

C. Each person who sells farm equipment which is subject to a security device and who does not inform the purchaser of the existence of the security device shall have an affirmative defense to any prosecution under this Section if he satisfies the obligation secured by the security device within ten days of demand for payment by the purchaser.

D. Whoever commits the crime of fraud in selling agricultural equipment shall be fined not more than five hundred dollars.

(Source: R.S. 14:70.3)

Sec. 70.4. Access device fraud

A. No person shall without authorization and with the intent to defraud transfer an access device to another person.

B. No person shall without authorization and with the intent to defraud possess an access device issued to another person.

C. No person shall with the intent to defraud use, possess, or transfer device-making equipment or a counterfeit access device.

D. As used herein:

(1) "Access device" means a person's social security number, driver's license number, birth date, mother's maiden name, checking account numbers, savings account numbers, personal identification numbers, electronic identification numbers, digital signatures, or other means of account access that can be used to obtain anything of value, whether contemporaneously or not.

(2) "Counterfeit access device" means an access device that is fictitious, altered, or forged.

(3) "Device-making equipment" means any instrumentality, mechanism, or impression designed or primarily used for making an access device or counterfeit access device.

(4) "Transfer" means sell, give, provide, or transmit.

E. When the misappropriation or taking amounts to a value of less than one hundred dollars, the offender shall be fined not more than five hundred dollars.

F. This section shall not apply when the misappropriation or taking amounts to a value of one hundred dollars or more.

(Source: R.S. 14:70.4)

Sec. 71. Issuing worthless checks

A. (1)(a) Issuing worthless checks is the issuing, in exchange for anything of value, whether the exchange is contemporaneous or not, with intent to defraud, of any check, draft, or order for the payment of money upon any bank or other depository, knowing at the time of the issuing that the offender has not sufficient credit with the bank, or other depository for the payment of such check, draft, or order in full upon its presentation.

(b) This Section shall apply to a check, draft, or order tendered for satisfaction, in whole or in part, of payments due on installment contracts, open accounts, or any other

whether the exchange is contemporaneous or not, with intent to defraud, of any check, draft, or order for the payment of money upon any bank or other depository, knowing at the time of the issuing that the offender has not sufficient credit with the bank, or other depository for the payment of such check, draft, or order in full upon its presentation.

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(b) This Section shall apply to a check, draft, or order tendered for satisfaction, in whole or in part, of payments due on installment contracts, open accounts, or any other obligation for which the creditor has authorized periodic payments or the extension of time in which to pay.

(c) This provision shall apply to a check, draft, or order for the payment of money given for a motor vehicle when such payment is conditioned upon delivery of documents necessary for transfer of a valid title to the purchaser.

(d) For purposes of this Section, an open account shall include accounts where checks are tendered as payment:

(i) In advance of receipt, in whole or in part, for telecommunication facilities or services.

(ii) For deposits, prepayments, or payments for the lease or rent of a rental motor vehicle, pursuant to a lease or rental agreement.

(2) The offender's failure to pay a check, draft, or order, issued for value, within ten days after notice of its nonpayment upon presentation has been deposited by certified mail in the United States mail system addressed to the issuer thereof either at the address shown on the instrument or the last known address for such person shown on the records of the bank upon which such instrument is drawn or within ten days after delivery or personal tender of the written notice to said issuer by the payee or his agent, shall be presumptive evidence of his intent to defraud.

B. Issuing worthless checks is also the issuing, in exchange for anything of value less than one hundred dollars, whether the exchange is contemporaneous or not, with intent to defraud, of any check, draft, or order for the payment of money, when the offender knows at the time of the issuing that the account designated on the check, draft, or order has been closed, or is nonexistent or fictitious, or is one in which the offender has no interest or on which he has no authority to issue such check, draft, or order.

C. Whoever commits the crime of issuing worthless checks shall be fined not more than five hundred dollars.

D. In addition to any other fine or penalty imposed under this Section, the court shall order as part of the sentence restitution in the amount of the check or checks, plus a fifteen dollar per check service charge payable to the person or entity that initially honored the worthless check or checks, an authorized collection agency, or justice of the peace. In the event the fifteen dollar

per check service charge is paid to a person or entity other than one who initially honored the worthless check or checks, the court shall also order as part of the sentence restitution equal to the amount that the bank or other depository charged the person or entity who initially honored the worthless check, plus the actual cost of notifying the offender of nonpayment as required in Paragraph A(2).

(Source: R.S. 14:71)

Sec. 72. Reserved

Sec. 73. Commercial bribery

Commercial bribery is the giving or offering to give, directly or indirectly, anything of apparent present or prospective value to any private agent, employee, or fiduciary, without the knowledge and consent of the principal or employer, with the intent to influence such agent's, employee's, or fiduciary's action in relation to the principal's or employer's affairs.

The agent's, employee's or fiduciary's acceptance of or offer to accept, directly or indirectly, anything of apparent present or prospective value under such circumstances shall also constitute commercial bribery.

The offender under this article who states the facts, under oath, to the prosecuting attorney charged with prosecution of the offense, and who gives evidence tending to convict any other

employee's, or fiduciary's action in relation to the principal's or employer's affairs.

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The agent's, employee's or fiduciary's acceptance of or offer to accept, directly or indirectly, anything of apparent present or prospective value under such circumstances shall also constitute commercial bribery.

The offender under this article who states the facts, under oath, to the prosecuting attorney charged with prosecution of the offense, and who gives evidence tending to convict any other offender under this article, may, in the discretion of the prosecuting attorney, be granted full immunity from prosecution for commercial bribery, in respect to the particular offense reported.

Whoever commits the crime of commercial bribery shall be fined not more than five hundred dollars.

(Source: R.S. 14:73)

PART IV. OFFENSES AFFECTING THE PUBLIC MORALS

Sec. 82. Prostitution; definition; penalties; enhancement

A. It shall be unlawful for any person to commit prostitution. Prostitution is:

- (1) The practice by a person of indiscriminate sexual intercourse with others for compensation when the person has not been convicted of prostitution under state law.
- (2) The solicitation by one person of another with the intent to engage in indiscriminate sexual intercourse with the latter for compensation when the person has not been convicted of prostitution under state law.

B. Intentionally Omitted

C. All persons who are convicted of the offense of prostitution shall be referred to the parish health unit for counseling concerning Acquired Immune Deficiency Syndrome.

(Source: R.S. 14:82)

Sec. 83. Soliciting for prostitutes

It shall be unlawful for any person to commit soliciting for prostitutes. Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting a person to any place with the intention of promoting prostitution.

(Source: R.S. 14:83)

Sec. 83.1. Inciting prostitution

It shall be unlawful for any person to commit inciting prostitution. Inciting prostitution is the aiding, abetting, or assisting in an enterprise for profit in which:

- (1) Customers are charged a fee for services which include prostitution, regardless of what portion of the fee is actually for the prostitution services,
- (2) When the person knows or when a reasonable person in such a position should know that such aiding, abetting, or assisting is for prostitution, and
- (3) When the proceeds or profits are to be in any way divided by the prostitute and the person aiding, abetting, or assisting the prostitute.

(Source: R.S. 14:83.1)

Sec. 83.3. Prostitution by massage

A. It shall be unlawful for any person to commit prostitution by massage. Prostitution by massage is the erotic stimulation of the genital organs of another by any masseur, masseuse, or any other person, whether resulting in orgasm or not, by instrumental manipulation, touching with the hands, or other bodily contact exclusive of sexual intercourse or unnatural carnal copulation, when done for money.

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B. As used in this Section, the terms:

- (1) "Masseur" means a male who practices massage or physiotherapy, or both.
- (2) "Masseuse" means a female who practices massage or physiotherapy, or both.

(Source: R.S. 14:83.3)

Sec. 83.4. Massage; sexual conduct prohibited

It shall be unlawful for any masseur, masseuse, or any other person, while in a massage parlor or any other enterprise used as a massage parlor, by stimulation in an erotic manner, to:

- (1) Expose, touch, caress, or fondle the genitals, anus, or pubic hairs of any person or the nipples of the female breast; or
- (2) To perform any acts of sadomasochistic abuse, flagellation, or torture in the context of sexual conduct.

(Source: R.S. 14:83.4)

Sec. 84. Reserved**Sec. 85. Letting premises for prostitution**

It shall be unlawful for any person to commit letting premises for prostitution. Letting premises for prostitution is the granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of prostitution, or allowing the continued use of the premises with such knowledge.

(Source: R.S. 14:85)

Sec. 85.1. Letting premises for obscenity

Letting premises for obscenity is the granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of obscenity as defined in R.S. 14:106 - Criminal Code Article 106, or allowing the continued use of the premises with such knowledge.

Whoever commits the crime of letting premises for obscenity shall be fined not more than five hundred dollars.

(Source: R.S. 14:85.1)

Sec. 86. Reserved**Sec. 87. Reserved****Sec. 88. Reserved****Sec. 89. Reserved****Sec. 90. Gambling**

Sec. 90. Gambling

A. It shall be unlawful for any person to commit gambling. Gambling is the intentional conducting, or directly assisting in the conducting, as a business, of any game, contest, lottery, or contrivance whereby a person risks the loss of anything of value in order to realize a profit.

B. The conducting or assisting in the conducting of authorized lottery activities or operations in accordance with state law shall not be considered gambling for purposes of this Section.

(Source: R.S. 14:90)

Sec. 90.2. Gambling in public

A. It shall be unlawful for any person to commit gambling in public. Gambling in public is the aiding or abetting or participation in any game, contest, lottery, or contrivance, in any location or place open to the view of the public or the people at large, such as streets, highways, vacant lots, neutral grounds, alleyway, sidewalk, park, beach, parking lot, or condemned structures whereby a person risks the loss of anything of value in order to realize a profit.

B. This Section shall not prohibit activities authorized by law or ordinance, nor shall it apply to bona fide fairs and festivals conducted for charitable purposes.

(Source: R.S. 14:90.2)

Sec. 90.3. Gambling by computer

A. Gambling by computer shall be unlawful. Gambling by computer is the intentional conducting, or directly assisting in the conducting as a business of any game, contest, lottery, or contrivance whereby a person risks the loss of anything of value in order to realize a profit when accessing the Internet, World Wide Web, or any part thereof by way of any computer, computer system, computer network, computer software, or any server in any manner other than authorized or permitted by law.

B. For purposes of this Section:

- (1) "Client" means anyone using a computer to access a computer server.
- (2) "Computer" includes an electronic, magnetic, optical, or other high-speed data processing device or system performing logical, arithmetic, and storage functions, and includes any property, data storage facility, or communications facility directly related to or operating in conjunction with such device or system. "Computer" shall not include an automated typewriter or typesetter, a machine designed solely for word processing, or a portable hand-held calculator, nor shall "computer" include any other device which might contain components similar to those in computers but in which the components have the sole function of controlling the device for the single purpose for which the device is intended.
- (3) "Computer network" means a set of related, remotely connected devices and communication facilities including at least one computer system with capability to transmit data through communication facilities.
- (4) "Computer services" means providing access to or service or data from a computer, a computer system, or a computer network.
- (5) "Computer software" means a set of computer programs, procedures, and associated documentation concerned with operation of a computer system.
- (6) "Computer system" means a set of functionally related, connected or unconnected, computer equipment, devices, or computer software.

computer system, or a computer network.

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(5) "Computer software" means a set of computer programs, procedures, and associated documentation concerned with operation of a computer system.

(6) "Computer system" means a set of functionally related, connected or unconnected, computer equipment, devices, or computer software.

(7) "Home Page" means the index or location for each computer site on the World Wide Web.

(8) "Internet" means the global information system that is logically linked together by a globally unique address space based on the Internet Protocol or its subsequent extensions, is able to support communications using the Transmission Control Protocol/Internet Protocol suite or its subsequent extensions, and other Internet Protocol compatible protocols, and provides, uses or makes accessible, either publicly or privately, high level services layered on the communications and related infrastructure described herein.