

1 S.218

2 Introduced by Senator Ayer

3 Referred to Committee on

4 Date:

5 Subject: Crimes; voyeurism

6 Statement of purpose: This bill proposes to clarify that it is illegal under the
7 voyeurism statute for a person who is engaged in consensual sexual conduct
8 with another to surreptitiously film or make a recording of that person's
9 intimate areas without his or her knowledge and consent. The bill also clarifies
10 that it is illegal to display or disclose such a film or recording to a third party.

11 An act relating to voyeurism

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 13 V.S.A. § 2605 is amended to read:

14 § 2605. VOYEURISM

15 (a) As used in this section:

16 * * *

17 (3) "Circumstances in which a person has a reasonable expectation of
18 privacy" means circumstances in which a reasonable person would believe that
19 his or her intimate areas would not be visible to the public, regardless of
20 whether that person is in a public or private area. This definition includes

1 circumstances in which a person knowingly disrobes in front of another, but
2 does not expect nor give consent for the other person to photograph, film, or
3 record his or her intimate areas.

4 (4) "Intimate areas" means the naked or undergarment-clad genitals,
5 pubic area, buttocks, or female breast of a person.

6 (5) "Place where a person has a reasonable expectation of privacy"
7 means:

8 (A) a place in which a reasonable person would believe that he or she
9 could disrobe in privacy, without his or her undressing being viewed by
10 another; or

11 (B) a place in which a reasonable person would expect to be safe
12 from unwanted intrusion or surveillance.

13 * * *

14 (b) No person shall intentionally view, photograph, film, or record in any
15 format:

16 (1) the intimate areas of another person without that person's knowledge
17 and consent while the person being viewed, photographed, filmed, or recorded
18 is in a place where he or she would have a reasonable expectation of privacy;
19 or

1 years or fined not more than \$5,000.00, or both. A person who violates
2 subsection (c) of this section shall be imprisoned not more than five years or
3 fined not more than \$5,000.00, or both.