

CRIMES CODE (18 PA.C.S.) AND JUDICIAL CODE (42 PA.C.S.) - INVASION OF
PRIVACY AND ACTIONS INVOLVING PRODUCTS OR SERVICES USED TO INVADe PRIVACY
Act of Nov. 16, 2005, P.L. 378, No. 69 Cl. 18
Session of 2005
No. 2005-69

HB 761

AN ACT

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
Judicial Procedure) of the Pennsylvania Consolidated
Statutes, further providing for the offense of invasion of
privacy; and providing for actions involving products or
services used to invade privacy.

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

Section 1. Section 7507.1 of Title 18 of the Pennsylvania
Consolidated Statutes is amended to read:

§ 7507.1. Invasion of privacy.

(a) Offense defined.--[A] **Except as set forth in subsection
(d), a person commits the offense of invasion of privacy if he ,
for the purpose of arousing or gratifying the sexual desire of
any person, knowingly [views] does any of the following:**

**(1) Views , photographs [or] , videotapes, electronically
depicts, films or otherwise records** another person without
that person's knowledge and consent while [the] **that** person
[being viewed, photographed or filmed] is in a state of full
or partial nudity and is in a place where [the] **that** person
would have a reasonable expectation of privacy.

**(2) Photographs, videotapes, electronically depicts,
films or otherwise records or personally views the intimate
parts, whether or not covered by clothing, of another person
without that person's knowledge and consent and which
intimate parts that person does not intend to be visible by
normal public observation.**

**(3) Transfers or transmits an image obtained in
violation of paragraph (1) or (2) by live or recorded
telephone message, electronic mail or the Internet or by any
other transfer of the medium on which the image is stored.**

(a.1) Separate violations.-- A separate violation of this
section shall occur:

(1) for each victim [viewed, photographed or filmed
during] **of an offense under subsection (a) under** the same **or
similar circumstances pursuant to one scheme or** course of
conduct **whether at the same or different times ; or**

(2) if a **person is a** victim [is viewed, photographed or
filmed] **of an offense under subsection (a)** 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] **offense** occurred; or

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

(d) Exceptions.--Subsection (a) shall not apply [to] **if the conduct proscribed by subsection (a) is done by any of** the following:

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

(2) [Viewing, photographing or filming by law] **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.

"Intimate part." **Any part of:**

(1) **the human genitals, pubic area or buttocks; and**

(2) **the nipple of a female breast.**

"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. Title 42 is amended by adding a section to read:

§ 8317. Actions involving products or services used to invade privacy.

No person shall have a cause of action against a manufacturer

of a device or a provider of a product or service that is used to commit a violation of 18 Pa.C.S. § 7507.1 (relating to invasion of privacy).

Section 3. This act shall take effect in 60 days.

APPROVED--The 16th day of November, A. D. 2005.

EDWARD G. RENDELL