

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 460

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO SEX CRIMES; AMENDING SECTION 18-6609, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE CRIME OF VIDEO VOYEURISM.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-6609, Idaho Code, be, and the same is hereby amended to read as follows:

18-6609. CRIME OF VIDEO VOYEURISM. (1) As used in this section:

(a) "Broadcast" means the electronic transmittal of a visual image with the intent that it be viewed by a person or persons.

(b) "Disseminate" means to make available by any means to any person.

(c) "Imaging device" means any instrument capable of recording, storing, viewing or transmitting visual images.

(d) "Intimate areas" means the buttocks, genitals or genital areas of males or females, and the breast area of females.

(e) "Person" means any natural person, corporation, partnership, firm, association, joint venture or any other recognized legal entity or any agent or servant thereof.

(f) "Place where a person has a reasonable expectation of privacy" means:

(i) A place where a reasonable person would believe that he could undress, be undressed or engage in sexual activity in privacy, without concern that he is being viewed, photographed, filmed or otherwise recorded by an imaging device; or

(ii) A place where a person might reasonably expect to be safe from casual or hostile surveillance by an imaging device; or

(iii) Any public place where a person, by taking reasonable steps to conceal intimate areas, should be free from the viewing, recording, storing or transmitting of images obtained by imaging devices designed to overcome the barriers created by a person's covering of intimate areas.

(g) "Publish" means to:

(i) Disseminate with the intent that such image or images be made available by any means to any person; or

(ii) Disseminate with the intent that such images be sold by another person; or

(iii) Post, present, display, exhibit, circulate, advertise or allow access by any means so as to make an image or images available to the public; or

(iv) Disseminate with the intent that an image or images be posted, presented, displayed, exhibited, circulated, advertised or made accessible by any means and to make such image or images available to the public.

1 (h) "Sell" means to disseminate to another person, or to publish, in ex-
2 change for something of value.

3 (2) A person is guilty of video voyeurism when, ~~with the intent of~~
4 ~~arousing, appealing to or gratifying the lust or passions or sexual desires~~
5 ~~of such person or another person, or for his own or another person's lasciv-~~
6 ~~ious entertainment or satisfaction of prurient interest, or for the purpose~~
7 ~~of sexually degrading or abusing any other person:~~

8 (a) He uses, installs or permits the use or installation of an imag-
9 ing device at a place where a person would have a reasonable expectation
10 of privacy, without the knowledge or consent of the person using such
11 place; or

12 (b) He intentionally disseminates, publishes or sells any image or im-
13 ages of the intimate areas of another person or persons without the con-
14 sent of such other person or persons and with knowledge that ~~such im-~~
15 ~~age or images were obtained with the intent set forth above~~ the parties
16 agreed or understood that the images should remain private.

17 (3) A violation of this section is a felony.