Whoever engages in the promotion, advertisement, or production of
7 ~~pornography involving juveniles~~ child sexual abuse materials shall be fined not more
8 than fifty thousand dollars and imprisoned at hard labor for not less than ten years
9 nor more than twenty years, without benefit of probation, parole, or suspension of
10 sentence.

11 (b) On a second or subsequent conviction for promotion, advertisement, or
12 production of ~~pornography involving juveniles~~ child sexual abuse materials, the
13 offender shall be fined not more than seventy-five thousand dollars and imprisoned
14 at hard labor for not less than twenty years nor more than forty years, without benefit
15 of parole, probation, or suspension of sentence.

16 (5)(a) Whoever commits the crime of ~~pornography involving juveniles~~ child
17 sexual abuse materials punishable by the provisions of Paragraph (1), (2), or (3) of
18 this Subsection when the victim is under the age of thirteen years and the offender
19 is seventeen years of age or older shall be punished by imprisonment at hard labor
20 for not less than one-half the longest term nor more than twice the longest term of
21 imprisonment provided in Paragraphs (1), (2), and (3) of this Subsection. The
22 sentence imposed shall be served without benefit of parole, probation, or suspension
23 of sentence.

24 (b) Whoever commits the crime of ~~pornography involving juveniles~~ child
25 sexual abuse materials punishable by the provisions of Paragraph (4) of this
26 Subsection when the victim is under the age of thirteen years, and the offender is
27 seventeen years of age or older, shall be punished by imprisonment at hard labor for
28 not less than twenty-five years nor more than ninety-nine years. At least twenty-five

1 years of the sentence imposed shall be served without benefit of parole, probation,
2 or suspension of sentence.

3 * * *

4 F.

5 * * *

6 (2) Upon the filing of any information or indictment by the prosecuting
7 authority for a violation of this Section, the investigating law enforcement agency
8 which seized the photographs, films, videotapes, or other visual reproductions of
9 ~~pornography involving juveniles~~ child sexual abuse materials shall provide copies
10 of those reproductions to the Internet crimes against children division within the
11 attorney general's office.

12 (3) Upon receipt of the reproductions as provided in Paragraph (2) of this
13 Subsection, the Internet crimes against children division shall:

14 * * *

15 (b) Request the Child Victim Identification Program provide the law
16 enforcement agency contact information for any visual reproductions recovered
17 which contain an identified victim of ~~pornography involving juveniles~~ child sexual
18 abuse materials as defined in this Section.

19 (c) Provide case information to the Child Victim Identification Program, as
20 requested by the National Center for Missing and Exploited Children guidelines, in
21 any case where the Internet crimes against children division within the attorney
22 general's office identifies a previously unidentified victim of ~~pornography involving~~
23 ~~juveniles~~ child sexual abuse materials.

24 (4) The Internet crimes against children division shall submit to the
25 designated prosecutor the law enforcement agency contact information provided by
26 the Child Victim Identification Program at the National Center for Missing and
27 Exploited Children, for any visual reproductions involved in the case which contain
28 the depiction of an identified victim of ~~pornography involving juveniles~~ child sexual
29 abuse materials as defined in this Section.

(5) In all cases in which the prosecuting authority has filed an indictment or information for a violation of this Section and the victim of ~~pornography involving juveniles~~ child sexual abuse materials has been identified and is a resident of this state, the prosecuting agency shall submit all of the following information to the attorney general for entry into the Louisiana Attorney General's Exploited Children's Identification database maintained by that office:

* * *

(d) The contact information for the law enforcement agency which identified a victim of ~~pornography involving juveniles~~ child sexual abuse materials, including contact information maintained by the Child Victim Identification Program and provided to the Internet crimes against children division in accordance with this Section.

* * *

I. For all purposes, "pornography involving juveniles" and "child sexual abuse materials" mean the offense defined by the provisions of this Section and any reference to the crime of pornography involving juveniles is the same as a reference to the crime of child sexual abuse materials. Any act in violation of the provisions of this Section that is committed on or after August 1, 2025, shall be referred to as "child sexual abuse materials".

* * *

§89.1. Aggravated crime against nature

A. Aggravated crime against nature is either of the following:

* * *

(2)

* * *

(b) The following are prohibited acts under this Paragraph:

(i) Sexual intercourse, sexual battery, second degree sexual battery, carnal knowledge of a juvenile, indecent behavior with juveniles, ~~pornography involving juveniles~~ child sexual abuse materials, molestation of a juvenile or a person with a

1 physical or mental disability, crime against nature, cruelty to juveniles, parent
2 enticing a child into prostitution, or any other involvement of a child in sexual
3 activity constituting a crime under the laws of this state.

4 * * *

5 §91.2. Unlawful presence of a sex offender

6 * * *

7 B. The following acts, when committed by a person convicted of either an
8 aggravated offense as defined in R.S. 15:541 when the victim is under the age of
9 fifteen years or ~~pornography involving juveniles~~ child sexual abuse materials as
10 defined in R.S. 14:81.1 when the victim is under the age of fifteen years, shall
11 constitute the crime of unlawful residence or presence of a sex offender:

12 * * *

13 §91.5. Unlawful use of a social networking website

14 A. The following shall constitute unlawful use of a social networking
15 website:

16 (1) The intentional use of a social networking website by a person who is
17 required to register as a sex offender and who was convicted of R.S. 14:81 (indecent
18 behavior with juveniles), R.S. 14:81.1 (~~pornography involving juveniles~~ child sexual
19 abuse materials), R.S. 14:81.3 (computer-aided solicitation of a minor), or R.S.
20 14:283 (video voyeurism) or was convicted of a sex offense as defined in R.S.
21 15:541 in which the victim of the sex offense was a minor.

22 * * *

23 Section 2. R.S. 15:537(A), 539.1(F)(introductory paragraph), 541(24)(a) and (25)(d),
24 543.1(18), 545.1(C), and 1352(A)(45) are hereby amended and reenacted and R.S.
25 15:541(24)(c) is hereby enacted to read as follows:

26 §537. Sentencing of sexual offenders; serial sexual offenders

27 A. If a person is convicted of or pleads guilty to, or where adjudication has
28 been deferred or withheld for a violation of R.S. 14:80 (felony carnal knowledge of
29 a juvenile), R.S. 14:81 (indecent behavior with juveniles), R.S. 14:81.1 (~~pornography~~

involving juveniles child sexual abuse materials), R.S. 14:81.2 (molestation of a juvenile or a person with a physical or mental disability), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:89 (crime against nature), R.S. 14:89.1 (aggravated crime against nature), R.S. 14:93.5 (sexual battery of persons with infirmities), or any provision of Subpart C of Part II of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, and is sentenced to imprisonment for a stated number of years or months, the person shall not be eligible for diminution of sentence for good behavior.

* * *

§539.1. Forfeited property related to certain sex crimes; exempt property; allocation of forfeited property

* * *

F. Notwithstanding Subsection E of this Section, when the currency, instruments, securities, or other property is forfeited following a conviction for a violation of R.S. 14:46.2 (human trafficking), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:81.1 (~~pornography involving juveniles~~ child sexual abuse materials), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:82.1 (prostitution; persons under eighteen; additional offenses), R.S. 14:83 (soliciting for prostitutes), R.S. 14:83.1 (inciting prostitution), R.S. 14:83.2 (promoting prostitution), R.S. 14:84 (pandering), R.S. 14:85 (letting premises for prostitution), R.S. 14:86 (enticing persons into prostitution), R.S. 14:104 (keeping a disorderly place), R.S. 14:105 (letting a disorderly place), and R.S. 14:282 (operation of places of prostitution), the currency, instruments, and securities and proceeds of the public sale or public auction shall pay the costs of the public sale or public auction, court costs, and fees related to the seizure and storage of the personal property and shall then be applied to any restitution granted to the victim. Any remaining currency, instruments, securities, or proceeds shall be distributed in the following manner:

* * *

§541. Definitions

For the purposes of this Chapter, the definitions of terms in this Section shall apply:

* * *

(24)(a) "Sex offense" means deferred adjudication, adjudication withheld, or conviction for the perpetration or attempted perpetration of or conspiracy to commit human trafficking when prosecuted under the provisions of R.S. 14:46.2(B)(2), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:89 (crime against nature), R.S. 14:89.1 (aggravated crime against nature), R.S. 14:89.2(B)(3) (crime against nature by solicitation), R.S. 14:80 (felony carnal knowledge of a juvenile), R.S. 14:81 (indecent behavior with juveniles), R.S. 14:81.1 (pornography involving juveniles) which occurred prior to August 1, 2025, R.S. 14:81.2 (molestation of a juvenile or a person with a physical or mental disability), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:81.4 (prohibited sexual conduct between an educator and student), R.S. 14:82.1 (prostitution; persons under eighteen), R.S. 14:82.2(C)(4) and (5) (purchase of commercial sexual activity), R.S. 14:92(A)(7) (contributing to the delinquency of juveniles), R.S. 14:93.5 (sexual battery of persons with infirmities), R.S. 14:106(A)(5) (obscenity by solicitation of a person under the age of seventeen), R.S. 14:283 (video voyeurism), R.S. 14:41 (rape), R.S. 14:42 (aggravated or first degree rape), R.S. 14:42.1 (forcible or second degree rape), R.S. 14:43 (simple or third degree rape), R.S. 14:43.1 (sexual battery), R.S. 14:43.2 (second degree sexual battery), R.S. 14:43.3 (oral sexual battery), R.S. 14:43.5 (intentional exposure to HIV), a second or subsequent conviction of R.S. 14:283.1 (voyeurism), or a second or subsequent conviction of R.S. 14:89.3 (sexual abuse of an animal), committed on or after June 18, 1992, or committed prior to June 18, 1992, if the person, as a result of the offense, is under the custody of the Department of Public Safety and Corrections on or after June 18, 1992. A conviction for any offense provided in this definition includes a conviction for the offense under

1 the laws of another state, or military, territorial, foreign, tribal, or federal law which
2 is equivalent to an offense provided for in this Chapter, unless the tribal court or
3 foreign conviction was not obtained with sufficient safeguards for fundamental
4 fairness and due process for the accused as provided by the federal guidelines
5 adopted pursuant to the Adam Walsh Child Protection and Safety Act of 2006.

6 * * *

7 (c) For purposes of this Chapter, "sex offense" shall include deferred
8 adjudication, adjudication withheld, or conviction for the perpetration or attempted
9 perpetration of or conspiracy to commit child sexual abuse materials occurring on
10 or after August 1, 2025.

11 * * *

12 (25) "Sexual offense against a victim who is a minor" means a conviction for
13 the perpetration or attempted perpetration of, or conspiracy to commit, any of the
14 following:

15 * * *

16 (d)(i) Pornography involving juveniles (R.S. 14:81.1), which occurred prior
17 to August 1, 2025.

18 (ii) Child sexual abuse materials (R.S. 14:81.1), which occurred on or after
19 August 1, 2025.

20 * * *

21 §543.1. Written notification by the courts; form to be used

22 * * *

23 Based on the foregoing, you are hereby notified of the following:

24 * * *

25 (18) For those offenders who have been convicted of R.S. 14:81 (indecent
26 behavior with juveniles), R.S. 14:81.1 (pornography involving juveniles) which
27 occurred prior to August 1, 2025, R.S. 14:81.1 (child sexual abuse materials) which
28 occurred on or after August 1, 2025, R.S. 14:81.3 (computer-aided solicitation of a
29 minor), or R.S. 14:283 (video voyeurism) or have been convicted of a sex offense

as defined in R.S. 15:541 in which the victim of the sex offense was a minor, R.S. 14:91.5, which prohibits such offenders from using certain social networking websites, is applicable. A copy of this statute is provided to you with this notification.

* * *

§545.1. Duty of interactive computer service

* * *

C. An interactive computer service doing business in this state that obtains knowledge of facts or circumstances from which a violation of any law in this state prohibiting possession, distribution or creation of images containing child pornography or child sexual abuse materials or prohibiting sexual activity involving a child is apparent, shall make a report, as soon as reasonably possible, of such facts or circumstances to the Cyber Tip Line at the National Center for Missing and Exploited Children consistent with the requirements of 42 U.S.C. 13032.

* * *

§1352. Definitions

A. As used in this Chapter, "racketeering activity" means committing, attempting to commit, conspiring to commit, or soliciting, coercing, or intimidating another person to commit any crime that is punishable under the following provisions of Title 14 of the Louisiana Revised Statutes of 1950, the Uniform Controlled Dangerous Substances Law, or the Louisiana Securities Law:

* * *

(45)(a) R.S. 14:81.1 (Pornography involving juveniles) which occurred prior to August 1, 2025.

(b) R.S. 14:81.1 (child sexual abuse materials) which occurred on or after August 1, 2025.

* * *

Section 3. R.S. 17:100.7(A)(1) is hereby amended and reenacted to read as follows:

§100.7. Policies; governing authorities of public elementary and secondary schools;

Internet and online sites; access by students and employees; resources for
parents; exceptions

A.(1) Each governing authority of a public elementary or secondary school shall adopt policies, in accordance with policies adopted by the State Board of Elementary and Secondary Education, regarding access by students and employees to Internet and online sites that contain or make reference to harmful material the character of which is such that it is reasonably believed to be obscene, child pornography, child sexual abuse materials, conducive to the creation of a hostile or dangerous school environment, pervasively vulgar, excessively violent, or sexually harassing in the school environment all as defined by any applicable state or federal laws and the policies adopted pursuant to this Subsection. Such policies shall include but not be limited to prohibitions against accessing sites containing information on the manufacturing or production of bombs or other incendiary devices.

* * *

Section 4. R.S. 46:51.2(C)(1)(a) is hereby amended and reenacted to read as follows:

§51.2. Criminal history and central registry information

* * *

C.(1) No prospective foster or adoptive parent or relative guardian shall be finally approved for placement of a child or to receive kinship guardian assistance payments until it is determined that the prospective foster or adoptive parent, or relative guardian and any other adult living in the home of the relative guardian, does not have any of the following:

(a) A felony conviction for child abuse or neglect; for spousal abuse; for a crime against children, including child pornography or child sexual abuse materials; or for a crime involving violence including rape, sexual assault, or homicide, but not including other assault or battery.

* * *

Section 5. Code of Criminal Procedure Articles 571.1, 648(B)(3)(i), and 718.1(A) and (B) are hereby amended and reenacted to read as follows:

Art. 571.1. Time limitation for certain sex offenses

Except as provided by Article 572, the time within which to institute prosecution of the following sex offenses, regardless of whether the crime involves force, serious physical injury, death, or is punishable by imprisonment at hard labor shall be thirty years: attempted first degree rape, also formerly titled aggravated rape (R.S. 14:27, R.S. 14:42), attempted second degree rape, also formerly titled forcible rape (R.S. 14:27, R.S. 14:42.1), sexual battery (R.S. 14:43.1), second degree sexual battery (R.S. 14:43.2), oral sexual battery (R.S. 14:43.3), human trafficking (R.S. 14:46.2(B)(2) or (3)), trafficking of children for sexual purposes (R.S. 14:46.3), felony carnal knowledge of a juvenile (R.S. 14:80), indecent behavior with juveniles (R.S. 14:81), ~~pornography involving juveniles~~ child sexual abuse materials (R.S. 14:81.1), prostitution of persons under eighteen (R.S. 14:82.1), enticing persons into prostitution (R.S. 14:86), crime against nature (R.S. 14:89), aggravated crime against nature (R.S. 14:89.1), crime against nature by solicitation (R.S. 14:89.2(B)(3)) that involves a victim under eighteen years of age. This thirty-year period begins to run when the victim attains the age of eighteen.

* * *

Art. 648. Procedure after determination of mental capacity or incapacity

* * *

B.

* * *

(3) If, after the hearing, the court determines that the incompetent defendant is unlikely in the foreseeable future to be capable of standing trial, the court shall order the defendant released or remanded to the custody of the Louisiana Department of Health which, within ten days exclusive of weekends and holidays, may institute civil commitment proceedings pursuant to Title 28 of the Louisiana Revised Statutes of 1950, or release the defendant. The defendant shall remain in custody pending

1 such civil commitment proceedings. If the defendant is committed to a treatment
2 facility pursuant to Title 28 of the Louisiana Revised Statutes of 1950, the director
3 of the institution designated for the patient's treatment shall, in writing, notify the
4 court and the district attorney when the patient is to be discharged or conditionally
5 discharged, as long as the charges are pending. If not dismissed without prejudice
6 at an earlier trial, charges against an unrestorable incompetent defendant shall be
7 dismissed on the date upon which his sentence would have expired had he been
8 convicted and received the maximum sentence for the crime charged, or on the date
9 five years from the date of his arrest for such charges, whichever is sooner, except
10 for the following charges:

11 * * *

12 (i) R.S. 14:81.1 (~~pornography involving juveniles~~ child sexual abuse
13 materials).

14 * * *

15 Art. 718.1. Evidence of obscenity, video voyeurism, ~~pornography involving~~
16 ~~juveniles~~ child sexual abuse materials, or unlawful posting of criminal
17 activity for notoriety and publicity; prohibition on reproduction of
18 ~~pornography involving juveniles~~ child sexual abuse materials

19 A. In any criminal proceeding, any property or material that is alleged to
20 constitute evidence of obscenity as defined in R.S. 14:106(A)(2) that is unlawfully
21 possessed, video voyeurism as defined in R.S. 14:283, ~~pornography involving~~
22 ~~juveniles~~ child sexual abuse materials as defined in R.S. 14:81.1, or unlawful posting
23 of criminal activity for notoriety and publicity as defined in R.S. 14:107.4, shall
24 remain in the care, custody, and control of the investigating law enforcement agency,
25 the court, or the district attorney.

26 B. Notwithstanding any other provision of law to the contrary, the court shall
27 deny any request by the defendant to copy, photograph, duplicate, or otherwise
28 reproduce any property or material that is alleged to constitute evidence of obscenity
29 as defined in R.S. 14:106(A)(2) that is unlawfully possessed, video voyeurism as

1 defined in R.S. 14:283, ~~pornography involving juveniles~~ child sexual abuse materials
2 as defined in R.S. 14:81.1, or unlawful posting of criminal activity for notoriety and
3 publicity as defined in R.S. 14:107.4, provided that the district attorney makes the
4 property or material reasonably available to the defendant.

5 * * *

6 Section 6. Children's Code Articles 502(3) and (4)(1), 603(8) and (12)(1), and 610(F)
7 are hereby amended and reenacted to read as follows:

8 Art. 502. Definitions

9 For the purposes of this Title, the following terms have the following
10 meanings, unless the context clearly indicates otherwise:

11 * * *

12 (3) "Child pornography" or "child sexual abuse materials" means visual
13 depiction of a child engaged in actual or simulated sexual intercourse, deviate sexual
14 intercourse, sexual bestiality, masturbation, sadomasochistic abuse, or lewd
15 exhibition of the genitals.

16 (4) "Crime against the child" shall include the commission of or the
17 attempted commission of any of the following crimes against the child as provided
18 by federal or state statutes:

19 * * *

20 (1) ~~Pornography involving juveniles~~ Child sexual abuse materials.

21 * * *

22 Art. 603. Definitions

23 As used in this Title:

24 * * *

25 (8) "Child pornography" or "child sexual abuse materials" means visual
26 depiction of a child engaged in actual or simulated sexual intercourse, deviate sexual
27 intercourse, sexual bestiality, masturbation, sadomasochistic abuse, or lewd
28 exhibition of the genitals.

29 * * *

1 (12) "Crime against the child" shall include the commission of or the
2 attempted commission of any of the following crimes against the child as provided
3 by federal or state statutes:

4 * * *

5 (1) ~~Pornography involving juveniles~~ Child sexual abuse materials.

6 * * *

7 Art. 610. Reporting procedure; reports to the legislature and the United States
8 Department of Defense Family Advocacy Program

9 * * *

10 F. Any commercial film or photographic print processor who has knowledge
11 of or observes, within the scope of this professional capacity or employment, any
12 film, photograph, video tape, negative, or slide depicting a child who he knows or
13 should know is under the age of seventeen years, which constitutes child
14 pornography or child sexual abuse materials as defined in Article 603, shall report
15 immediately to the local law enforcement agency having jurisdiction over the case.
16 The reporter shall provide a copy of the film, photograph, videotape, negative, or
17 slide to the agency receiving the report.

18 * * *

19 Section 7. Civil Code Article 2315.3 is hereby amended and reenacted to read as
20 follows:

21 Art. 2315.3. Additional damages; child pornography; child sexual abuse materials

22 In addition to general and special damages, exemplary damages may be
23 awarded upon proof that the injuries on which the action is based were caused by a
24 wanton and reckless disregard for the rights and safety of the person through an act
25 of ~~pornography involving juveniles~~ child sexual abuse materials, as defined by R.S.
26 14:81.1, regardless of whether the defendant was prosecuted for his acts.

27 Section 8. Nothing in this Act alleviates any person arrested, convicted, or
28 adjudicated delinquent for pornography involving juveniles prior to the effective date of this
29 Act from any requirement, obligation, or consequence imposed by law as a result of that

1 arrest, conviction, or adjudication including but not limited to any requirements regarding
 2 the setting of bail, sex offender registration and notification, parental rights, probation,
 3 parole, sentencing, or any other requirement, obligation, or consequence imposed by law as
 4 a result of that arrest, conviction, or adjudication.

5 Section 9. This Act shall be cited and referred to as "The Audrey Wascome Act".

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 268 Engrossed

2025 Regular Session

LaFleur

Abstract: Changes references of "pornography involving juveniles" to "child sexual abuse materials".

Present law provides for the crime of pornography involving juveniles.

Proposed law does all of the following:

- (1) Retains the elements and penalties of the present law crime of pornography involving juveniles.
- (2) Provides that any reference to the crime of "pornography involving juveniles" is the same as a reference to the crime of "child sexual abuse materials".
- (3) Amends provisions in the Code of Criminal Procedure, Children's Code, the Civil Code, and Titles 14, 15, 17, and 46 of the La. R.S. of 1950 regarding criminal offenses, sex offender registration and notification, duties of interactive computer service, duties of governing authorities of public elementary or secondary schools, duties of the Dept. of Children and Family Services, criminal procedure, criminal sentencing, family services, children in need of care, child abuse reporting and investigation, and civil damages to reflect the proposed law change in reference of "pornography involving juveniles" to "child sexual abuse materials".
- (4) Provides that nothing in proposed law alleviates any person arrested, convicted, or adjudicated delinquent for present law pornography involving juveniles prior to the effective date of proposed law from any requirement, obligation, or consequence imposed by law as a result of that arrest, conviction, or adjudication including but not limited to any requirements regarding the setting of bail, sex offender registration and notification, parental rights, probation, parole, sentencing, or any other requirement, obligation, or consequence imposed by law as a result of that arrest, conviction, or adjudication.

Proposed law shall be cited and referred to as "The Audrey Wascome Act".

(Amends R.S. 14:73.8(A), (C), and (D), 81.1(A), (B)(8) and (9), (E)(1)-(4) and (5)(a) and (b), (F)(2), (3)(b) and (c), (4), and (5)(intro. para.) and (d), 89.1(A)(2)(b)(i), 91.2(B), and 91.5(A)(1), R.S. 15:537(A), 539.1(F)(intro. para.), 541(24)(a) and (25)(d), 543.1(18), 545.1(C), and 1352(A)(45), R.S. 17:100.7(A)(1), R.S. 46:51.2(C)(1)(a), C.Cr.P. Arts. 571.1, 648(B)(3)(i), and 718.1(A) and (B), Ch.C. Arts. 502(3) and (4), 603(8) and (12)(I), and 610(F), and C.C. Art. 2315.3; Adds R.S. 14:81.1(I) and R.S. 15:541(24)(c))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Designate proposed law as the "The Audrey Wascome Act".