

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.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 1473

5 By: Representatives D. Hutchinson, Adcock, Blount, T. Bradford, E. Brown, Cash, Chesterfield,
6 Cornwell, D. Creekmore, Davis, Edwards, Hardy, J. Johnson, Pennartz, Pyle, J. Roebuck, Wagner,
7 Walters, Webb, Wells
8 By: Senators Madison, Trusty
9

For An Act To Be Entitled

10
11 AN ACT TO FURTHER DEFINE THE CRIMINAL ACT OF
12 VOYEURISM; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 TO FURTHER DEFINE THE ACT OF VOYEURISM.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 5-16-101 is amended to read as follows:

22 5-16-101. Crime of video voyeurism.

23 (a) It is unlawful to use any camera, videotape, photo-optical,
24 photoelectric, or any other image recording device for the purpose of
25 secretly observing, viewing, photographing, filming, or videotaping a person
26 present in a residence, place of business, school, or other structure, or any
27 room or particular location within that structure, if that person:

28 (1) Is in a private area out of public view;

29 (2) Has a reasonable expectation of privacy; and

30 (3) Has not consented to the observation.

31 (b) It is unlawful to knowingly use a camcorder, motion picture
32 camera, photographic camera of any type, or other equipment that is concealed
33 or disguised to secretly or surreptitiously videotape, film, photograph,
34 record, or view by electronic means a person:

35 (1) For the purpose of viewing any portion of the person's body
36 that is covered with clothing and for which the person has a reasonable



1 expectation of privacy;

2 (2) Without the knowledge or consent of the person being
3 videotaped, filmed, photographed, recorded, or viewed by electronic means;
4 and

5 (3) Under circumstances in which the person being videotaped,
6 filmed, photographed, recorded, or viewed by electronic means has a
7 reasonable expectation of privacy.

8 ~~(b)(c)~~(1) A violation of subsection (a) of this section is a Class D
9 felony.

10 (2) A violation of subsection (b) of this section is a Class B
11 misdemeanor.

12 ~~(e)~~(d) The provisions of this section do not apply to any of the
13 following:

14 (1) Video recording or monitoring conducted pursuant to a court
15 order from a court of competent jurisdiction;

16 (2) Security monitoring operated by or at the direction of an
17 occupant of a residence;

18 (3) Security monitoring operated by or at the direction of the
19 owner or administrator of a place of business, school, or other structure;

20 (4) Security monitoring operated in a motor vehicle used for
21 public transit;

22 (5) Security monitoring and observation associated with a
23 correctional facility, regardless of the location of the monitoring
24 equipment;

25 (6) Video recording or monitoring conducted by a law enforcement
26 officer within the official scope of his or her duty; or

27 (7) Videotaping pursuant to § 12-12-508(b).

28
29 SECTION 2. Arkansas Code § 5-16-102(a)(1), concerning definitions for
30 the offense of voyeurism, is amended to read as follows:

31 (1) "Nude or partially nude" means any person who has less than
32 a fully opaque covering over the genitals, pubic area, ~~or~~ buttocks, or breast
33 of a female;
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