

# Calendar No. 228

108<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1301

To amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 19, 2003

Mr. DEWINE (for himself, Mr. SCHUMER, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JULY 24 (legislative day, JULY 21), 2003

Reported by Mr. HATCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

To amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Video Voyeurism Pre-  
5       vention Act of 2003”.

1 **SEC. 2. PROHIBITION OF VIDEO VOYEURISM.**

2 (a) IN GENERAL.—Title 18, United States Code, is  
3 amended by inserting after chapter 87 the following new  
4 chapter:

5 **“CHAPTER 88—PRIVACY**

“Sec.  
“1801. Video voyeurism.

6 **“§ 1801. Video voyeurism**

7 “(a) Whoever, in the special maritime and territorial  
8 jurisdiction of the United States, having the intent to cap-  
9 ture an improper image of an individual, knowingly does  
10 so under circumstances violating the privacy of that indi-  
11 vidual, shall be fined under this title or imprisoned not  
12 more than one year, or both.

13 “(b) In this section—

14 “(1) the term ‘captures’, with respect to an  
15 image, means videotapes, photographs, films, or  
16 records by any electronic means;

17 “(2) the term ‘improper image’, with respect to  
18 an individual, means an image, captured without the  
19 consent of that individual, of the naked or undergar-  
20 ment clad genitals, pubic area, buttocks, or female  
21 breast of that individual; and

22 “(3) the term ‘under circumstances violating  
23 the privacy of that individual’ means under cir-  
24 cumstances in which the individual exhibits an ex-

1       pectation that the improper image would not be  
 2       made, in a situation in which a reasonable person  
 3       would be justified in that expectation.”.

4       (b) AMENDMENT TO PART ANALYSIS.—The table of  
 5 chapters at the beginning of part I of title 18, United  
 6 States Code, is amended by inserting after the item relat-  
 7 ing to chapter 87 the following new item:

**“88. Privacy ..... 1801”.**

8       **SECTION 1. SHORT TITLE.**

9       *This Act may be cited as the “Video Voyeurism Preven-*  
 10 *tion Act of 2003”.*

11       **SEC. 2. PROHIBITION OF VIDEO VOYEURISM.**

12       (a) *IN GENERAL.*—Title 18, United States Code, is  
 13 amended by inserting after chapter 87 the following new  
 14 chapter:

15                       **“CHAPTER 88—VIDEO VOYEURISM**

*“Sec.*  
*“1801. Video voyeurism.*

16       **“§ 1801. Video voyeurism**

17       “(a) *Whoever, in the special maritime and territorial*  
 18 *jurisdiction of the United States, having the intent to cap-*  
 19 *ture an improper image of an individual, knowingly does*  
 20 *so and that individual’s naked or undergarment clad geni-*  
 21 *tals, pubic area, buttocks, or female breast is depicted in*  
 22 *the improper image under circumstances in which that in-*  
 23 *dividual has a reasonable expectation of privacy regarding*

1 *such body part or parts, shall be fined under this title or*  
2 *imprisoned not more than one year, or both.*

3 “(b) *In this section—*

4 “(1) *the term ‘captures’, with respect to an*  
5 *image, means videotapes, photographs, films, or*  
6 *records by any means or broadcasts;*

7 “(2) *the term ‘female breast’ means any portion*  
8 *of the female breast below the top of the areola;*

9 “(3) *the term ‘improper image’, with respect to*  
10 *an individual, means an image, captured without the*  
11 *consent of that individual, of the naked or undergar-*  
12 *ment clad genitals, pubic area, buttocks, or female*  
13 *breast of that individual; and*

14 “(4) *the term ‘under circumstances in which that*  
15 *individual has a reasonable expectation of privacy’*  
16 *means—*

17 “(A) *circumstances in which a reasonable*  
18 *person would believe that he or she could disrobe*  
19 *in privacy, without being concerned that his or*  
20 *her image was being videotaped, photographed,*  
21 *filmed, broadcast, or otherwise recorded by any*  
22 *means; or*

23 “(B) *circumstances in which a reasonable*  
24 *person would believe that his or her naked or un-*  
25 *dergarment-clad pubic area, buttocks, genitals, or*

1           *female breast would not be visible to the public,*  
2           *regardless of whether that person is in a public*  
3           *or private area.*

4           “(c) *This section shall not apply to any person engaged*  
5           *in lawful law enforcement or intelligence activities.*”.

6           (b) *AMENDMENT TO PART ANALYSIS.—The table of*  
7           *chapters at the beginning of part I of title 18, United States*  
8           *Code, is amended by inserting after the item relating to*  
9           *chapter 87 the following new item:*

          “**88. Video Voyeurism** ..... **1801**”.

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