

JAN 15 2004
PUBLIC SAFETY

HOUSE FILE 2037
BY McCARTHY and J.R. VAN FOSSEN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act creating a criminal offense for using a cellular telephone
2 with a fitted camera in certain areas, and providing a
3 penalty.

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

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HF 2037

1 Section 1. NEW SECTION. 709.19A INVASION OF PRIVACY --
2 CELLULAR TELEPHONE WITH CAMERA.

3 1. A person shall not use a cellular telephone with a
4 fitted camera in a place where another person has a reasonable
5 expectation of privacy.

6 2. As used in this section:

7 a. "Reasonable expectation of privacy" means a location
8 where a person can disrobe and be in a state of full or
9 partial nudity with the reasonable expectation that the person
10 would not be photographed while in a state of full or partial
11 nudity.

12 b. "Use" means to make or receive a telephone call.

13 3. The following uses of a cellular telephone with a
14 fitted camera in a place where another has a reasonable
15 expectation of privacy are not violations of this section:

16 a. A certified peace officer as defined in section 724.2A,
17 acting within the scope of the lawful authority of that
18 officer.

19 b. A private investigator licensed pursuant to chapter
20 80A, acting within the scope of a legitimate investigation.

21 c. A person in an emergency situation or under exigent
22 circumstances.

23 d. A person in a place where the other person consents to
24 the use of the cellular telephone and the person with
25 authority over the place where it is being used consents to
26 its use.

27 4. A person who violates this section commits a simple
28 misdemeanor punishable as a scheduled violation under section
29 805.8C, subsection 4.

30 Sec. 2. Section 805.8C, Code 2003, is amended by adding
31 the following new subsection:

32 NEW SUBSECTION. 4. CELLULAR TELEPHONE WITH CAMERA
33 VIOLATIONS. For violations of section 709.19A, the scheduled
34 fine is one hundred dollars.

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EXPLANATION

1 This bill creates a criminal offense for using a cellular
2 telephone with a fitted camera in a place where another person
3 has a reasonable expectation of privacy.

4 The bill defines "reasonable expectation of privacy" to
5 mean a location where a person can disrobe and be in a state
6 of full or partial nudity with the reasonable expectation that
7 the person would not be photographed while in a state of full
8 or partial nudity. The bill also defines "use" to mean making
9 or receiving a telephone call.

10 Under the bill, the following uses of a cellular telephone
11 with a fitted camera in a place where another has a reasonable
12 expectation of privacy are not violations: a certified peace
13 officer acting within the scope of the lawful authority of
14 that officer, a licensed private investigator acting within
15 the scope of a legitimate investigation, a person in an
16 emergency or under exigent circumstances, and a person in a
17 place where the other person consents to the use of the
18 cellular telephone and the person with authority over the
19 place where it is being used consents to its use.

20 A person who violates the bill commits a simple misdemeanor
21 punishable as a scheduled violation, with a scheduled fine of
22 \$100.

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