

JAN 8 2001

JUDICIARY

HOUSE FILE
BY CARROLL

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Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act establishing the criminal offense of invasion of privacy
2 and providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 12

1 Section 1. NEW SECTION. 709.19 INVASION OF PRIVACY.

2 1. A person who knowingly views, photographs, or films
3 another person commits invasion of privacy if all of the
4 following apply:

5 a. The other person does not have knowledge about and does
6 not consent or is unable to consent to being viewed,
7 photographed, or filmed.

8 b. The other person is in a state of full or partial
9 nudity.

10 c. The other person has a reasonable expectation of
11 privacy while in a state of full or partial nudity.

12 2. As used in this section:

13 a. "Full or partial nudity" means the showing of any part
14 of the human genitals or pubic area or buttocks, or any part
15 of the nipple of the breast of a female, with less than fully
16 opaque covering.

17 b. "Photographs or films" means the making of any
18 photograph, motion picture film, videotape, or any other
19 recording or transmission of the image of a person.

20 c. "Views" means looking upon another person, with the
21 unaided eye or with any device designed or intended to improve
22 visual acuity, for the purpose of arousing or gratifying the
23 sexual desire of any person.

24 3. A person who violates this section commits an
25 aggravated misdemeanor.

26 EXPLANATION

27 This bill creates a new criminal offense of invasion of
28 privacy and provides a penalty.

29 The bill provides that a person who knowingly views,
30 photographs, or films another person while the other person is
31 in a state of full or partial nudity, commits invasion of
32 privacy. However, under the bill, a person does not commit
33 invasion of privacy if the person being viewed, photographed,
34 or filmed is able and has consented to or has knowledge about
35 being viewed, photographed, or filmed or is in an area where a

1 person would not have a reasonable expectation of privacy.

2 The bill defines "full or partial nudity" to include any
3 showing of genitals, pubic area, or female nipple. The bill
4 also defines "view" to include any looking by a person with or
5 without a device to enhance a person's viewing capability
6 which is for the purpose of satisfying the sexual desire of
7 any person.

8 A person who commits invasion of privacy is guilty of an
9 aggravated misdemeanor. An aggravated misdemeanor is
10 punishable by confinement for no more than two years and a
11 fine of at least \$500 but not more than \$5,000.

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