

Regular Session, 2012

SENATE BILL NO. 686

BY SENATOR ADLEY

CRIME/PUNISHMENT. Provides relative to the crime of obscenity. (8/1/12)

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AN ACT

To amend and reenact R.S. 14:106(A)(7)(a) and to enact R.S. 14:106(A)(8), relative to the crime of obscenity; to add the intentional transmission of sexually explicit text messages to the definition of the crime of obscenity; to provide for additional definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:106(A)(7)(a) is hereby amended and reenacted and R.S. 14:106(A)(8) is hereby enacted to read as follows:

§106. Obscenity

A. The crime of obscenity is the intentional:

* * *

(7)(a) **Transmission or causing to be transmitted by a** No person, knowing the content of an advertisement to be sexually explicit as defined in this Paragraph, ~~shall transmit or cause to be transmitted~~ **of** an unsolicited advertisement in an electronic communication to one or more persons within this state that contains sexually explicit materials without including in the advertisement the term "ADV-ADULT" at the beginning of the subject line of the advertisement. A "subject line"

1 is the area of an electronic communication that contains a summary description of
2 the content of the message.

3 * * *

4 **(8)(a) Transmission or causing to be transmitted by a person, knowing**
5 **the content of a text message to be sexually explicit as defined in this Paragraph,**
6 **of an unsolicited text message to a wireless telecommunications device of one or**
7 **more persons within this state that contains sexually explicit materials.**

8 **(b) As used in this Paragraph:**

9 **(i) "Sexually explicit" means the graphic depiction of sex, including but**
10 **not limited to sexual audio, text, or images, the depiction of sexual activity,**
11 **nudity, or sexually oriented language.**

12 **(ii) "Wireless telecommunications device" means a cellular telephone,**
13 **a text-messaging device, a personal digital assistant, a tablet computer, or any**
14 **other substantially similar wireless device.**

15 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law creates and defines the crime of obscenity.

Proposed law retains present law and adds to the definition of obscenity the transmission or causing to be transmitted by a person, knowing the content of a text message to be sexually explicit as defined in proposed law, of an unsolicited text message to a wireless telecommunications device of one or more persons within this state that contains sexually explicit materials.

Proposed law defines "sexually explicit" as the graphic depiction of sex, including but not limited to sexual audio, text, or images, depiction of sexual activity, nudity, or sexually oriented language.

Proposed law defines "wireless telecommunications device" as a cellular telephone, a text-messaging device, a personal digital assistant, a tablet computer, or any other substantially similar wireless device.

Effective August 1, 2012.

(Amends R.S. 14:106(A)(7)(a); adds R.S. 14:106(A)(8))