

HOUSE BILL 1949

By Ragan

AN ACT to amend Tennessee Code Annotated, Section
39-13-607, relative to criminal offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-607, is amended by deleting the section and substituting:

(a) It is an offense for a person to knowingly spy upon, observe or otherwise view an individual, when the individual is in a place where there is a reasonable expectation of privacy, without the prior effective consent of the individual, if the viewing:

(1) Would offend or embarrass an ordinary person if the person knew the person was being viewed; and

(2) Was for the purpose of sexual arousal or gratification of the defendant.

(b) It is an offense for a person or entity to adopt rules or enforce a policy or other work-related guidance for employees or contractors to promote or assist in the commission of an offense under subsection (a) in a place where there is a reasonable expectation of privacy, including, but not limited to, a restroom, locker room, dressing room, or shower, designated for multi-person, single-sex use.

(c) It is not a defense to a violation of this section that the defendant was lawfully on the premises where the offense occurred.

(d) The following are not a violation of subsection (a):

(1) Incidental viewing by a law enforcement officer, firefighter, or other official first responder while performing official duties or providing essential services; and

(2) Incidental viewing by a person who is sincerely acting in a good samaritan capacity while rendering first aid or humanitarian, medical, or rescue assistance or other actions that would be judged by an ordinary person to be reasonably required or appropriate.

(e) If the person being viewed is a minor, this section is violated regardless of whether the minor or the minor's parent or guardian consented to the viewing.

(f)

(1) A violation of this section is a Class A misdemeanor.

(2) A violation of this section is a Class E felony if the victim is under thirteen (13) years of age at the time the offense is committed.

(g) This section does not preclude the state from electing to prosecute conduct in violation of this section under any other applicable section.

(h) A person who has suffered an invasion of privacy by commission of an offense under subsection (a) may bring a civil action against the person who violated subsection (a) and, if applicable, against a person or entity that violated subsection (b), except as specified in subsection (d).

SECTION 2. This act takes effect July 1, 2024, the public welfare requiring it.