

1 not to exceed Five Thousand Dollars (\$5,000.00), or by both such
2 fine and imprisonment.

3 B. Every person who uses photographic, electronic or video
4 equipment in a clandestine manner for any illegal, illegitimate,
5 prurient, lewd or lascivious purpose with the unlawful and willful
6 intent to view, watch, gaze or look upon any person without the
7 knowledge and consent of such person when the person viewed is in a
8 place where there is a right to a reasonable expectation of privacy,
9 or who publishes or distributes any image obtained from such act,
10 shall, upon conviction, be guilty of a felony. The violator shall
11 be punished by imprisonment in the custody of the Department of
12 Corrections for a term of not more than five (5) years, or by a fine
13 not exceeding Five Thousand Dollars (\$5,000.00), or by both such
14 fine and imprisonment.

15 C. Every person who uses photographic, electronic or video
16 equipment in a clandestine manner for any illegal, illegitimate,
17 prurient, lewd or lascivious purpose with the unlawful and willful
18 intent to view, watch, gaze or look upon any person and capture an
19 image of a private area of a person without the knowledge and
20 consent of such person and knowingly does so under circumstances in
21 which a reasonable person would believe that the private area of the
22 person would not be visible to the public, regardless of whether the
23 person is in a public or private place shall, upon conviction, be
24 guilty of a misdemeanor. The violator shall be punished by

1 imprisonment in the county jail for a term of not more than one (1)
2 year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00),
3 and the performance of not less than one hundred (100) and not more
4 than four hundred (400) hours of community service or by both such
5 fine and imprisonment.

6 D. As used in this section, the phrase "private area of the
7 person" means the naked or undergarment-clad genitals, pubic area,
8 buttocks, or any portion of the areola of the female breast of that
9 individual.

10 SECTION 2. This act shall become effective November 1, 2016.

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12 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
13 dated 04/06/2016 - DO PASS, As Amended.

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