

Withdrawn
3/24/03

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JUDICIARY

HOUSE FILE 232
BY CARROLL

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

A BILL FOR

1 An Act creating the crime of invasion of privacy, and providing a
2 penalty.

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

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HF 232

1 Section 1. NEW SECTION. 709.19A INVASION OF PRIVACY --
2 NUDITY.

3 1. A person who knowingly views, photographs, or films
4 another person, commits invasion of privacy if all of the
5 following apply:

6 a. The other person does not have knowledge about and does
7 not consent or is unable to consent to being viewed,
8 photographed, or filmed.

9 b. The other person is in a state of full or partial
10 nudity.

11 c. The other person has a reasonable expectation of
12 privacy while in a state of full or partial nudity.

13 2. As used in this section:

14 a. "Full or partial nudity" means the showing of any part
15 of the human genitals or pubic area or buttocks, or any part
16 of the nipple of the breast of a female, with less than fully
17 opaque covering.

18 b. "Photographs or films" means the making of any
19 photograph, motion picture film, videotape, or any other
20 recording or transmission of the image of a person.

21 c. "Views" means looking upon another person, with the
22 unaided eye or with any device designed or intended to improve
23 visual acuity, for the purpose of arousing or gratifying the
24 sexual desire of any person.

25 3. A person who violates this section commits a serious
26 misdemeanor.

27 EXPLANATION

28 This bill creates a new criminal offense of invasion of
29 privacy and provides a penalty.

30 The bill provides that a person who knowingly views,
31 photographs, or films another person while the other person is
32 in a state of full or partial nudity, commits invasion of
33 privacy. However, under the bill, a person does not commit
34 invasion of privacy if the person being viewed, photographed,
35 or filmed is able and has consented to or has knowledge about

1 being viewed, photographed, or filmed, or would not have a
2 reasonable expectation of privacy.

3 The bill defines "full or partial nudity" to mean showing
4 of genitals, pubic area, buttocks, or female nipple. The bill
5 also defines "view" to mean any looking by a person with or
6 without a device to enhance a person's viewing capability
7 which is for the purpose of satisfying the sexual desire of
8 any person.

9 A person who commits invasion of privacy is guilty of a
10 serious misdemeanor. A serious misdemeanor is punishable by
11 confinement for no more than one year and a fine of at least
12 \$250 but not more than \$1,500.

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