

HOUSE BILL No. 1098

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-45-4-5.

Synopsis: Public voyeurism. Provides that the penalty for a person who commits public voyeurism: (1) without the use of a camera is a Class B misdemeanor; or (2) by means of a camera is a Class A misdemeanor. Clarifies the mens rea for the Class B misdemeanor public voyeurism.

Effective: July 1, 2024.

Schaibley

January 8, 2024, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1098

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-45-4-5, AS AMENDED BY P.L.142-2020,
2 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 5. (a) The following definitions apply throughout
4 this section:
5 (1) "Camera" means a camera, a video camera, a device that
6 captures a digital image, or any other type of video recording
7 device.
8 (2) "Peep" means any looking of a clandestine, surreptitious,
9 prying, or secretive nature.
10 (3) "Private area" means the naked or undergarment clad genitals,
11 pubic area, or buttocks of an individual.
12 (b) A person:
13 (1) who knowingly or intentionally:
14 (A) peeps; or
15 (B) goes upon the land of another with the intent to peep;
16 into an occupied dwelling of another person; or
17 (2) who knowingly or intentionally peeps into an area where an



- 1 occupant of the area reasonably can be expected to disrobe,
 2 including:
 3 (A) restrooms;
 4 (B) baths;
 5 (C) showers; and
 6 (D) dressing rooms;
 7 without the consent of the other person, commits voyeurism, a Class B
 8 misdemeanor.
 9 (c) However, the offense under subsection (b) is a Level 6 felony if:
 10 (1) it is knowingly or intentionally committed by means of a
 11 camera; or
 12 (2) the person who commits the offense has a prior unrelated
 13 conviction under this section.
 14 (d) A person who:
 15 (1) without the consent of the individual; and
 16 (2) ~~with intent to peep at the private area of an individual;~~
 17 **knowingly or intentionally;**
 18 peeps at the private area of an individual ~~and records an image by~~
 19 ~~means of a camera without the use of a camera~~ commits public
 20 voyeurism, a ~~Class A~~ **Class B** misdemeanor.
 21 **(e) The offense under subsection (d) is a Class A misdemeanor**
 22 **if the person knowingly or intentionally committed the peeping by**
 23 **recording an image by means of a camera.**
 24 ~~(e)~~ **(f)** The offense under subsection ~~(d)~~ **(e)** is a Level 6 felony if the
 25 person has a prior unrelated conviction under this section or if the
 26 person:
 27 (1) publishes the image;
 28 (2) makes the image available on the Internet; or
 29 (3) transmits or disseminates the image to another person.
 30 ~~(f)~~ **(g)** It is a defense to a prosecution under subsection (d) ~~and~~
 31 **subsection (e)** that the individual deliberately exposed the individual's
 32 private area.
 33 ~~(g)~~ **(h)** A person who, with the intent to peep, operates an unmanned
 34 aerial vehicle in a manner that is intended to cause the unmanned aerial
 35 vehicle to enter the space above or surrounding another person's
 36 occupied dwelling for the purpose of capturing images, photographs,
 37 video recordings, or audio recordings of the other person while the
 38 other person is:
 39 (1) within the other person's occupied dwelling; or
 40 (2) on the land or premises:
 41 (A) on which the other person's occupied dwelling is located;
 42 and



1 (B) in a location that is not visible from an area:
2 (i) open to the general public; or
3 (ii) where a member of the general public has the right to be;
4 commits remote aerial voyeurism, a Class A misdemeanor.
5 ~~(h)~~ **(i)** The offense under subsection ~~(g)~~ **(h)** is a Level 6 felony if the
6 person has a prior unrelated conviction under this section or if the
7 person:
8 (1) publishes the images, photographs, or recordings captured;
9 (2) makes the images, photographs, or recordings captured
10 available on the Internet; or
11 (3) transmits or disseminates the images, photographs, or
12 recordings captured to another person.

