

105TH CONGRESS
1ST SESSION

H. R. 2448

To provide protection from personal intrusion.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 1997

Mr. BONO introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide protection from personal intrusion.

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 “Protection From Per-
5 sonal Intrusion Act”.

6 SEC. 2. CRIMINAL OFFENSE.

7 (a) IN GENERAL.—Chapter 89 of title 18, United
8 States Code, is amended by adding at the end the follow-
9 ing:

10 “§ 1822. Harassment

11 “(a) IN GENERAL.—Whoever harasses any person
12 within the United States or the special maritime and terri-

1 torial jurisdiction of the United States, or a citizen of the
2 United States outside the United States shall—

3 “(1) if death results, not less than 20 years im-
4 prisonment and a fine under title 18, United States
5 Code;

6 “(2) if bodily injury results, not less than 5
7 years’ imprisonment and a fine under title 18, Unit-
8 ed States Code; and

9 “(3) if neither death nor bodily injury results,
10 imprisonment for not more than 1 year or a fine
11 under this title, or both.

12 “(b) DEFINITION OF ‘HARASS’.—As used in this sec-
13 tion, the term ‘harass’ means persistently physically fol-
14 lowing or chasing a victim, in circumstances where the vic-
15 tim has a reasonable expectation of privacy and has taken
16 reasonable steps to insure that privacy, for the purpose
17 of capturing by a camera or sound recording instrument
18 of any type a visual image, sound recording, or other phys-
19 ical impression of the victim for profit in or affecting
20 interstate or foreign commerce.

21 “(c) LIMITATION ON DEFENSES.—It is not a defense
22 to a prosecution under this section that—

23 “(1) no image or recording was in fact cap-
24 tured; or

1 “(2) no image or recording was in fact sold for
2 profit.

3 “(d) CAUSE OF ACTION.—(1) Any person who is le-
4 gally present in the United States and is the victim of
5 a violation of this section may, in a civil action against
6 the person engaging in the violation, obtain any appro-
7 priate relief.

8 “(2) Any district court of the United States shall
9 have jurisdiction over a claim asserted under this section,
10 notwithstanding that the claim arises out of events that
11 occurred outside of the territorial or special jurisdiction
12 of the United States.

13 “(e) USE OF IMAGES.—Nothing in this section may
14 be construed to make the sale, transmission, publication,
15 broadcast, or use of any image or recording of the type
16 or under the circumstances described herein in any other-
17 wise lawful manner by any person subject to criminal
18 charge or civil liability.

19 “(f) LIMITATION.—Only a person physically present
20 and pursuing or assisting in pursuing the plaintiff at the
21 time a violation of this section occurred is subject to crimi-
22 nal charge or civil liability based on this section. A person
23 shall not be subject to such liability by reason of the con-
24 duct of an agent, employee, or contractor of that person,
25 or because images or recordings captured in violation of

1 this Act were solicited by, bought by, used by, or sold by
2 that person.

3 “(g) LAW ENFORCEMENT EXEMPTION.—The prohibi-
4 tions of this section do not apply with respect to legiti-
5 mate law enforcement activities.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of chapter 89 of title 18, United States
8 Code, is amended by adding at the end the following new
9 item:

“1822. Harassment.”.

○