

VOYEURISM AMENDMENTS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Brent H. Goodfellow

LONG TITLE

General Description:

This bill amends elements of the criminal offense of voyeurism.

Highlighted Provisions:

This bill:

- ▶ clarifies the misdemeanor offense of voyeurism which is sometimes commonly referred to as a "peeping tom" offense, and which does not necessarily involve the use of an instrumentality such as a camera; and
- ▶ removes the element of the offense which required that the actor have intent to invade the privacy of the victim.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

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

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

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

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

(1) A person is guilty of voyeurism who intentionally uses a camcorder, motion picture camera, photographic camera of any type, or other equipment that is concealed or disguised to secretly or surreptitiously videotape, film, photograph, [or] record, or view by electronic 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) with the intent to invade the privacy of the individual; and]~~

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

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

(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 ~~[intentionally uses a mirror or other reflective device that is concealed, a two-way mirror, a hole or opening, or any instrumentality to secretly or surreptitiously view]~~, 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) ~~[for the purpose of]~~ 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) with the intent to invade the privacy of the individual; and]~~

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

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

Section 2. **Effective date.**

Enrolled Copy

H.B. 184

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.