



April 13, 2011

**ENGROSSED
SENATE BILL No. 19**

DIGEST OF SB 19 (Updated April 13, 2011 3:05 pm - DI 69)

Citations Affected: IC 35-45.

Synopsis: Public voyeurism. Makes it a Class A misdemeanor for a person to peep at the private area of an individual and record an image by means of a camera. Increases the penalty to a Class D felony if the person has a prior conviction or: (1) publishes the image; (2) makes the image available on the Internet; or (3) transmits or disseminates the image to another person. Provides a defense if an individual deliberately exposed the individual's private area. (The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.)

Effective: July 1, 2011.

Wyss, Steele, Yoder, Kruse
(HOUSE SPONSORS — FOLEY, LAWSON L)

January 5, 2011, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
January 18, 2011, amended, reported favorably — Do Pass.
January 20, 2011, read second time, ordered engrossed.
January 21, 2011, engrossed.
January 24, 2011, read third time, passed. Yeas 42, nays 8.
HOUSE ACTION
March 28, 2011, read first time and referred to Committee on Courts and Criminal Code.
April 13, 2011, reported — Do Pass.

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ES 19—LS 6168/DI 106+



April 13, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 19

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, AS AMENDED BY P.L.7-2005,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 5. **(a) The following definitions apply
4 throughout this section:**

5 (1) "Camera" means a camera, a video camera, a device that
6 captures a digital image, or any other type of video recording
7 device.

8 (2) "Peep" means any looking of a clandestine, surreptitious,
9 prying, or secretive nature.

10 (3) "Private area" means the naked or undergarment clad
11 genitals, pubic area, or buttocks of an individual.

12 ~~(a)~~ **(b)** A person:

13 (1) who **knowingly or intentionally:**

14 (A) peeps; or

15 (B) goes upon the land of another with the intent to peep;
16 into an occupied dwelling of another person; or

17 (2) who **knowingly or intentionally** peeps into an area where an

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1 occupant of the area reasonably can be expected to disrobe,
 2 including:
 3 (A) restrooms;
 4 (B) baths;
 5 (C) showers; and
 6 (D) dressing rooms;
 7 without the consent of the other person, commits voyeurism, a Class B
 8 misdemeanor.
 9 ~~(b)~~ **(c)** However, the offense under subsection ~~(a)~~ **(b)** is a Class D
 10 felony if:
 11 (1) it is knowingly or intentionally committed by means of a
 12 camera; ~~a video camera, or any other type of video recording~~
 13 ~~device;~~ or
 14 (2) the person who commits the offense has a prior unrelated
 15 conviction:
 16 (A) under this section; or
 17 (B) in another jurisdiction, including a military court, for an
 18 offense that is substantially similar to an offense described in
 19 this section.
 20 ~~(c) "Peep" means any looking of a clandestine, surreptitious, prying,~~
 21 ~~or secretive nature.~~
 22 **(d) A person who:**
 23 **(1) without the consent of the individual; and**
 24 **(2) with intent to peep at the private area of an individual;**
 25 **peeps at the private area of an individual and records an image by**
 26 **means of a camera commits public voyeurism, a Class A**
 27 **misdemeanor.**
 28 **(e) The offense under subsection (d) is a Class D felony if the**
 29 **person has a prior unrelated conviction under this section or in**
 30 **another jurisdiction, including a military court, for an offense that**
 31 **is substantially similar to an offense described in this section, or if**
 32 **the person:**
 33 **(1) publishes the image;**
 34 **(2) makes the image available on the Internet; or**
 35 **(3) transmits or disseminates the image to another person.**
 36 **(f) It is a defense to a prosecution under subsection (d) that the**
 37 **individual deliberately exposed the individual's private area.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 19, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 19 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 4, Nays 3

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 19, 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.

STEUERWALD, Chair

Committee Vote: yeas 12, nays 0.

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