

FEB 1 2000

JUDICIARY

HOUSE FILE

2112

BY DAVIS and THOMSON

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act establishing the offense of criminal voyeurism and
2 providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2112

1 Section 1. NEW SECTION. 727.8A CRIMINAL VOYEURISM.

2 1. A person who intentionally uses or entices another to
3 use a camera to visually observe or record the activity of
4 another person in a dwelling or occupied structure commits a
5 serious misdemeanor if all of the following apply to the
6 person using the camera:

7 a. The person has no right or authority to use a camera to
8 visually observe or record the activity of another.

9 b. The person is on the property on which the dwelling or
10 occupied structure is located without the express permission
11 of the owner, lessee, or a person in lawful possession of the
12 property, or the person is an employee who is not acting
13 within the scope of employment on the property.

14 c. The person has not received consent of the other person
15 to use a camera to visually observe or record the activity of
16 the other person.

17 d. The person knows or should know the other person has a
18 reasonable expectation of privacy.

19 2. This section shall not apply to the following:

20 a. Any person acting within the scope of employment.

21 b. Members of the print, broadcast, or other news media if
22 the camera or recorder is not concealed from view.

23 c. Any portion of a dwelling or occupied structure that is
24 used for business purposes.

25 3. For purposes of this section, "camera" means any device
26 that can be used to observe or record the activity of another
27 person.

28 EXPLANATION

29 This bill establishes a new criminal offense of criminal
30 voyeurism.

31 The offense occurs when all of the following apply: the
32 person intentionally uses or entices another person to use a
33 camera to visually observe or record the activities of another
34 in a dwelling or occupied structure; the person has no right
35 or authority to use a camera to visually observe or record the

1 activity of another; the person is on the property on which
2 the dwelling or occupied structure is located without
3 permission or is an employee who is not acting within the
4 scope of employment; the person has not received consent of
5 the other person; and the person knows or should know that the
6 other person has a reasonable expectation of privacy.

7 The bill does not apply to any person acting within the
8 scope of employment, or the media, or any portion of a
9 dwelling or occupied structure that is used for business
10 purposes.

11 The bill defines "camera" to mean any device that can be
12 used to observe or record the activity of another person.

13 A person who commits criminal voyeurism is guilty of a
14 serious misdemeanor. A serious misdemeanor is punishable by
15 confinement for no more than one year and a fine of at least
16 \$250 but not more than \$1,500.

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