

Effective 1/30/2024

Renumbered 5/7/2025

76-9-702.7 Voyeurism offenses -- Penalties.

- (1) A person is guilty of voyeurism who intentionally uses any type of technology to secretly or surreptitiously record, by video, photograph, or other means, an individual:
 - (a) for the purpose of viewing any portion of the individual's body regarding which the individual has a reasonable expectation of privacy, whether or not that portion of the body is covered with clothing;
 - (b) without the knowledge or consent of the individual; and
 - (c) under circumstances in which the individual has a reasonable expectation of privacy.
- (2)
 - (a) Except as provided in Subsection (2)(b), a violation of Subsection (1) is a class A misdemeanor.
 - (b) The following is a third degree felony:
 - (i) a violation of Subsection (1) committed against a child under 14 years of age ;
 - (ii) a violation of Subsection (1) committed while also committing the offense of:
 - (A) criminal trespass in a sex-designated changing room under Subsection 76-6-206(2)(d);
 - (B) lewdness under Section 76-9-702;
 - (C) lewdness involving a child under Section 76-9-702.5; or
 - (D) loitering in a privacy space under Section 76-9-702.8; or
 - (iii) a violation of Subsection (1) in a sex-designated privacy space, as defined in Section 76-9-702.8, that is not designated for individuals of the actor's sex.
- (3) Distribution or sale of any images, including in print, electronic, magnetic, or digital format, obtained under Subsection (1) by transmission, display, or dissemination is a third degree felony, except that if the violation of this Subsection (3) includes images of a child under 14 years of age, the violation is a second degree felony.
- (4) A person is guilty of voyeurism who, under circumstances not amounting to a violation of Subsection (1), views or attempts to view an individual, with or without the use of any instrumentality:
 - (a) with the intent of viewing any portion of the individual's body regarding which the individual has a reasonable expectation of privacy, whether or not that portion of the body is covered with clothing;
 - (b) without the knowledge or consent of the individual; and
 - (c) under circumstances in which the individual has a reasonable expectation of privacy.
- (5)
 - (a) Except as provided in Subsection (5)(b), a violation of Subsection (4) is a class B misdemeanor.
 - (b) The following is a class A misdemeanor:
 - (i) a violation of Subsection (4) committed against a child under 14 years of age is a class A misdemeanor;
 - (ii) a violation of Subsection (4) committed while also committing the offense of:
 - (A) criminal trespass in a sex-designated changing room under Subsection 76-6-206(2)(d);
 - (B) lewdness under Section 76-9-702;
 - (C) lewdness involving a child under Section 76-9-702.5; or
 - (D) loitering in a privacy space under Section 76-9-702.8; or
 - (iii) a violation of Subsection (4) committed in a sex-designated privacy space, as defined in Section 76-9-702.8, that is not designated for individuals of the actor's sex.

- (6) For purposes of this section, an individual has a reasonable expectation of privacy within a public restroom.