

2019 Regular Session

HOUSE BILL NO. 187

BY REPRESENTATIVES LARVADAIN AND JAMES

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

CRIME/SEX OFFENSES: Provides enhanced penalties for the crime of video voyeurism under certain circumstances

1 AN ACT

2 To amend and reenact R.S. 14:283(B)(1), (C), (D), (E), (F), (G), and (H) and R.S.
3 15:541(25)(o) and to enact R.S. 14:283(I) and R.S. 15:541(25)(p), relative to video
4 voyeurism; to provide enhanced penalties for the crime of video voyeurism under
5 certain circumstances; to provide relative to the sex offender registration and
6 notification requirements of persons convicted of video voyeurism and subject to the
7 enhanced penalties; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:283(B)(1), (C), (D), (E), (F), (G), and (H) are hereby amended
10 and reenacted and R.S. 14:283(I) is hereby enacted to read as follows:

11 §283. Video voyeurism; ~~penalties~~

12 * * *

13 B.(1) Except as provided in Subsection C and Paragraphs (3) and (4) of this
14 Subsection, whoever commits the crime of video voyeurism shall, upon a first
15 conviction thereof, be fined not more than two thousand dollars or imprisoned, with
16 or without hard labor, for not more than two years, or both.

17 * * *

18 C. Notwithstanding the penalties provided in Subsection B of this Section:

19 (1) If the offender is eighteen years of age or older and is a caretaker of the
20 victim who is under the age of sixteen years, the offender shall be fined not more

1 than ten thousand dollars and shall be imprisoned at hard labor for not less than five
2 years nor more than fifteen years.

3 (2) If the offender is eighteen years of age or older and is employed by or
4 volunteers for any public or private elementary or secondary school or any early
5 learning center as defined by R.S. 17:407.33 and the offense is committed against a
6 student of the public or private elementary or secondary school or any early learning
7 center, the offender shall be fined not more than ten thousand dollars and shall be
8 imprisoned at hard labor for not less than five years nor more than fifteen years.

9 (3) If the offender is twenty-four years of age or older and commits the
10 offense against a victim who is under the age of sixteen years, the offender shall be
11 fined not more than ten thousand dollars and shall be imprisoned at hard labor for not
12 less than five years nor more than fifteen years.

13 ~~C.D.~~ The provisions of this Section shall not apply to the transference of
14 such images by a telephone company, cable television company, or any of its
15 affiliates, an Internet provider, or commercial online service provider, or to the
16 carrying, broadcasting, or performing of related activities in providing telephone,
17 cable television, Internet, or commercial online services.

18 ~~D.E.~~ After the institution of prosecution, access to and the disposition of any
19 material seized as evidence of this offense shall be in accordance with R.S. 46:1845.

20 ~~E.F.~~ Any evidence resulting from the commission of video voyeurism shall
21 be contraband.

22 ~~F.G.~~ A violation of the provisions of this Section shall be considered a sex
23 offense as defined in R.S. 15:541. Whoever commits the crime of video voyeurism
24 shall be required to register as a sex offender as provided for in Chapter 3-B of Title
25 15 of the Louisiana Revised Statutes of 1950.

26 ~~G.H.~~ For purposes of this Section, ~~"unmanned":~~

27 (1) "Caretaker" is any parent, guardian, or other person having care and
28 control over the victim for a period of time.

Present law defines the crime of video voyeurism as the use of any image recording device or unmanned aircraft system equipped with any image recording device, for the purpose of observing, viewing, photographing, filming, or videotaping a person where that person has not consented to the specific instance of observing, viewing, photographing, filming, or videotaping and either:

- (1) It is for a lewd or lascivious purpose.
- (2) The observing, viewing, photographing, filming, or videotaping is of certain sexual acts or body parts and occurs in a place where an identifiable person has a reasonable expectation of privacy.

Present law provides for the following penalties:

- (1) For a first conviction: fine of not more than \$2,000, imprisonment with or without hard labor for not more than two years, or both.
- (2) For a second or subsequent conviction: fine of not more than \$2,000 and imprisonment at hard labor for not less than six months nor more than three years without benefit of probation, parole, or suspension of sentence.
- (3) If the observing, viewing, photographing, filming, or videotaping is of certain body parts or sexual acts: fine of not more than \$10,000 and imprisonment at hard labor for one to five years without benefit of probation, parole, or suspension of sentence.
- (4) If the observing, viewing, photographing, filming, or videotaping is of any child under the age of 17 with the intention of arousing or gratifying the sexual desires of the offender: fine of not more than \$10,000 and imprisonment at hard labor for two to ten years without benefit of probation, parole, or suspension of sentence.

Present law (R.S. 15:540 et seq.) requires persons convicted of video voyeurism to register and provide notification as a sex offender for 15 years.

Proposed law amends present law to provide for an enhanced penalty of imprisonment at hard labor for not less than five years nor more than 15 years and a fine of not more than \$10,000 when the elements of the offense include any of the following:

- (1) If the offender is 18 years of age or older and is a caretaker of the victim who is under the age of 16 years.
- (2) If the offender is 18 years of age or older and is employed by or volunteers for any public or private elementary or secondary school or any early learning center as defined by present law and the offense is committed against a student of the public or private elementary or secondary school or any early learning center.
- (3) If the offender is 24 years of age or older and commits the offense against a victim who is under the age of 16 years.

Proposed law requires any person who is convicted of video voyeurism and who is subject to the penalties provided in proposed law to register and provide notification as a sex offender for 25 years.

(Amends R.S. 14:283(B)(1), (C), (D), (E), (F), (G), and (H) and R.S. 15:541(25)(o); Adds R.S. 14:283(I) and R.S. 15:541(25)(p))