

HOUSE No. 02153

The Commonwealth of Massachusetts

PRESENTED BY:

Paul Brodeur

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act providing further protection from photographing, videotaping or electronically surveilling a partially nude or nude child.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Kevin Kuros</i>	<i>8th Worcester</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>
<i>John D. Keenan</i>	<i>7th Essex</i>
<i>Mark Cusack</i>	<i>5th Norfolk</i>
<i>Gerard Leone</i>	<i>District Attorney, Middlesex County</i>

HOUSE No. 02153

By Mr. Brodeur of Melrose, a petition (accompanied by bill, House, No. 2153) of Cusack and others relative to providing further protection from photographing, videotaping or electronically surveilling a partially nude or nude child Joint Committee on the Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act providing further protection from photographing, videotaping or electronically surveilling a partially nude or nude child.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Section 105 of chapter 272 of the General Laws, as appearing in the 2008 Official
- 2 Edition, is hereby amended by adding at the end of subsection (b) the following new subsection:
- 3 (b $\frac{1}{2}$) Whoever willfully photographs, videotapes or electronically surveils a child under eighteen
- 4 years of age who is nude or partially nude, with the intent to secretly conduct or hide such
- 5 activity, when the other person in such place and circumstance would have a reasonable
- 6 expectation of privacy in not being so photographed, videotaped or electronically surveilled, and
- 7 without that person's knowledge and consent, shall be punished by imprisonment in the state
- 8 prison for not more than 5 years or in a jail or house of correction for not more than 2 $\frac{1}{2}$ years or
- 9 by a fine of not more than \$10,000, or by both such fine and imprisonment.

10 SECTION 2. Said Section 105 of chapter 272 of the General Laws, as so appearing, is hereby
11 further amended by adding at the end of subsection (c) the following new subsection:

12 (c^{1/2}) Whoever willfully disseminates the visual image of a child under eighteen years of age
13 who is nude or partially nude with knowledge that such visual image was unlawfully obtained in
14 violation of subsection (b^{1/2}) shall be punished by imprisonment in the state prison for not more
15 than 10 years or in a jail or house of correction for not more than 2^{1/2} years or by a fine of not
16 more than \$50,000, or by both such fine and imprisonment.