



Video Voyeurism Laws

Federal Law

- Video Voyeurism Prevention Act of 2004, 18 U.S.C.A. § 1801.
- Jurisdiction limited to maritime and territorial jurisdiction, or federal property including but not limited to territories, federal reserves or parks, federal prisons, etc.
- Prohibits the recording by any means or disseminating images of an individual's "private areas" without consent under circumstances in which that individual has a reasonable expectation of privacy, regardless of whether the individual is in a private or public location.
- Penalty of a fine and/or up to one year imprisonment.

The following states have laws which prohibit non-consensual photographic or video recording of persons in a state of undress or nudity in locations where the individual has a reasonable expectation of privacy. These locations vary and include, but are not exclusive of: restrooms, changing areas, locker rooms.

**In addition to criminalizing video voyeurism as stated above, states marked with an asterisk also specifically prohibit what is known as "upskirting" and "down-blousing." These laws prohibit surreptitious or concealed photography and video recordings of an individual's body, under or through that persons clothing, without the individual's knowledge and consent regardless of whether the individual is in a private or public location. The additional language is part of the statute cited, unless a separate citation is given.*

Alabama

- Criminal Surveillance, Ala. Code §13A-11-32
- Class B Misdemeanor

Alaska

- Indecent Viewing or Photography, Alaska Stat. §11.61.123
- Minor: Class C Felony; Adult: Class A Misdemeanor

Arizona

- Surreptitious Photographing, Videotaping, Filming, or Digitally Recording, Ariz. Rev. Stat. § 13-3019
- Class 5 Felony

Arkansas

- Crime of Video Voyeurism, Ark. Code Ann. § 5-16-101
- Class D felony

California*

- Disorderly Conduct, Cal. Penal Code § 647(k)
- Misdemeanor

Colorado*

- Criminal Invasion of Privacy, Colo. Rev. Stat. Ann. § 18-7-801
- Class 2 Misdemeanor

Connecticut*

- Voyeurism, Conn. Gen. Stat. § 53a-189a
- Class D Felony

Delaware*

- Violation of Privacy, Del. Code Ann. tit. 11 § 1335(a)(6)-(7)
- Class G Felony

Florida*

- Video Voyeurism, Fla. Stat. Ann. § 810.145
- 1st Degree Misdemeanor
- 2x Repeat Offender: 3rd Degree Felony

Georgia

- Unlawful Eavesdropping or Surveillance, Ga. Code Ann. 16-11-62
- Felony

Hawaii *

- Violation of Privacy in the First Degree, Haw. Rev. Stat. § 711-1110.9
- Prohibits installation or use of recording device in a private place used to record persons in a state of undress or engaged in sexual conduct.
- Class C Felony

- Violation of Privacy in the Second Degree, Haw. Rev. Stat. § 711-1111
- Prohibits surreptitiously recording body and/or undergarments.
- Misdemeanor

- Sexual Assault in the 4th Degree, Haw. Rev. Stat. § 707-733(c)
- Prohibits knowingly trespassing on property for the purpose of subjecting another person to surreptitious surveillance for the sexual gratification of the actor.
- Misdemeanor

Idaho*

- Crime of Video Voyeurism, Idaho Code § 18-6609
- Felony

Illinois*

- Unauthorized Videotaping, 720 Ill. Comp. Stat. 5/26-4
- Recording: Class A Misdemeanor
- Distribution of Images: Class 4 Felony
- Current pending legislation to increase the severity of each charge and heighten punishment when the victim is a minor. Track this bill (HB 1560) at <http://www.ilga.gov/>

Indiana

- Voyeurism, Ind. Code Ann. § 35-45-4-5
- Class D Felony

Kansas*

- Eavesdropping, Kan. Stat. Ann. § 21-4001
- Class A misdemeanor

Kentucky*

- Voyeurism, Ky. Rev. Stat. Ann. § 531.090
- Class A Misdemeanor

Louisiana*

- Video Voyeurism, La. Rev. Stat. Ann. § 14:283
- Felony

Maine*

- Violation of Privacy, Me. Rev. Stat. Ann. tit. 17-A § 511(d)
- Class D Crime

Maryland

- Visual Surveillance With Prurient Intent, Md. Code Ann., Crim. Law § 3-902
- Misdemeanor
- Legislation pending to extend protection against recording images of individuals' intimate body parts while individual is in the public view. Track this bill (HB 1413) at <http://mlis.state.md.us/#bill>

Massachusetts

- Photographing, Videotaping or Electronically Surveilling, Mass. Gen. Law. Ann. ch. 272, § 104(2)
- Recording Penalty: 2 ½ Years
- Enhanced penalty for distribution of images: 5 Years

Michigan

- Installation, Placement, Use, of Recording, Transmitting, etc., Device in Private Place, Mich. Comp. Laws § 750.539d
- Felony

Minnesota

- Interference with Privacy, Minn. Stat. § 609.746
- Gross Misdemeanor (Effective 8/1/05)
- Repeat offenses or recording of a minor: Felony (Effective 8/1/05)

Mississippi

- Photographing, Taping, or Filming Person in Violation of Expectation of Privacy, Miss. Code Ann. § 97-29-63
- Felony

Missouri*

- Invasion of Privacy, First Degree, Mo. Ann. Stat. § 565.252
- Prohibits recording or photographing an individual without their consent in a state of nudity while the person is located in a place where privacy is reasonably expected.
- Class D Felony

- Invasion of Privacy, Second Degree, Mo. Ann. Stat. § 565.253
- Specifically prohibits the use of a concealed recording device to photograph or video an individual's body or undergarments without their consent.
- Class A Misdemeanor

Montana

- Surreptitious Visual Observation or Recordation, Mont. Code. Ann. § 45-5-223
- Recording within Residence: 6 month penalty;
- Recording Adult In Public: 6 month penalty
- Recording Minor In Public: 2 year penalty

Nebraska

- Unlawful Intrusion, Neb. Rev. Stat. § 28-311.08
- Adult: Class III Misdemeanor
- Minor: Class II Misdemeanor

New Hampshire*

- Violation of Privacy, N.H. Rev. Stat. Ann. § 644:9
- Class A Misdemeanor

New Jersey

- Observation of Sexual Contact; Reproduction or Disclosure of Images of Sexual Contact; Dressing Rooms, N.J. Stat. Ann. 2C:14-9

- Recording an Individual: Fourth Degree Crime
- Distribution of Images: Third Degree Crime, subject to fine up to \$30,000

New York*

- Unlawful Surveillance Second Degree, N.Y. Penal Law § 250.45
- Class E Felony
- Unlawful Surveillance First Degree, N.Y. Penal Law § 250.50
- Increased penalty for repeat convictions within a 10 year period.
- Class D Felony
- Dissemination of Unlawful Surveillance, N.Y. Penal Law § 250.55 and § 250.60
- Class A Misdemeanor for distribution; Class E Felony for sale or publication

North Carolina*

- Secretly Peeping into Room Occupied by Another Person, N.C. Gen. Stat. § 14-202(e)-(f)
- Class 1 Felony

North Dakota

- Surreptitious Intrusion, N.D. Cent. Code 12.1-20-12.2
- Class A Misdemeanor

Ohio*

- Voyeurism, Ohio Rev. Code Ann. § 2907.08(e)
- Misdemeanor of the First Degree

Oklahoma

- Peeping Tom, Okla. Stat. tit. 21 § 1171
- Felony

Oregon

- Invasion of Personal Privacy, Or. Rev. Stat. § 163.700
- Class A Misdemeanor
- Legislation pending to extend protection against recording images of individuals' intimate body parts while individual is in the public view and/or clothed. Track this bill (HB 2457) at <http://www.leg.state.or.us/searchmeas.html>

Pennsylvania

- Invasion of Privacy, 18 Pa. Con. Stat. Ann. § 7507.1
- Misdemeanor of the Third Degree
- Legislation pending to extend protection against surreptitious recording of individuals' intimate body parts while individual is clothed. Track this bill (HB 761) at <http://www.legis.state.pa.us>

Rhode Island*

- Video Voyeurism, R.I. Gen. Laws § 11-64-2
- Penalty of Three Year Imprisonment and/or Fine

South Carolina

- Eavesdropping, Peeping, Voyeurism, S.C. Code Ann. § 16-17-470
- Recording: Misdemeanor
- Distribution or Multiple Convictions: Felony

South Dakota*

- Taking Pictures Without Consent, S.D. Codified Laws § 22-21-4
- Class 1 Misdemeanor

Tennessee

- Unlawful Photographing in Violation of Privacy, Tenn. Code Ann. § 39-13-605
- Recording: Class A Misdemeanor
- Distribution of Images: Class E Felony

Texas

- Improper Photography or Visual Recording, Tex. Penal Code Ann. § 21.15
- Felony

Utah*

- Voyeurism Offense, Utah Code Ann. § 76-9-702.7
- Class A Misdemeanor
- Minor Under 14 or Distribution: Third Degree Felony

Vermont*

- Voyeurism, Vt. Stat. Ann. tit. 13 § 2638
- Recording Penalty: Up to 2 years imprisonment and/or \$1,000 fine
- Distribution of Images Penalty: Up to 5 years imprisonment and/or 5,000 fine

Virginia*

- Unlawful Filming, Videotaping or Photographing of Another, Va. Code Ann. § 18.2-386.1
- Class 1 Misdemeanor; Minor: Class 6 Felony

Washington*

- Voyeurism, Wash. Rev. Code § 9A.44.115
- Class C Felony

West Virginia

- Criminal Invasion of Privacy, W.Va. Code § 61-8-28
- Recording or Dissemination: Misdemeanor
- Repeated Offenses: Felony

Wisconsin

- Invasion of Privacy, Wis. Stat, § 942.08
- Class A Misdemeanor

Wyoming*

- Voyeurism, Wyo. Stat. Ann. § 6-4-304
- Felony

The following states currently have bills pending in their respective state legislatures, which address video voyeurism and/or upskirting.

District of Columbia

- Legislation introduced 4/6/05 written to prohibit both the surreptitious recording of individuals in a state of undress in places of reasonably expected privacy and the nonconsensual recording of an individual's body parts under or through their clothing.
- Track this bill (B16-0246) at <http://www.dccouncil.washington.dc.us/lms/default.asp>

Nevada

- Pending legislation introduced 4/21/05 written to make unlawful the recording of an individual in a state of undress while the individual is located in a place where privacy is reasonably expected, such as a locker room or changing room.
- Track this bill (SB 28) at www.leg.state.nv.us

The following states have no legislation concerning video voyeurism

Iowa

New Mexico

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