

PROPOSED AMENDMENT

HB 1047 # 4

DIGEST

Voyeurism. Provides that "peep", for purposes of the voyeurism statute, includes the use of a concealed camera with the intent of capturing an intimate image. Makes conforming amendments.

- 1 Page 2, between lines 7 and 8, begin a new paragraph and insert:
2 "SECTION 2. IC 35-45-4-5, AS AMENDED BY P.L.142-2020,
3 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2024]: Sec. 5. (a) The following definitions apply throughout
5 this section:
6 (1) "Camera" means a camera, a video camera, a device that
7 captures a digital image, or any other type of video recording
8 device.
9 (2) "Peep" means:
10 (A) any looking of a clandestine, surreptitious, prying, or
11 secretive nature; **or**
12 **(B) using a concealed camera with the intent of capturing**
13 **an intimate image (as defined by IC 34-21.5-2-1).**
14 (3) "Private area" means the naked or undergarment clad genitals,
15 pubic area, or buttocks of an individual.
16 (b) A person:
17 (1) who knowingly or intentionally:
18 (A) peeps; or
19 (B) goes upon the land of another with the intent to peep;
20 into an occupied dwelling of another person; or
21 (2) who knowingly or intentionally peeps **in or** into an area where
22 an occupant of the area reasonably can be expected to disrobe **or**
23 **is actually expected to disrobe**, including:
24 (A) restrooms;
25 (B) baths;
26 (C) showers; and

- 1 (D) dressing rooms;
 2 without the consent of the other person, commits voyeurism, a Class B
 3 misdemeanor.
- 4 (c) However, the offense under subsection (b) is a Level 6 felony if:
 5 (1) it is knowingly or intentionally committed by means of a
 6 camera; or
 7 (2) the person who commits the offense has a prior unrelated
 8 conviction under this section.
- 9 (d) A person who:
 10 (1) without the consent of the individual; and
 11 (2) with intent to peep at the private area of an individual;
 12 peeps at the private area of an individual and records an image by
 13 means of a camera commits public voyeurism, a Class A misdemeanor.
- 14 (e) The offense under subsection (d) is a Level 6 felony if the person
 15 has a prior unrelated conviction under this section or if the person:
 16 (1) publishes the image;
 17 (2) makes the image available on the Internet; or
 18 (3) transmits or disseminates the image to another person.
- 19 (f) It is a defense to a prosecution under subsection (d) that the
 20 individual deliberately exposed the individual's private area.
- 21 (g) A person who, with the intent to peep, operates an unmanned
 22 aerial vehicle in a manner that is intended to cause the unmanned aerial
 23 vehicle to enter the space above or surrounding another person's
 24 occupied dwelling for the purpose of capturing images, photographs,
 25 video recordings, or audio recordings of the other person while the
 26 other person is:
 27 (1) within the other person's occupied dwelling; or
 28 (2) on the land or premises:
 29 (A) on which the other person's occupied dwelling is located;
 30 and
 31 (B) in a location that is not visible from an area:
 32 (i) open to the general public; or
 33 (ii) where a member of the general public has the right to be;
 34 commits remote aerial voyeurism, a Class A misdemeanor.
- 35 (h) The offense under subsection (g) is a Level 6 felony if the person
 36 has a prior unrelated conviction under this section or if the person:
 37 (1) publishes the images, photographs, or recordings captured;
 38 (2) makes the images, photographs, or recordings captured
 39 available on the Internet; or
 40 (3) transmits or disseminates the images, photographs, or

- 1 recordings captured to another person.".
- 2 Renumber all SECTIONS consecutively.
(Reference is to HB 1047 as reprinted January 17, 2024.)