

Senate Study Bill 3121 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act relating to a criminal trespass that results in a
2 violation of a person's expectation of privacy, and
3 providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 716.7, subsection 2, paragraph a, Code
2 2016, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (7) Intentionally viewing,
4 photographing, or filming another person through the window or
5 any other aperture of a dwelling, without legitimate purpose,
6 while present on the real property upon which the dwelling is
7 located, or while placing on or retrieving from such property
8 equipment to view, photograph, or film another person, if the
9 person being viewed, photographed, or filmed has a reasonable
10 expectation of privacy, and if the person being viewed,
11 photographed, or filmed does not consent or cannot consent to
12 being viewed, photographed, or filmed.

13 Sec. 2. Section 716.8, subsection 1, Code 2016, is amended
14 to read as follows:

15 1. Any person who knowingly trespasses upon the property of
16 another commits a simple misdemeanor, except that any person
17 who intentionally trespasses as defined in section 716.7,
18 subsection 2, paragraph "a", subparagraph (7), commits a
19 serious misdemeanor.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill relates to a criminal trespass that results in a
24 violation of a person's expectation of privacy.

25 The bill amends Code section 716.7 by providing that a person
26 commits criminal trespass if the person intentionally views,
27 photographs, or films another person through the window or
28 any other aperture of a dwelling, without legitimate purpose,
29 while present on the real property upon which the dwelling is
30 located, or while placing upon or retrieving from such property
31 equipment to view, photograph, or film another person, if the
32 person being viewed, photographed, or filmed has a reasonable
33 expectation of privacy, and if the person being viewed,
34 photographed, or filmed does not consent or cannot consent to
35 being viewed, photographed, or filmed.

S.F. _____

1 The bill amends Code section 716.8 by providing that a
2 person who violates the provisions of the bill commits a
3 serious misdemeanor. A serious misdemeanor is punishable by
4 confinement for no more than one year and a fine of at least
5 \$315 but not more than \$1,875.