

Regular Session, 2008

ACT No. 660

HOUSE BILL NO. 1374 (Substitute for House Bill No. 1283 by Representative Norton)

BY REPRESENTATIVES NORTON, ARMES, BARRAS, BARROW, BILLIOT, HENRY BURNS, BURRELL, CORTEZ, DIXON, FRANKLIN, GISCLAIR, GREENE, ELBERT GUILLORY, HARDY, HAZEL, HINES, HOWARD, HUTTER, LIGI, LOPINTO, MILLS, MONICA, ROBIDEAUX, SCHRODER, SIMON, JANE SMITH, TEMPLET, AND WOOTON AND SENATORS BROOME, CROWE, DORSEY, DUPLESSIS, DUPRE, GRAY, HEBERT, LONG, MARTINY, MURRAY, AND RISER

1 AN ACT

2 To enact R.S. 14:107.4, relative to offenses affecting the general peace and order; to create
3 the crime of unlawful filming or recording of criminal activity; to provide for
4 penalties; to provide for exceptions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:107.4 is hereby enacted to read as follows:

7 §107.4. Unlawful posting of criminal activity for notoriety and publicity

8 A. It shall be unlawful for a person who is either a principal or accessory to
9 a crime to obtain an image of the commission of the crime using any camera,
10 videotape, photo-optical, photo-electric, or any other image recording device and to
11 transfer that image obtained during the commission of the crime by the use of a
12 computer online service, Internet service, or any other means of electronic
13 communication, including but not limited to a local bulletin board service, Internet
14 chat room, electronic mail, or online messaging service for the purpose of gaining
15 notoriety, publicity, or the attention of the public.

16 B. Whoever violates the provisions of this Section shall be fined not more
17 than five hundred dollars or imprisoned for not more than six months, or both.

18 C. The provisions of this Section shall not apply to any of the following:

19 (1) The obtaining, use, or transference of such images by a telephone
20 company, cable television company, or any of its affiliates, an Internet provider, or
21 commercial online service provider, or to the carrying, broadcasting, or performing

1 of related activities in providing telephone, cable television, Internet, or commercial
2 online services or in the production, exhibition, or presentation of an audiovisual
3 work in any medium, including but not limited to a motion picture or television
4 program.

5 (2) The obtaining, use, or transference of images by a law enforcement
6 officer pursuant to investigation of criminal activity.

7 (3) The obtaining, use, or transference of images by any bona fide member
8 of the news media broadcasting a news report through television, cable television,
9 or other telecommunication.

10 (4) The obtaining, use, or transference of images for use in a feature-length
11 film, short subject film, video, television series, television program, public service
12 announcement, or commercial.

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

15 E. Any evidence resulting from the commission of unlawful filming or
16 recording criminal activity shall be contraband.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____