



General Assembly

January Session, 2019

Raised Bill No. 1100

LCO No. 6341



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING "UPSKIRTING".

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-189a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) A person is guilty of voyeurism when, (1) with malice, such
4 person knowingly photographs, films, videotapes or otherwise records
5 the image of another person (A) without the knowledge and consent of
6 such other person, (B) while such other person is not in plain view, and
7 (C) under circumstances where such other person has a reasonable
8 expectation of privacy, (2) with intent to arouse or satisfy the sexual
9 desire of such person or any other person, such person knowingly
10 photographs, films, videotapes or otherwise records the image of
11 another person (A) without the knowledge and consent of such other
12 person, (B) while such other person is not in plain view, and (C) under
13 circumstances where such other person has a reasonable expectation of
14 privacy, (3) with the intent to arouse or satisfy the sexual desire of such
15 person, commits simple trespass, as provided in section 53a-110a, and
16 observes, in other than a casual or cursory manner, another person (A)

17 without the knowledge or consent of such other person, (B) while such
18 other person is inside a dwelling, as defined in section 53a-100, and not
19 in plain view, and (C) under circumstances where such other person
20 has a reasonable expectation of privacy, or (4) with intent to arouse or
21 satisfy the sexual desire of such person or any other person, such
22 person knowingly photographs, films, videotapes or otherwise records
23 the genitals, pubic area or buttocks of another person or the
24 undergarments or stockings that clothe the genitals, pubic area or
25 buttocks of another person (A) without the knowledge and consent of
26 such other person, [and] (B) while such genitals, pubic area, buttocks,
27 undergarments or stockings are not in plain view, and (C) under
28 circumstances where such other person has a reasonable expectation of
29 privacy, whether such other person is or is not in a public place.

30 (b) For purposes of this section, "in plain view" does not include any
31 view that is achieved by photographing, filming, videotaping or
32 otherwise recording under or around a person's clothing, and "public
33 place" means public place, as defined in section 53a-186.

34 [(b)] (c) Voyeurism is (1) a class D felony for a first offense, except as
35 provided in subdivision (3) of this subsection, (2) a class C felony for
36 any subsequent offense, and (3) a class C felony for a first offense when
37 (A) such person has been previously convicted of an offense
38 enumerated in subsection (f) of section 53a-29, or (B) the intended
39 subject of the offense is a person under sixteen years of age.

40 [(c)] (d) Notwithstanding the provisions of section 54-193, no person
41 may be prosecuted for an offense under subdivision (1), (2) or (4) of
42 subsection (a) of this section except within five years from the date of
43 the offense, or within five years from the date the subject of the offense
44 discovers the existence of the photograph, film, videotape or other
45 recording that constitutes a violation of subdivision (1), (2) or (4) of
46 subsection (a) of this section, whichever is later.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2019	53a-189a
-----------	-----------------	----------

Statement of Purpose:

To clarify the elements of the offense of voyeurism.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]