



General Assembly

**Substitute Bill No. 5485**

February Session, 2014



**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 Section 53a-189a of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) A person is guilty of voyeurism when, (1) with malice, such  
4 person knowingly photographs, films, videotapes or otherwise records  
5 the image of another person (A) without the knowledge and consent of  
6 such other person, (B) while such other person is not in plain view, and  
7 (C) under circumstances where such other person has a reasonable  
8 expectation of privacy, or (2) with intent to arouse or satisfy the sexual  
9 desire of such person or any other person, such person knowingly  
10 photographs, films, videotapes or otherwise records the image of  
11 another person (A) without the knowledge and consent of such other  
12 person, (B) while such other person is not in plain view, and (C) under  
13 circumstances where such other person has a reasonable expectation of  
14 privacy, or (3) with intent to arouse or satisfy the sexual desire of such  
15 person, such person commits simple trespass, as provided in section  
16 53a-110a, and observes, in other than a casual or cursory manner,  
17 another person (A) without the knowledge or consent of such other  
18 person, (B) while such other person is inside a dwelling, as defined in  
19 section 53a-100, and not in plain view, and (C) under circumstances  
20 where such other person has a reasonable expectation of privacy, or (4)

21 with intent to arouse or satisfy the sexual desire of such person or any  
22 other person, such person knowingly photographs, films, videotapes  
23 or otherwise records the genitals, pubic area or buttocks of another  
24 person or the undergarments or stockings that clothe the genitals,  
25 pubic area or buttocks of another person (A) without the knowledge  
26 and consent of such other person, and (B) while such genitals, pubic  
27 area, buttocks, undergarments or stockings are not in plain view.

28 (b) Voyeurism is (1) a class D felony for a first offense, except as  
29 provided in subdivision (3) of this subsection, (2) a class C felony for  
30 any subsequent offense, and (3) a class C felony for a first offense when  
31 (A) such person has been previously convicted of an offense  
32 enumerated in subsection (f) of section 53a-29, as amended by this act,  
33 or (B) the intended subject of the offense is a person under sixteen  
34 years of age.

35 (c) Notwithstanding the provisions of section 54-193, no person may  
36 be prosecuted for an offense under subdivision (1), (2) or (4) of  
37 subsection (a) of this section except within five years from the date of  
38 the offense, or within five years from the date the subject of the offense  
39 discovers the existence of the photograph, film, videotape or other  
40 recording that constitutes a violation of subdivision (1), (2) or (4) of  
41 subsection (a) of this section, whichever is later.

42 Sec. 2. Subsection (f) of section 53a-29 of the 2014 supplement to the  
43 general statutes is repealed and the following is substituted in lieu  
44 thereof (*Effective October 1, 2014*):

45 (f) The period of probation, unless terminated sooner as provided in  
46 section 53a-32, shall be not less than ten years or more than thirty-five  
47 years for conviction of a violation of subdivision (2) of subsection (a) of  
48 section 53-21, [or] section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-  
49 72b [,] or 53a-90a, subdivision (2), (3) or (4) of subsection (a) of section  
50 53a-189a, as amended by this act, or section 53a-196b, 53a-196c, 53a-  
51 196d, 53a-196e or 53a-196f.

52 Sec. 3. Subdivision (5) of section 54-250 of the 2014 supplement to  
53 the general statutes is repealed and the following is substituted in lieu  
54 thereof (*Effective October 1, 2014*):

55 (5) "Nonviolent sexual offense" means (A) a violation of section 53a-  
56 73a or subdivision (2), ~~(3) or (4)~~ of subsection (a) of section 53a-189a, as  
57 amended by this act, or (B) a violation of any of the offenses specified  
58 in subparagraph (A) of this subdivision for which a person is  
59 criminally liable under section 53a-8, 53a-48 or 53a-49.

60 Sec. 4. Subsection (c) of section 54-251 of the general statutes is  
61 repealed and the following is substituted in lieu thereof (*Effective*  
62 *October 1, 2014*):

63 (c) Notwithstanding the provisions of subsection (a) of this section,  
64 the court may exempt any person who has been convicted or found  
65 not guilty by reason of mental disease or defect of a violation of  
66 subdivision (2) of subsection (a) of section 53a-73a or subdivision (2),  
67 ~~(3) or (4)~~ of subsection (a) of section 53a-189a, as amended by this act,  
68 from the registration requirements of this section if the court finds that  
69 registration is not required for public safety.

70 Sec. 5. Subdivision (3) of subsection (b) of section 1-210 of the 2014  
71 supplement to the general statutes is repealed and the following is  
72 substituted in lieu thereof (*Effective October 1, 2014*):

73 (3) Records of law enforcement agencies not otherwise available to  
74 the public which records were compiled in connection with the  
75 detection or investigation of crime, if the disclosure of said records  
76 would not be in the public interest because it would result in the  
77 disclosure of (A) the identity of informants not otherwise known or the  
78 identity of witnesses not otherwise known whose safety would be  
79 endangered or who would be subject to threat or intimidation if their  
80 identity was made known, (B) the identity of minor witnesses, (C)  
81 signed statements of witnesses, (D) information to be used in a  
82 prospective law enforcement action if prejudicial to such action, (E)

83 investigatory techniques not otherwise known to the general public,  
84 (F) arrest records of a juvenile, which shall also include any  
85 investigatory files, concerning the arrest of such juvenile, compiled for  
86 law enforcement purposes, (G) the name and address of the victim of a  
87 sexual assault under section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b  
88 or 53a-73a, voyeurism under section 53a-189a, as amended by this act,  
89 or injury or risk of injury, or impairing of morals under section 53-21,  
90 or of an attempt thereof, or (H) uncorroborated allegations subject to  
91 destruction pursuant to section 1-216;

92 Sec. 6. Section 54-86d of the general statutes is repealed and the  
93 following is substituted in lieu thereof (*Effective October 1, 2014*):

94 Any person who has been the victim of a sexual assault under  
95 section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, voyeurism  
96 under section 53a-189a, as amended by this act, or injury or risk of  
97 injury, or impairing of morals under section 53-21, or of an attempt  
98 thereof, shall not be required to divulge his or her address or telephone  
99 number during any trial or pretrial evidentiary hearing arising from  
100 the sexual assault, voyeurism or injury or risk of injury to, or impairing  
101 of morals of, [children;] a child, provided the judge presiding over  
102 such legal proceeding [shall find] finds: (1) Such information is not  
103 material to the proceeding, (2) the identity of the victim has been  
104 satisfactorily established, and (3) the current address of the victim will  
105 be made available to the defense in the same manner and time as such  
106 information is made available to the defense for other criminal  
107 offenses.

108 Sec. 7. Section 54-86e of the general statutes is repealed and the  
109 following is substituted in lieu thereof (*Effective October 1, 2014*):

110 The name and address of the victim of a sexual assault under  
111 section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, voyeurism  
112 under section 53a-189a, as amended by this act, or injury or risk of  
113 injury, or impairing of morals under section 53-21, or of an attempt  
114 thereof, and such other identifying information pertaining to such

115 victim as determined by the court, shall be confidential and shall be  
116 disclosed only upon order of the Superior Court, except that (1) such  
117 information shall be available to the accused in the same manner and  
118 time as such information is available to persons accused of other  
119 criminal offenses, and (2) if a protective order is issued in a  
120 prosecution under any of said sections, the name and address of the  
121 victim, in addition to the information contained in and concerning the  
122 issuance of such order, shall be entered in the registry of protective  
123 orders pursuant to section 51-5c.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	53a-189a
Sec. 2	<i>October 1, 2014</i>	53a-29(f)
Sec. 3	<i>October 1, 2014</i>	54-250(5)
Sec. 4	<i>October 1, 2014</i>	54-251(c)
Sec. 5	<i>October 1, 2014</i>	1-210(b)(3)
Sec. 6	<i>October 1, 2014</i>	54-86d
Sec. 7	<i>October 1, 2014</i>	54-86e

**JUD**      *Joint Favorable Subst.*