

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2385 Session of
2004

INTRODUCED BY DAILEY, BAKER, BIRMELIN, BOYD, CASORIO, DENLINGER,
EGOLF, GABIG, GINGRICH, GOODMAN, GRUCELA, HARHAI, HARRIS,
HENNESSEY, HERSHEY, HORSEY, JAMES, KELLER, LEACH, LESCOVITZ,
MANN, METCALFE, MUSTIO, O'BRIEN, PAYNE, PETRARCA, READSHAW,
REICHLEY, ROHRER, SATHER, SAYLOR, SCHRODER, B. SMITH,
SOLOBAY, TANGRETTI, E. Z. TAYLOR, TIGUE, WASHINGTON, WEBER,
WHEATLEY, WILT, YOUNGBLOOD, PALLONE AND BROWNE, MARCH 8, 2004

REFERRED TO COMMITTEE ON INTERGOVERNMENTAL AFFAIRS,
MARCH 8, 2004

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for invasion of
3 privacy.

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

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

8 § 7507.1. Invasion of privacy.

9 (a) Offense defined.--[A] Except as set forth in subsection
10 (d), a person commits the offense of invasion of privacy if he
11 knowingly [views] does any of the following:

12 (1) Views, photographs [or], electronically depicts,
13 films or otherwise records another person without that
14 person's knowledge and consent while [the] that person [being
15 viewed, photographed or filmed] is in a state of full or

1 partial nudity and is in a place where the person would have
2 a reasonable expectation of privacy.

3 (2) Views, photographs, videotapes, electronically
4 depicts, films or otherwise records the intimate parts of
5 another person, whether or not covered by clothing or
6 undergarments, which that person does not intend to be
7 visible by normal public observation without that person's
8 knowledge and consent.

9 (3) Transfers or transmits an image obtained in
10 violation of paragraph (1) or (2) by live or recorded
11 telephone message, electronic mail, the World Wide Web or by
12 any other transfer of the medium on which the image is
13 stored.

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

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

20 (2) if a person is a victim [is viewed, photographed or
21 filmed] of an offense under subsection (a) on more than one
22 occasion during a separate course of conduct either
23 individually or otherwise.

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

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

1 (1) two years from the date the [viewing, photographing
2 or filming] offense occurred; or

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

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

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

13 (2) [Viewing, photographing or filming by law] Law
14 enforcement officers or by personnel of the Department of
15 Corrections or a local correctional facility, prison or jail
16 for security purposes or during investigation of alleged
17 misconduct by a person in the custody of the department or
18 local authorities.

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

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

26 "Intimate part." Any part of:

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

28 (2) the nipple of a female breast.

29 "Photographs" or "films." Making any photograph, motion
30 picture film, videotape or any other recording or transmission

1 of the image of a person for the purpose of arousing or
2 gratifying the sexual desire of any person.

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

8 ["Same course of conduct." Filming more than one person in
9 full or partial nudity under the same or similar circumstances
10 pursuant to one scheme or course of conduct, whether at the same
11 or different times.]

12 "Views." Looking upon another person with the unaided eye or
13 with any device designed or intended to improve visual acuity
14 for the purpose of arousing or gratifying the sexual desire of
15 any person.

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