

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H1/28/09 S2/18/09

A Bill

HOUSE BILL 1011

5 By: Representative D. Hutchinson
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For An Act To Be Entitled

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

Subtitle

12 AN ACT TO FURTHER DEFINE THE CRIMINAL
13 ACT OF VOYEURISM.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code 5-16-101 is amended to read as follows:

23 5-16-101. Crime of video voyeurism.

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

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

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

31 (3) Has not consented to the observation.

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

36 (1) For the purpose of viewing any portion of the person's body



1 that is covered with clothing and for which the person has a reasonable
2 expectation of privacy;

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

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

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

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

13 (B) However, a violation of subsection (b) of this section
14 is a Class A misdemeanor if:

15 (i) The person who created the video recording,
16 film, or photo obtained as described in subsection (b) distributed or
17 transmitted it to another person; or

18 (ii) The person who created the video recording,
19 film, or photo obtained as described in subsection (b) posted it in a format
20 accessible by another person via the internet.

21 (d) The provisions of this section do not apply to any of the
22 following:

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

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

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

29 (4) Security monitoring operated in a motor vehicle used for
30 public transit;

31 (5) Security monitoring and observation associated with a
32 correctional facility, regardless of the location of the monitoring
33 equipment;

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

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

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/s/ D. Hutchinson