

Regular Session, 2011

# ACT No. 26

HOUSE BILL NO. 55

BY REPRESENTATIVES THIERRY, ARNOLD, BILLIOT, HENRY BURNS, TIM BURNS, CARMODY, CARTER, CHANEY, CONNICK, EDWARDS, GREENE, GUINN, HAZEL, HENRY, HOFFMANN, HOWARD, HUTTER, KATZ, LANDRY, LEBAS, MORENO, PONTI, POPE, RICHARD, RICHARDSON, ROY, SEABAUGH, GARY SMITH, JANE SMITH, ST. GERMAIN, THIBAUT, AND WILLIAMS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To enact R.S. 14:91.5, relative to sex offenders; to create the crime of unlawful use or access  
3 of social media; to prohibit certain convicted sex offenders from using or accessing  
4 social networking websites, chat rooms, and peer-to-peer networks; to provide for  
5 definitions; to provide for penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:91.5 is hereby enacted to read as follows:

8 §91.5. Unlawful use or access of social media

9 A. The following shall constitute unlawful use or access of social media:

10 (1) The using or accessing of social networking websites, chat rooms, and  
11 peer-to-peer networks by a person who is required to register as a sex offender and  
12 who was previously convicted of R.S. 14:81 (indecent behavior with juveniles), R.S.  
13 14:81.1 (pornography involving juveniles), R.S. 14:81.3 (computer-aided solicitation  
14 of a minor), or R.S. 14:283 (video voyeurism) or was previously convicted of a sex  
15 offense as defined in R.S. 15:541 in which the victim of the sex offense was a minor.

16 (2) The provisions of this Section shall also apply to any person previously  
17 convicted for an offense under the laws of another state, or military, territorial,  
18 foreign, tribal, or federal law which is equivalent to the offenses provided for in  
19 Paragraph (1) of this Subsection, unless the tribal court or foreign conviction was not  
20 obtained with sufficient safeguards for fundamental fairness and due process for the

1 accused as provided by the federal guidelines adopted pursuant to the Adam Walsh  
2 Child Protection and Safety Act of 2006.

3 B. The use or access of social media shall not be considered unlawful for  
4 purposes of this Section if the offender has permission to use or access social  
5 networking websites, chat rooms, or peer-to-peer networks from his probation or  
6 parole officer or the court of original jurisdiction.

7 C. For purposes of this Section:

8 (1) "Chat room" means any Internet website through which users have the  
9 ability to communicate via text and which allows messages to be visible to all other  
10 users or to a designated segment of all other users.

11 (2) "Minor" means a person under the age of eighteen years.

12 (3) "Peer-to-peer network" means a connection of computer systems  
13 whereby files are shared directly between the systems on a network without the need  
14 of a central server.

15 (4) "Social networking website" means an Internet website that has any of  
16 the following capabilities:

17 (a) Allows users to create web pages or profiles about themselves that are  
18 available to the general public or to any other users.

19 (b) Offers a mechanism for communication among users, such as a forum,  
20 chat room, electronic mail, or instant messaging.

21 D.(1) Whoever commits the crime of unlawful use or access of social media  
22 shall, upon a first conviction, be fined not more than ten thousand dollars and shall  
23 be imprisoned with hard labor for not more than ten years without benefit of parole,  
24 probation, or suspension of sentence.

25 (2) Whoever commits the crime of unlawful use or access of social media,  
26 upon a second or subsequent conviction, shall be fined not more than twenty

1            thousand dollars and shall be imprisoned with hard labor for not less than five years  
2            nor more than twenty years without benefit of parole, probation, or suspension of  
3            sentence.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_