

1 SB26
2 196936-2
3 By Senator Chambliss
4 RFD: Judiciary
5 First Read: 05-MAR-19
6 PFD: 02/07/2019

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to voyeurism; to criminalize the act of
12 recording or attempting to record any image or video of the
13 private, intimate body parts of another person, without that
14 person's consent, where that person has or should have a
15 reasonable expectation of privacy; to provide penalties; and
16 in connection therewith would have as its purpose or effect
17 the requirement of a new or increased expenditure of local
18 funds within the meaning of Amendment 621 of the Constitution
19 of Alabama of 1901, now appearing as Section 111.05 of the
20 Official Recompilation of the Constitution of Alabama of 1901,
21 as amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) As used in this act, the following
24 words shall have the following meanings:

25 (1) INTIMATE AREAS. Any portion of a person's body,
26 whether or not covered by undergarments, that are
27 traditionally covered by undergarments to protect that portion

1 from public view, including genitals, pubic areas, buttocks,
2 and female breasts.

3 (2) PHOTOGRAPHS or FILMS. The making of a
4 photograph, motion picture film, videotape, digital image,
5 digital video, or any other recording or transmission of the
6 image or recording of a person.

7 (3) UNDERGARMENTS. Articles of clothing worn under
8 clothing that conceal intimate areas from view.

9 Section 2. (a) A person commits the crime of
10 voyeurism in the first degree if, for the purpose of arousing
11 or gratifying the sexual desire of any person, he or she
12 knowingly photographs or films the intimate areas of another
13 person, whether through, under, or around clothing, without
14 that person's knowledge and consent and under circumstances
15 where the person has a reasonable expectation of privacy,
16 whether in a public or private place.

17 (b) Voyeurism in the first degree is a Class C
18 felony, except if the defendant is 18 years of age or younger
19 on the date of the offense, voyeurism in the first degree is a
20 Class A misdemeanor.

21 Section 3. (a) A person commits the crime of
22 voyeurism in the second degree if he or she knowingly
23 photographs or films the intimate areas of another person,
24 whether through, under, or around clothing, without that
25 person's knowledge and consent, and under circumstances where
26 the person has a reasonable expectation of privacy, whether in
27 a public or private place.

1 (b) Voyeurism in the second degree is a Class A
2 misdemeanor, except if the defendant is 18 years of age or
3 younger on the date of the offense, voyeurism in the second
4 degree is a Class B misdemeanor.

5 Section 4. (a) Section 3 does not apply to viewing,
6 photographing, or filming by personnel of the Department of
7 Corrections or of a local jail or correctional facility for
8 security purposes or during investigation of an alleged
9 misconduct by a person in the custody of the Department of
10 Corrections or the local jail or correctional facility.

11 (b) Notwithstanding ordinary rules of court and
12 preservation of evidence, if a person is adjudicated or
13 convicted of a violation of Section 2 or Section 3, a court
14 may order the destruction of any photograph, motion picture
15 film, digital image, digital video, videotape, or any other
16 recording of an image that was made by the person in violation
17 of this act; provided that the victim, or victim's
18 representative, is provided with written notice 90 days before
19 the destruction is to occur. Except as prohibited by State or
20 Federal law, the victim, or victim's representative, shall
21 retain the right to possess any photograph, motion picture
22 film, digital image, videotape, or any other recording of an
23 image.

24 Section 5. Although this bill would have as its
25 purpose or effect the requirement of a new or increased
26 expenditure of local funds, the bill is excluded from further
27 requirements and application under Amendment 621, now

1 appearing as Section 111.05 of the Official ReCompilation of
2 the Constitution of Alabama of 1901, as amended, because the
3 bill defines a new crime or amends the definition of an
4 existing crime.

5 Section 6. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate committee on Judiciary.....	05-MAR-19
Read for the second time and placed on the calen- dar 2 amendments.....	03-APR-19
Read for the third time and passed as amended	04-APR-19

Patrick Harris,
Secretary.