

1 **VOYEURISM AMENDMENTS**

2 2004 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Brent H. Goodfellow**

5

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

22

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
26
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) for the purpose of viewing any portion of the individual's body 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.

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