



# House of Representatives

General Assembly

**File No. 485**

February Session, 2004

House Bill No. 5563

*House of Representatives, April 6, 2004*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING VOYEURISM.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-189a of the general statutes, as amended by  
2 section 1 of public act 03-114, is repealed and the following is  
3 substituted in lieu thereof (*Effective October 1, 2004*):

4 (a) A person is guilty of voyeurism when, with malice or intent to  
5 arouse or satisfy the sexual desire of such person or any other person,  
6 such person knowingly photographs, films, videotapes or otherwise  
7 records (1) the image of another person [(1)] (A) without the  
8 knowledge and consent of such other person, [(2)] (B) while such other  
9 person is not in plain view, and [(3)] (C) under circumstances where  
10 such other person has a reasonable expectation of privacy, or (2) the  
11 intimate areas of another person (A) without the knowledge and  
12 consent of such other person, and (B) under circumstances where such  
13 other person has a reasonable expectation of privacy, whether in a  
14 public or private place.

15     (b) For the purposes of this section, "intimate areas" means any  
16     portion of a person's body or undergarments that is covered by  
17     clothing and intended to be protected from public view.

18     [[b)] (c) Voyeurism is a class D felony.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>

**JUD**     *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Judicial Dept.; Correction, Dept.	GF - Potential Cost	Less than 50,000	Less than 50,000
Resources of the General Fund	GF - Revenue Gain	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill expands the crime of voyeurism to include knowingly photographing, filming, videotaping or otherwise recording the intimate areas of another person without their knowledge and consent, and under circumstances where such person has a reasonable expectation of privacy. Voyeurism is a class D felony, which is punishable by up to five years' imprisonment and/or a fine of up to \$5,000.

There were seven voyeurism offenses filed with the Superior Court in FY 03: which resulted in three pleas, one conviction, and three nolle prosequis. One person is presently incarcerated for voyeurism. In addition, there are about 10 individuals under supervision in the community by the Judicial Department's Court Support Services Division (probation) for voyeurism. The annual cost of imprisonment is about \$25,000; the average, annual cost of probation supervision by the Court Support Services Division is estimated to be \$2,000 (excluding services) to \$3,300 (including services).<sup>1</sup> The number of persons prosecuted and convicted under the voyeurism statute is not expected to increase substantially as a result of the bill. Consequently,

any resulting cost or revenue from fines are anticipated to be minimal.

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<sup>1</sup> It is anticipated that such individuals would be placed on medium-level supervision or higher. The averages include direct and indirect (overhead) costs to the Judicial Department, in addition to fringe benefits.

**OLR Bill Analysis**

HB 5563

***AN ACT CONCERNING VOYEURISM*****SUMMARY:**

This bill makes it a class D felony to knowingly photograph, film, videotape, or record the intimate areas of another person without their knowledge and consent. The actor must be motivated by either malice or the intent to arouse or satisfy his or someone else's sexual desire. The subject must have a reasonable expectation of privacy, but can be in a public or private place.

It defines "intimate areas" as any portion of a person's body or undergarments that is covered by clothing and intended to be protected from public view. The definition appears to encompass actions such as secretly videotaping under a woman's skirt as well as photographing a woman fully clothed.

It is already a class D felony to knowingly photograph, film, videotape, or record the image of a person without his knowledge and consent when the subject is not in plain view and has a reasonable expectation of privacy. The actor's motivation must be the same as that described above.

EFFECTIVE DATE: October 1, 2004

**BACKGROUND*****Class D Felonies***

Class D felonies are punishable by imprisonment for one to five years, fines of up to \$5,000, or both.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Report

Yea 42    Nay 0