
SENATE BILL No. 101

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-45-4-6.

Synopsis: Invasion of privacy by photography. Establishes the crime of invasion of privacy by photography, a Class A misdemeanor. Provides that the crime is committed if a person, with the intent to: (1) gratify the person's sexual desires; (2) humiliate or embarrass the victim; or (3) publish, transmit, or disseminate the photograph; surreptitiously photographs the private area of an individual under circumstances in which a reasonable person would believe that the individual's private area would not be visible to the public. Increases the penalty to a Class D felony if the person publishes, transmits, or otherwise disseminates the photograph.

Effective: July 1, 2010.

Wyss, Arnold, Steele

January 5, 2010, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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SENATE BILL No. 101



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 35-45-4-6 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2010]: **Sec. 6. (a) As used in this section, "private area" means**
- 4 **the naked or undergarment clad genitals, pubic area, or buttocks**
- 5 **of a person.**
- 6 **(b) A person who, without the consent of the individual:**
- 7 **(1) knowingly or intentionally surreptitiously photographs,**
- 8 **video records, or captures a digital image of the private area**
- 9 **of an individual by means of camera, a video camera, or any**
- 10 **other type of video recording device; or**
- 11 **(2) performs the act described in subdivision (1) under**
- 12 **circumstances in which a reasonable person would believe**
- 13 **that the individual's private area would not be visible to the**
- 14 **public; and**
- 15 **(3) performs the act described in subdivision (1) with the**
- 16 **intent to:**
- 17 **(A) gratify the sexual desires of the person;**



1 **(B) humiliate or embarrass the individual; or**
2 **(C) publish, transmit, or otherwise disseminate the**
3 **photograph, video, or digital image;**
4 **commits invasion of privacy by photography, a Class A**
5 **misdemeanor. However, the offense is a Class D felony if the**
6 **person publishes the photograph, video, or digital image, or**
7 **otherwise transmits or disseminates the photograph, video, or**
8 **digital image to another person.**
9 SECTION 2. [EFFECTIVE JULY 1, 2010] IC 35-45-4-6, as added
10 **by this act, applies only to crimes committed after June 30, 2010.**

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