

2015 Regular Session

HOUSE BILL NO. 489

BY REPRESENTATIVES STOKES, BADON, BILLIOT, WESLEY BISHOP, BOUIE, BROWN, HENRY BURNS, TIM BURNS, CARTER, CHANEY, CONNICK, COX, HARRISON, HAZEL, HILL, HOWARD, IVEY, JAMES, MIKE JOHNSON, NANCY LANDRY, MILLER, MORENO, OURSO, PEARSON, POPE, REYNOLDS, RICHARD, SCHRODER, SMITH, ST. GERMAIN, TALBOT, THIBAUT, WHITNEY, PATRICK WILLIAMS, WILLMOTT, AND WOODRUFF AND SENATORS ADLEY, ALARIO, ALLAIN, AMEDEE, APPEL, BROOME, BROWN, CORTEZ, DONAHUE, DORSEY-COLOMB, GALLOT, GUILLORY, JOHNS, KOSTELKA, LAFLEUR, LONG, MARTINY, MILLS, MORRELL, MURRAY, NEVERS, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, WALSWORTH, AND WARD

1 AN ACT

2 To enact R.S. 14:283.2, relative to the nonconsensual disclosure of private images; to create
3 the crime of nonconsensual disclosure of a private image; to provide for elements of
4 the offense; to provide for criminal penalties; to provide for definitions; to provide
5 for exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:283.2 is hereby enacted to read as follows:

8 §283.2. Nonconsensual disclosure of a private image

9 A. A person commits the offense of nonconsensual disclosure of a private
10 image when all of the following occur:

11 (1) The person intentionally discloses an image of another person who is
12 seventeen years of age or older, who is identifiable from the image or information
13 displayed in connection with the image, and whose intimate parts are exposed in
14 whole or in part.

15 (2) The person who discloses the image obtained it under circumstances in
16 which a reasonable person would know or understand that the image was to remain
17 private.

18 (3) The person who discloses the image knew or should have known that the
19 person in the image did not consent to the disclosure of the image.

1 (4) The person who discloses the image has the intent to harass or cause
 2 emotional distress to the person in the image, and the person who commits the
 3 offense knew or should have known that the disclosure could harass or cause
 4 emotional distress to the person in the image.

5 B. Disclosure of an image under any of the following circumstances does not
 6 constitute commission of the offense defined in Subsection A of this Section:

7 (1) When the disclosure is made by any criminal justice agency for the
 8 purpose of a criminal investigation that is otherwise lawful.

9 (2) When the disclosure is made for the purpose of, or in connection with,
 10 the reporting of unlawful conduct to law enforcement or a criminal justice agency.

11 (3) When the person depicted in the image voluntarily or knowingly exposed
 12 his or her intimate parts in a public setting.

13 (4) When the image is related to a matter of public interest, public concern,
 14 or related to a public figure who is intimately involved in the resolution of important
 15 public questions, or by reason of his fame shapes events in areas of concern to
 16 society.

17 C. For purposes of this Section:

18 (1) "Criminal justice agency" means any government agency or subunit
 19 thereof, or private agency that, through statutory authorization or a legal formal
 20 agreement with a governmental unit or agency, has the power of investigation, arrest,
 21 detention, prosecution, adjudication, treatment, supervision, rehabilitation, or release
 22 of persons suspected, charged, or convicted of a crime; or that collects, stores,
 23 processes, transmits, or disseminates criminal history records or crime information.

24 (2) "Disclosure" means to, electronically or otherwise, transfer, give,
 25 provide, distribute, mail, deliver, circulate, publish on the internet, or disseminate by
 26 any means.

27 (3) "Image" means any photograph, film, videotape, digital recording, or
 28 other depiction or portrayal of an object, including a human body.

29 (4) "Intimate parts" means the fully unclothed, partially unclothed, or
 30 transparently clothed genitals, pubic area, or anus. If the person depicted in the

1 image is a female, "intimate parts" also means a partially or fully exposed nipple,
2 including exposure through transparent clothing.

3 D. Nothing in this Section shall be construed to impose liability on the
4 provider of an interactive computer service as defined by 47 U.S.C. 230(f)(2), an
5 information service as defined by 47 U.S.C. 153(24), or a telecommunications
6 service as defined by 47 U.S.C. 153(53), for content provided by another person.

7 E. Whoever commits the offense of nonconsensual disclosure of a private
8 image shall be fined not more than ten thousand dollars, imprisoned with or without
9 hard labor for not more than two years, or both.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____