

SENATE BILL No. 180

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-45-4-5.

Synopsis: Voyeurism. Provides that the crime of voyeurism is a Level 5 felony if the person peeped upon is less than 15 years of age.

Effective: July 1, 2017.

Houchin

January 9, 2017, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

SENATE BILL No. 180

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.158-2013,
2 SECTION 529, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) The following definitions
4 apply 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 genitals,
11 pubic area, or buttocks of an individual.
12 (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



- 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 (c) However, the offense under subsection (b) is a:
 10 (1) Level 6 felony if:
 11 ~~(A)~~ (A) it is knowingly or intentionally committed by means of
 12 a camera; or
 13 ~~(B)~~ (B) the person who commits the offense has a prior
 14 unrelated conviction:
 15 ~~(A)~~ (i) under this section; or
 16 ~~(B)~~ (ii) in another jurisdiction, including a military court, for
 17 an offense that is substantially similar to an offense
 18 described in this section; or
 19 **(2) Level 5 felony if the person peeped upon is less than fifteen**
 20 **(15) years of age.**
- 21 (d) A person who:
 22 (1) without the consent of the individual; and
 23 (2) with intent to peep at the private area of an individual;
 24 peeps at the private area of an individual and records an image by
 25 means of a camera commits public voyeurism, a Class A misdemeanor.
- 26 (e) The offense under subsection (d) is a Level 6 felony if the person
 27 has a prior unrelated conviction under this section or in another
 28 jurisdiction, including a military court, for an offense that is
 29 substantially similar to an offense described in this section, or if the
 30 person:
 31 (1) publishes the image;
 32 (2) makes the image available on the Internet; or
 33 (3) transmits or disseminates the image to another person.
 34 (f) It is a defense to a prosecution under subsection (d) that the
 35 individual deliberately exposed the individual's private area.

