

No. 1998-38

AN ACT

HB 1189

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding the offense of invasion of privacy; and imposing a penalty.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 7507.1. Invasion of privacy.

(a) Offense defined.—A person commits the offense of invasion of privacy if he knowingly views, photographs or films another person without that person's knowledge and consent while the person being viewed, photographed or filmed is in a state of full or partial nudity and is in a place where the person would have a reasonable expectation of privacy. A separate violation of this section shall occur:

(1) for each victim viewed, photographed or filmed during the same course of conduct; or

(2) if a victim is viewed, photographed or filmed on more than one occasion during a separate course of conduct either individually or otherwise.

(b) Grading.—Invasion of privacy is a misdemeanor of the second degree if there is more than one violation. Otherwise, a violation of this section is a misdemeanor of the third degree.

(c) Commencement of prosecution.—Notwithstanding the provisions of 42 Pa.C.S. Ch. 55 Subch. C (relating to criminal proceedings), a prosecution under this section must be commenced within the following periods of limitation:

(1) two years from the date the viewing, photographing or filming occurred; or

(2) if the person who was viewed, photographed or filmed did not realize at the time that he was being viewed, photographed or filmed, within three years of the time the person first learns that he was viewed, photographed or filmed.

(d) Exceptions.—Subsection (a) shall not apply to the following:

(1) Viewing, photographing or filming by law enforcement officers during a lawful criminal investigation.

(2) Viewing, photographing or filming by law enforcement officers or by personnel of the Department of Corrections or a local correctional facility, prison or jail for security purposes or during investigation of

alleged misconduct by a person in the custody of the department or local authorities.

(e) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Full or partial nudity.” Display of all or any part of the human genitals or pubic area or buttocks, or any part of the nipple of the breast of any female person, with less than a fully opaque covering.

“Photographs” or “films.” Making any photograph, motion picture film, videotape or any other recording or transmission of the image of a person for the purpose of arousing or gratifying the sexual desire of any person.

“Place where a person would have a reasonable expectation of privacy.” A location where a reasonable person would believe that he could disrobe in privacy without being concerned that his undressing was being viewed, photographed or filmed by another.

“Same course of conduct.” Filming more than one person in full or partial nudity under the same or similar circumstances pursuant to one scheme or course of conduct, whether at the same or different times.

“Views.” Looking upon another person with the unaided eye or with any device designed or intended to improve visual acuity for the purpose of arousing or gratifying the sexual desire of any person.

Section 2. This act shall take effect in 60 days.

APPROVED—The 24th day of March, A.D. 1998.

THOMAS J. RIDGE