

2025 Regular Session

# ACT No. 261

HOUSE BILL NO. 268

BY REPRESENTATIVES LAFLEUR, ADAMS, BACALA, BAYHAM, BERAULT, BILLINGS, BOYD, BOYER, BRASS, BRYANT, CARLSON, CARRIER, CARVER, CHASSION, CHENEVERT, COATES, COX, DEVILLIER, DEWITT, DICKERSON, EDMONSTON, EGAN, FISHER, HORTON, HUGHES, JACKSON, JORDAN, KNOX, LACOMBE, JACOB LANDRY, LARVADAIN, LYONS, MOORE, NEWELL, OWEN, ROMERO, SCHLEGEL, SPELL, TAYLOR, THOMPSON, WALTERS, WYBLE, AND YOUNG

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  
7 648(B)(3)(i) and 718.1(A) and (B), Children's Code Articles 502(3) and (4)(l),  
8 603(8) and (12)(l), 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:

18 §73.8. Unauthorized use of a wireless router system; ~~pornography involving~~  
19 juveniles child sexual abuse materials; penalty

20 A. Unauthorized use of a wireless router system is the accessing or causing  
21 to be accessed of any computer, computer system, computer network, or any part  
22 thereof via any wireless router system for the purposes of uploading, downloading,

1 or selling of ~~pornography involving juveniles~~ child sexual abuse materials as defined  
2 in R.S. 14:81.1.

3 \* \* \*

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

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

16 \* \* \*

17 §81.1. ~~Pornography involving juveniles~~ Child sexual abuse materials

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

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

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

25 \* \* \*

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

29 (9) "Produce" means to photograph, videotape, film, or otherwise reproduce  
30 ~~pornography involving juveniles~~ child sexual abuse materials, or to solicit, promote,

1 or coerce any child for the purpose of ~~pornography involving juveniles~~ child sexual  
2 abuse materials.

3 \* \* \*

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

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

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

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

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

28 (4)(a) Whoever engages in the promotion, advertisement, or production of  
29 ~~pornography involving juveniles~~ child sexual abuse materials shall be fined not more  
30 than fifty thousand dollars and imprisoned at hard labor for not less than ten years

1 nor more than twenty years, without benefit of probation, parole, or suspension of  
2 sentence.

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

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

16 (b) Whoever commits the crime of ~~pornography involving juveniles~~ child  
17 sexual abuse materials punishable by the provisions of Paragraph (4) of this  
18 Subsection when the victim is under the age of thirteen years, and the offender is  
19 seventeen years of age or older, shall be punished by imprisonment at hard labor for  
20 not less than twenty-five years nor more than ninety-nine years. At least twenty-five  
21 years of the sentence imposed shall be served without benefit of parole, probation,  
22 or suspension of sentence.

23 \* \* \*

24 F.

25 \* \* \*

26 (2) Upon the filing of any information or indictment by the prosecuting  
27 authority for a violation of this Section, the investigating law enforcement agency  
28 which seized the photographs, films, videotapes, or other visual reproductions of  
29 ~~pornography involving juveniles~~ child sexual abuse materials shall provide copies

1 of those reproductions to the Internet crimes against children division within the  
2 attorney general's office.

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

5 \* \* \*

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

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

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

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

27 \* \* \*

28 (d) The contact information for the law enforcement agency which identified  
29 a victim of ~~pornography involving juveniles~~ child sexual abuse materials, including  
30 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  
physical or mental disability, crime against nature, cruelty to juveniles, parent  
enticing a child into prostitution, or any other involvement of a child in sexual  
activity constituting a crime under the laws of this state.

\* \* \*

§91.2. Unlawful presence of a sex offender

\* \* \*

B. The following acts, when committed by a person convicted of either an  
aggravated offense as defined in R.S. 15:541 when the victim is under the age of  
fifteen years or ~~pornography involving juveniles~~ child sexual abuse materials as

defined in R.S. 14:81.1 when the victim is under the age of fifteen years, shall constitute the crime of unlawful residence or presence of a sex offender:

\* \* \*

§91.5. Unlawful use of a social networking website

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

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

\* \* \*

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

§537. Sentencing of sexual offenders; serial sexual offenders

A. If a person is convicted of or pleads guilty to, or where adjudication has been deferred or withheld for a violation of 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~~ 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 the laws of another state, or military, territorial, foreign, tribal, or federal law which is equivalent to an offense provided for in this Chapter, unless the tribal court or foreign conviction was not obtained with sufficient safeguards for fundamental fairness and due process for the accused as provided by the federal guidelines adopted pursuant to the Adam Walsh Child Protection and Safety Act of 2006.

\* \* \*

(c) For purposes of this Chapter, "sex offense" shall include deferred adjudication, adjudication withheld, or conviction for the perpetration or attempted perpetration of or conspiracy to commit child sexual abuse materials (R.S. 14:81.1) occurring on or after August 1, 2025.

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

4 \* \* \*

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

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

9 \* \* \*

10 §543.1. Written notification by the courts; form to be used

11 \* \* \*

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

13 \* \* \*

14 (18) For those offenders who have been convicted of R.S. 14:81 (indecent  
 15 behavior with juveniles), R.S. 14:81.1 (pornography involving juveniles) which  
 16 occurred prior to August 1, 2025, R.S. 14:81.1 (child sexual abuse materials) which  
 17 occurred on or after August 1, 2025, R.S. 14:81.3 (computer-aided solicitation of a  
 18 minor), or R.S. 14:283 (video voyeurism) or have been convicted of a sex offense  
 19 as defined in R.S. 15:541 in which the victim of the sex offense was a minor, R.S.  
 20 14:91.5, which prohibits such offenders from using certain social networking  
 21 websites, is applicable. A copy of this statute is provided to you with this  
 22 notification.

23 \* \* \*

24 §545.1. Duty of interactive computer service

25 \* \* \*

26 C. An interactive computer service doing business in this state that obtains  
 27 knowledge of facts or circumstances from which a violation of any law in this state  
 28 prohibiting possession, distribution or creation of images containing child  
 29 pornography or child sexual abuse materials or prohibiting sexual activity involving  
 30 a child is apparent, shall make a report, as soon as reasonably possible, of such facts

or circumstances to the ~~Cyber Tip Line~~ CyberTipline 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

1 but not be limited to prohibitions against accessing sites containing information on  
2 the manufacturing or production of bombs or other incendiary devices.

3 \* \* \*

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

5 §51.2. Criminal history and central registry information

6 \* \* \*

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

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

16 \* \* \*

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

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

20 \* \* \*

21 B.

22 \* \* \*

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

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

9 \* \* \*

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

12 \* \* \*

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

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

24 B. Notwithstanding any other provision of law to the contrary, the court shall  
25 deny any request by the defendant to copy, photograph, duplicate, or otherwise  
26 reproduce any property or material that is alleged to constitute evidence of obscenity  
27 as defined in R.S. 14:106(A)(2) that is unlawfully possessed, video voyeurism as  
28 defined in R.S. 14:283, ~~pornography involving juveniles~~ child sexual abuse materials  
29 as defined in R.S. 14:81.1, or unlawful posting of criminal activity for notoriety and

publicity as defined in R.S. 14:107.4, provided that the district attorney makes the property or material reasonably available to the defendant.

\* \* \*

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

Art. 502. Definitions

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

\* \* \*

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

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

\* \* \*

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

\* \* \*

Art. 603. Definitions

As used in this Title:

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

Art. 610. Reporting procedure; reports to the legislature and the United States

Department of Defense Family Advocacy Program

\* \* \*

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

\* \* \*

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

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

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

Section 8. Nothing in this Act alleviates any person arrested, convicted, or adjudicated delinquent for pornography involving juveniles prior to the effective date of this Act 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

1 the setting of bail, sex offender registration and notification, parental rights, probation,  
2 parole, sentencing, or any other requirement, obligation, or consequence imposed by law as  
3 a result of that arrest, conviction, or adjudication.

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

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_