

1 **VOYEURISM AMENDMENTS**

2 2004 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Brent H. Goodfellow**

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**LONG TITLE**

6 **General Description:**

7 This bill amends elements of the criminal offense of voyeurism.

8 **Highlighted Provisions:**

9 This bill:

10 ▶ clarifies the misdemeanor offense of voyeurism which is sometimes commonly  
11 referred to as a "peeping tom" offense, and which does not necessarily involve the  
12 use of an instrumentality such as a camera; and

13 ▶ removes the element of the offense which required that the actor have intent to  
14 invade the privacy of the victim.

15 **Monies Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 This bill provides an immediate effective date.

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **76-9-702.7**, as enacted by Chapter 325, Laws of Utah 2003

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*Be it enacted by the Legislature of the state of Utah:*

23 Section 1. Section **76-9-702.7** is amended to read:

24 **76-9-702.7. Voyeurism offenses -- Penalties.**

25 (1) A person is guilty of voyeurism who intentionally uses a camcorder, motion picture  
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27



28 camera, photographic camera of any type, or other equipment that is concealed or disguised to  
 29 secretly or surreptitiously videotape, film, photograph, ~~[or]~~ record, or view by electronic means  
 30 an individual:

31 (a) for the purpose of viewing any portion of the individual's body regarding which the  
 32 individual has a reasonable expectation of privacy, whether or not that portion of the body is  
 33 covered with clothing;

34 (b) without the knowledge or consent of the individual; and  
 35 ~~[(c) with the intent to invade the privacy of the individual; and]~~

36 ~~[(d)]~~ (c) under circumstances in which the individual has a reasonable expectation of  
 37 privacy.

38 (2) A violation of Subsection (1) is a class A misdemeanor, except that a violation of  
 39 Subsection (1) committed against a child under 14 years of age is a third degree felony.

40 (3) Distribution or sale of any images, including in print, electronic, magnetic, or  
 41 digital format, obtained under Subsection (1) by transmission, display, or dissemination is a  
 42 third degree felony, except that if the violation of this Subsection (3) includes images of a child  
 43 under 14 years of age, the violation is a second degree felony.

44 (4) A person is guilty of voyeurism who ~~[intentionally uses a mirror or other reflective~~  
 45 ~~device that is concealed, a two-way mirror, a hole or opening, or any instrumentality to secretly~~  
 46 ~~or surreptitiously view], under circumstances not amounting to a violation of Subsection (1),~~  
 47 views or attempts to view an individual, with or without the use of any instrumentality:

48 (a) ~~h~~ [for the purpose of h INTENTIONALLY h] WITH THE INTENT OF h viewing any portion  
 48a of the individual's body  
 48a regarding which the  
 49 individual has a reasonable expectation of privacy, whether or not that portion of the body is  
 50 covered with clothing;

51 (b) without the knowledge or consent of the individual; and  
 52 ~~[(c) with the intent to invade the privacy of the individual; and]~~  
 53 ~~[(d)]~~ (c) under circumstances in which the individual has a reasonable expectation of  
 54 privacy.

55 (5) A violation of Subsection (4) is a class B misdemeanor, except that a violation of  
 56 Subsection (4) committed against a child under 14 years of age is a class A misdemeanor.

57 Section 2. **Effective date.**

58 If approved by two-thirds of all the members elected to each house, this bill takes effect

59 upon approval by the governor, or the day following the constitutional time limit of Utah  
60 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
61 the date of veto override.

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**Legislative Review Note**  
**as of 10-27-03 10:24 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**