

SENATE No. 01953

The Commonwealth of Massachusetts

PRESENTED BY:

Katherine M. Clark

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 protection from photographing, videotaping or electronically surveilling a partially nude or nude child.

PETITION OF:

NAME:

Katherine M. Clark

Middlesex District Attorney Gerry Leone

DISTRICT/ADDRESS:

Middlesex and Essex

Middlesex District Attorney's Office

15 Commonwealth Avenue

Woburn, MA 01801

SENATE No. 01953

By Ms. Clark, petition (subject to Joint Rule 12) of Katherine M. Clark and Gerry Leone for legislation to provide protection from photographing, videotaping or electronically surveilling a partially nude or nude child. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act providing 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
2 Official Edition, is hereby amended by adding at the end of subsection (b) the following new
3 subsection:

4 (b^{1/2}) Whoever willfully photographs, videotapes or electronically surveils a child under
5 eighteen years of age who is nude or partially nude, with the intent to secretly conduct or hide
6 such activity, when the other person in such place and circumstance would have a reasonable
7 expectation of privacy in not being so photographed, videotaped or electronically surveilled, and
8 without that person's knowledge and consent, shall be punished by imprisonment in the state
9 prison for not more than 5 years or in a jail or house of correction for not more than 2½ years or
10 by a fine of not more than \$10,000, or by both such fine and imprisonment.

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

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