Prior law provided for the crime of obscenity. New law provides that the crime of obscenity includes the transmission of an unsolicited text message that includes sexually explicit content to one or more persons within this state through a wireless telecommunications device. Defines "sexually explicit" for purposes of new law 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 and which is obscene as defined in prior law provisions of R.S. 14:106(A)(3)(b). Defines a "wireless telecommunications device" for purposes of new law.

Prior law provided the following penalties for conviction of the crime of obscenity:

(1) First conviction - Fine of $1,000 to $2,500, imprisonment, with or without hard labor, for six months to three years, or both.

(2) Second conviction - Imprisonment, with or without hard labor for six months to three years, and may be fined $2,500 to $5,000. Provides that second conviction imprisonment may be imposed, in the discretion of the court, if it determines that the offender, due to his employment, could not avoid engaging in the offense but does not apply to the manager or other person in charge of the establishment selling or exhibiting obscene material.

(3) Third or subsequent conviction - Imprisonment, with or without hard labor, for two years to five years, and may be fined $5,000 to $10,000.

New law retains these provisions in prior law but provides that persons in violation of new law may be fined $100 to $500.

Effective August 1, 2012.

(Amends R.S. 14:106(A)(7)(a) and (G); Adds R.S. 14:106(A)(8))