



March 18, 2005

**ENGROSSED
HOUSE BILL No. 1099**

DIGEST OF HB 1099 (Updated March 15, 2005 1:35 pm - DI 106)

Citations Affected: IC 35-45; noncode.

Synopsis: Voyeurism. Makes the offense of voyeurism a Class D felony instead of a Class B misdemeanor if a person is convicted of the offense a second or subsequent time.

Effective: July 1, 2005.

**Messer, Van Haaften, Klinker,
Ulmer**
(SENATE SPONSOR — MERRITT)

January 6, 2005, read first time and referred to Committee on Courts and Criminal Code.
February 14, 2005, reported — Do Pass.
February 17, 2005, read second time, ordered engrossed. Engrossed.
February 21, 2005, read third time, passed. Yeas 92, nays 2.

SENATE ACTION

February 24, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
March 17, 2005, reported favorably — Do Pass.

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EH 1099—LS 6874/DI 69+



March 18, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1099

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-45-4-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: (a) Sec. 5. (a) A person:

3 (1) who:

4 (A) peeps; or

5 (B) goes upon the land of another with the intent to peep;

6 into an occupied dwelling of another person; or

7 (2) who peeps into an area where an occupant of the area
8 reasonably can be expected to disrobe, including:

9 (A) restrooms;

10 (B) baths;

11 (C) showers; and

12 (D) dressing rooms;

13 without the consent of the other person, commits voyeurism, a Class B
14 misdemeanor.

15 (b) However, the offense **under subsection (a)** is a Class D felony
16 if:

17 (1) it is knowingly or intentionally committed by means of a

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1 camera, a video camera, or any other type of video recording
 2 device; or
 3 **(2) the person who commits the offense has a prior unrelated**
 4 **conviction:**
 5 **(A) under this section; or**
 6 **(B) in another jurisdiction, including a military court, for**
 7 **an offense that is substantially similar to an offense**
 8 **described in this section.**
 9 ~~(b)~~ (c) "Peep" means any looking of a clandestine, surreptitious,
 10 prying, or secretive nature.
 11 SECTION 2. [EFFECTIVE JULY 1, 2005] **The enhanced penalty**
 12 **under IC 35-45-4-5(b)(2), as added by this act, applies only if at**
 13 **least one (1) of the offenses is committed after June 30, 2005.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1099, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

ULMER, Chair

Committee Vote: yeas 9, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1099, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1099 as printed February 15, 2005.)

LONG, Chairperson

Committee Vote: Yeas 9, Nays 0.

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