



## 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
- If no camera/recording device, Class 6 Felony (Class 5 for second offense)
- If images distributed and victim is recognizable, Class 4 Felony.

**Arkansas\***

- Crime of Video Voyeurism, Ark. Code Ann. § 5-16-101
- Arkansas House Bill 1011
- Class D felony (Class B misdemeanor for upskirting/downblousing)

**California\***

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

**District of Columbia\***

- Voyeurism, 54 D.C. REG. 4036 (sec. 105)(2007)
- Misdemeanor; Felony for dissemination or distribution

**Florida\***

- Video Voyeurism, Fla. Stat. Ann. § 810.145
- 1<sup>st</sup> Degree Misdemeanor
- 2x Repeat Offender: 3<sup>rd</sup> 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 4<sup>th</sup> 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; Class 3 Felony if victim under 18 or offender is registered sex offender
- Distribution of Images: Class 4 Felony; Class 2 Felony if victim under 18 or offender is registered sex offender

#### **Indiana**

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

#### **Iowa**

- Invasion of privacy, Iowa Code § 709.21
- Serious misdemeanor

#### **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
- Victim has civil cause of action as well

### **Massachusetts**

- Photographing, Videotaping or Electronically Surveilling,
- Mass. Gen. Law. Ann. ch. 272, § 451
- Recording Penalty: 2 ½ Years or by a fine of not more than \$ 5,000, or by both such fine and imprisonment.
- 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
- Repeat offenses or recording of a minor: Felony

### **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

**Nevada\***

- Capturing image of private area of another person; distributing, disclosing, displaying, transmitting or publishing image of private area of another person; penalties; exceptions; confidentiality of image, Nev. Rev. Stat. Ann. § 200.604
- Gross 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 Mexico\***

- Voyeurism prohibited; penalties N.M. Stat. Ann. § 30-9-20.
- Misdemeanor; if victim is a minor, fourth degree felony

**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; Felony of the Fifth Degree if victim is minor and offender is parent, teacher, coach, etc.

**Oklahoma**

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

**Oregon**

- Invasion of Personal Privacy, Or. Rev. Stat. § 163.700
- Class A Misdemeanor

**Pennsylvania\***

- Invasion of Privacy, 18 Pa. Con. Stat. Ann. § 7507.1
- Misdemeanor of the Third Degree; Misdemeanor of Second Degree if more than one violation.

**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 § 2605
- Recording Penalty: Up to 2 years imprisonment and/or \$1,000 fine; up to 3 years and/or \$5,000 for second or subsequent offense

- 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

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