

Cyberstalking in Louisiana

Elizabeth B. Carpenter, Esq. – New Orleans Criminal Defense

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Cyberstalking — La R.S. 14:40.3

Cyberstalking is action of any person to accomplish any of the following:

- Use in electronic mail or electronic communication of any words or language threatening to inflict bodily harm to any person or to such person's child, sibling, spouse, or dependent, or physical injury to the property of any person, or for the purpose of extorting money or other things of value from any person.
- Electronically mail or electronically communicate to another repeatedly, whether or not conversation ensues, for the purpose of threatening, terrifying, or harassing any person.
- Electronically mail or electronically communicate to another and to knowingly make any false statement concerning death, injury, illness, disfigurement, indecent conduct, or criminal conduct of the person electronically mailed or of any member of the person's family or household with the intent to threaten, terrify, or harass.

Penalties – Enhanced Penalties

Whoever commits the crime of cyberstalking shall ***be fined not more than two thousand dollars, or imprisoned for not more than one year, or both.***

Upon a **Second Conviction** occurring within Seven Years of the prior conviction for cyberstalking, the offender shall ***be imprisoned for not less than one hundred and eighty days and not more than three years, and may be fined not more than five thousand dollars, or both.***

Upon a **Third or Subsequent Conviction** occurring within Seven Years of a prior conviction for stalking, the offender shall ***be imprisoned for not less than two years and not more than five years and may be fined not more than five thousand dollars, or both.***

In addition, the court shall order that the personal property used in the commission of the offense shall be seized and impounded, and after conviction, sold at public sale or public auction by the district attorney. This includes any cell phones, cameras, computers, tablets....

**Any offense under this Section committed by the use of electronic mail or electronic communication may be deemed to have been committed where the electronic mail or electronic communication was originally sent, originally received, or originally viewed by any person.*

Note: This Section does not apply to any peaceable, nonviolent, or nonthreatening activity intended to express political views or to provide lawful information to others.

If you have been charged with **Cyberstalking under Louisiana Law**, then contact an experienced New Orleans Criminal Attorney. **The Law Office of Elizabeth B. Carpenter, Esq.** is ready to talk with you about the best way to defend yourself against an accusation of Cyberstalking in Orleans, Jefferson, St. Tammany, St. John, St. Charles or Plaquemines Parishes.

About the Author:

Elizabeth Bagert Carpenter is an experienced New Orleans criminal defense attorney. She received her Juris Doctorate from Loyola University Law School. As an undergraduate, she extensively studied French Language and Literature with honors and attended L'Université d'Orléans France. Before her legal career, she worked in the field of mental health while completing graduate studies in Psychology. Ms. Carpenter is a member and supporter of the Louisiana State Bar Association, Louisiana Association for Criminal Defense Lawyers, National Association of Criminal Defense Lawyers, Legalize Louisiana and National Organization for the Reformation of Marijuana Laws (NORML). She has also volunteered her time working as a CASA (Court Appointed Special Advocate). Her law practice focuses on White Collar Crime, Tax Resolution, Criminal Defense, DWI Defense.