

CHAPTER 1082

VIOLATIONS OF PRIVACY — TRESPASS — FILM DEFINED

S.F. 2185

AN ACT relating to a criminal trespass that results in a violation of a person's expectation of privacy, and modifying penalties for invasion of privacy.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 702.25 Film.

"*Film*" means capturing moving images upon a membrane or other thin flexible material coated with light sensitive emulsion; capturing moving images electronically or digitally in such a manner that the images are stored by a computer or other electronic device; or receiving moving images in a continuous flow.

Sec. 2. Section 709.21, subsection 3, Code 2015, is amended to read as follows:

3. A person who violates [this section](#) commits a ~~serious~~ an aggravated misdemeanor.¹

Sec. 3. Section 716.7, subsection 1, Code 2016, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. "Reasonable expectation of privacy" means circumstances in which a reasonable person would believe that the person could disrobe or partially disrobe in privacy, without being concerned that the person disrobing or partially disrobing was being viewed, photographed, or filmed when doing so.

Sec. 4. Section 716.7, subsection 2, paragraph a, Code 2016, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (7) Intentionally viewing, photographing, or filming another person through the window or any other aperture of a dwelling, without legitimate purpose, while present on the real property upon which the dwelling is located, or while placing on or retrieving from such property equipment to view, photograph, or film another person, if the person being viewed, photographed, or filmed has a reasonable expectation of privacy, and if the person being viewed, photographed, or filmed does not consent or cannot consent to being viewed, photographed, or filmed.

Sec. 5. Section 716.8, subsection 1, Code 2016, is amended to read as follows:

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

Approved April 13, 2016

¹ See chapter 1138, §30 herein