

1 SB57  
2 188905-1  
3 By Senator Chambliss  
4 RFD: Judiciary  
5 First Read: 09-JAN-18  
6 PFD: 01/05/2018

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8 SYNOPSIS: Under existing law, it is a crime to  
9 distribute a private image with the intent to  
10 harass, threaten, coerce, or intimidate the person  
11 depicted.

12 This bill would establish the crime of  
13 voyeurism in the first and second degree and would  
14 provide penalties.

15 Amendment 621 of the Constitution of Alabama  
16 of 1901, now appearing as Section 111.05 of the  
17 Official Recompilation of the Constitution of  
18 Alabama of 1901, as amended, prohibits a general  
19 law whose purpose or effect would be to require a  
20 new or increased expenditure of local funds from  
21 becoming effective with regard to a local  
22 governmental entity without enactment by a 2/3 vote  
23 unless: it comes within one of a number of  
24 specified exceptions; it is approved by the  
25 affected entity; or the Legislature appropriates  
26 funds, or provides a local source of revenue, to  
27 the entity for the purpose.

1                   The purpose or effect of this bill would be  
2                   to require a new or increased expenditure of local  
3                   funds within the meaning of the amendment. However,  
4                   the bill does not require approval of a local  
5                   governmental entity or enactment by a 2/3 vote to  
6                   become effective because it comes within one of the  
7                   specified exceptions contained in the amendment.

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9                   A BILL  
10                  TO BE ENTITLED  
11                  AN ACT

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13                  Relating to voyeurism; to criminalize the act of  
14                  recording or attempting to record any image or video of the  
15                  private, intimate body parts of another person, without that  
16                  person's consent, where that person has or should have a  
17                  reasonable expectation of privacy; to provide penalties; and  
18                  in connection therewith would have as its purpose or effect  
19                  the requirement of a new or increased expenditure of local  
20                  funds within the meaning of Amendment 621 of the Constitution  
21                  of Alabama of 1901, now appearing as Section 111.05 of the  
22                  Official Recompilation of the Constitution of Alabama of 1901,  
23                  as amended.

24                  BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25                  Section 1. (a) As used in this act, the following  
26                  words shall have the following meanings:

1           (1) INTIMATE AREAS. Any portion of a person's body,  
2 whether or not covered by undergarments, that are  
3 traditionally covered by undergarments to protect that portion  
4 from public view, including genitals, pubic areas, buttocks,  
5 and female breasts.

6           (2) PHOTOGRAPHS or FILMS. The making of a  
7 photograph, motion picture film, videotape, digital image, or  
8 any other recording or transmission of the image of a person.

9           (3) UNDERGARMENTS. Articles of clothing worn under  
10 clothing that conceal intimate areas from view.

11           Section 2. (a) A person commits the crime of  
12 voyeurism in the first degree if, for the purpose of arousing  
13 or gratifying the sexual desire of any person, he or she  
14 photographs or films the intimate areas of another person,  
15 whether through, under, or around clothing, without that  
16 person's knowledge and consent and under circumstances where  
17 the person has a reasonable expectation of privacy, whether in  
18 a public or private place.

19           (b) Voyeurism in the first degree is a Class C  
20 felony.

21           Section 3. (a) A person commits the crime of  
22 voyeurism in the second degree if he or she intentionally  
23 photographs or films the intimate areas of another person,  
24 whether through, under, or around clothing, with the intent to  
25 distribute or disseminate the photograph or film, without that  
26 person's knowledge and consent, and under circumstances where

1 the person has a reasonable expectation of privacy, whether in  
2 a public or private place.

3 (b) Voyeurism in the second degree is a Class A  
4 misdemeanor.

5 Section 4. (a) This act does not apply to viewing,  
6 photographing, or filming by personnel of the Department of  
7 Corrections or of a local jail or correctional facility for  
8 security purposes or during investigation of an alleged  
9 misconduct by a person in the custody of the Department of  
10 Corrections or the local jail or correctional facility.

11 (b) If a person is convicted of a violation of  
12 Section 2 or Section 3, a court may order the destruction of  
13 any photograph, motion picture film, digital image, videotape,  
14 or any other recording of an image that was made by the person  
15 in violation of this act.

16 Section 5. Although this bill would have as its  
17 purpose or effect the requirement of a new or increased  
18 expenditure of local funds, the bill is excluded from further  
19 requirements and application under Amendment 621, now  
20 appearing as Section 111.05 of the Official Recompilation of  
21 the Constitution of Alabama of 1901, as amended, because the  
22 bill defines a new crime or amends the definition of an  
23 existing crime.

24 Section 6. This act shall become effective on the  
25 first day of the third month following its passage and  
26 approval by the Governor, or its otherwise becoming law.