

2024 Regular Session

HOUSE BILL NO. 175

BY REPRESENTATIVE MCMAKIN

CRIME: Provides relative to the unlawful posting of criminal activity

1 AN ACT

2 To amend and reenact R.S. 14:107.4(A) and (C)(1) through (4) and to enact R.S.
3 14:107.4(F), relative to unlawful posting of criminal activity; to provide relative to
4 the elements of the offense; to provide for a definition; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:107.4(A) and (C)(1) through (4) are hereby amended and
8 reenacted and R.S. 14:107.4(F) is hereby enacted to read as follows:

9 §107.4. Unlawful posting of criminal activity for notoriety and publicity

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

18 * * *

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

(1) The obtaining, use, or transference of such images, live-streams, or
videos by a telephone company, cable television company, or any of its affiliates, an
Internet provider, or commercial online service provider, or to the carrying,
broadcasting, or performing of related activities in providing telephone, cable
television, Internet, or commercial online services or in the production, exhibition,
or presentation of an audiovisual work in any medium, including but not limited to
a motion picture or television program.

8 (2) The obtaining, use, or transference of such images, live-streams, or
9 videos by a law enforcement officer pursuant to investigation of criminal activity.

(3) The obtaining, use, or transference of such images, live-stream, or video
by any bona fide member of the news media broadcasting a news report through
television, cable television, or other telecommunication.

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

16 * * *

17 F. For the purposes of this Section, "live-stream" shall mean a video of an
18 event distributed on the Internet while the event is taking place.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 175 Original

2024 Regular Session

McMakin

Abstract: Provides relative to the elements of unlawful posting of criminal activity.

Present law provides that it shall be unlawful for a person who is either a principal or accessory to a crime to obtain an image of the commission of the crime using any type of image recording device and to transfer that image through any means of electronic communication.

Proposed law adds live-stream or video of the commission of the crime as additional items that are unlawful to obtain or transfer.

Present law provides exceptions to this offense when the obtaining, use, or transference is by the following:

- (1) A telephone company, cable television company, or any of its affiliates, an Internet provider, or commercial online service provider, or to the carrying, broadcasting, or performing of related activities in providing telephone, cable television, Internet, or commercial online services or in the production, exhibition, or presentation of an audiovisual work in any medium, including but not limited to a motion picture or television program.
- (2) A law enforcement officer pursuant to investigation of criminal activity.
- (3) Any bona fide member of the news media broadcasting a news report through television, cable television, or other telecommunication.

Proposed law adds the obtaining, use, or transference of live-stream or video to these exceptions.

Proposed law defines the term "live-stream".

(Amends R.S. 14:107.4(A) and (C)(1)-(4); Adds R.S. 14:107.4(F))