

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1642 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/2/05

A Bill

HOUSE BILL 2338

5 By: Representatives Petrus, Thompson, Kenney, Anderson, T. Hutchinson, J. Martin, Scroggin, Thyer,
6 Walters

7 By: Senator Glover
8
9

10 **For An Act To Be Entitled**

11 AN ACT PROHIBITING THE CONDUCT OF VOYEURISM; AND
12 FOR OTHER PURPOSES.
13

14 **Subtitle**

15 AN ACT PROHIBITING THE CONDUCT OF
16 VOYEURISM.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code Title 5, Chapter 16, Subchapter 1 is amended
22 to add an additional section to read as follows:

23 5-16-102. Voyeurism.

24 (a) As used in this section:

25 (1) "Nude or partially nude person" means any person who has
26 less than a fully opaque covering over the genitals, pubic area, or buttocks;

27 (2) "Private place" means a place where a person may reasonably
28 expect to be safe from being observed without his or her knowledge and
29 consent; and

30 (3) "Public accommodation" means a business, accommodation,
31 refreshment, entertainment, recreation, or transportation facility where
32 goods, services, facilities, privileges, advantages, or accommodations are
33 offered, sold, or otherwise made available to the public.

34 (b) A person commits the offense of voyeurism if, for the purpose of
35 sexual arousal or gratification, the person knowingly:



1 (1) Without the consent of each person who is present in the
2 private place, looks into a private place that is, or is part of, a public
3 accommodation and in which a person may reasonably be expected to be nude or
4 partially nude; or

5 (2) Enters another person's private property without that
6 person's consent and looks into any person's dwelling unit if all of the
7 following apply:

8 (A) The person looks into the dwelling with the intent to
9 intrude upon or interfere with a person's privacy;

10 (B) The person looks into a part of the dwelling in which
11 an individual is present;

12 (C) The person present has a reasonable expectation of
13 privacy in that part of the dwelling; and

14 (D) The person present does not consent to the person
15 looking into that part of the dwelling.

16 (c)(1) Except as provided in subdivision (c)(2) of this section, a
17 violation of this section is a Class A misdemeanor.

18 (2) If a victim is under seventeen (17) years of age and the
19 person who commits the offense holds a position of trust or authority over
20 the victim, the violation is a Class D felony.

21
22 */s/ Petrus, et al*

23
24
25 *APPROVED: 4/05/2005*

1