



House of Representatives

General Assembly

File No. 337

February Session, 2016

Substitute House Bill No. 5274

House of Representatives, March 31, 2016

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE USE OF DRONES.

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

1 Section 1. (NEW) (*Effective August 1, 2016*) (a) For the purposes of
2 this section:

3 (1) "Law enforcement officer" means a special policeman appointed
4 under section 29-18 of the general statutes and any officer, employee or
5 agent of the Division of State Police within the Department of
6 Emergency Services and Public Protection, a special police force,
7 established pursuant to section 10a-156b of the general statutes, or a
8 municipal police department; and

9 (2) "Unmanned aerial vehicle" means any contrivance used or
10 designed for navigation of or flight in air that is power-driven and
11 operated without the possibility of direct human intervention from
12 within or on the contrivance.

13 (b) Except as otherwise provided by law, no person, other than a
14 law enforcement officer, shall operate or use any computer software or
15 other technology, including, but not limited to, an unmanned aerial
16 vehicle, that allows a person, when not physically present, to release
17 tear gas or any like or similar deleterious agent or to remotely control a
18 deadly weapon, as defined in section 53a-3 of the general statutes, or
19 an explosive or incendiary device, as defined in section 53-206b of the
20 general statutes.

21 (c) A law enforcement officer shall not operate an unmanned aerial
22 vehicle that is equipped with tear gas or any like or similar deleterious
23 agent or a deadly weapon, as defined in section 53a-3 of the general
24 statutes, including, but not limited to, any explosive or incendiary
25 device, as defined in section 53-206b of the general statutes. The
26 provisions of this subsection shall not apply to a law enforcement
27 officer who operates an unmanned aerial vehicle that is equipped with
28 explosive detection, detonation or disposal equipment, provided such
29 law enforcement officer is authorized by the federal or state
30 government to detect, detonate and dispose of explosives and is
31 engaged in such detection, detonation or disposal.

32 (d) Any person who violates subsection (b) of this section shall be
33 guilty of a class C felony.

34 Sec. 2. Subdivision (8) of subsection (a) of section 54-280 of the
35 general statutes is repealed and the following is substituted in lieu
36 thereof (*Effective August 1, 2016*):

37 (8) "Offense committed with a deadly weapon" or "offense" means:
38 (A) A violation of subsection (c) of section 2-1e, subsection (e) of
39 section 29-28, subsections (a) to (e), inclusive, or (i) of section 29-33,
40 section 29-34, subsection (a) of section 29-35, section 29-36, 29-36k, 29-
41 37a or 29-37e, subsection (c) of section 29-37g, section 29-37j, subsection
42 (b), (c) or (g) of section 53-202, section 53-202b, 53-202c, 53-202j, 53-
43 202k, 53-202l, 53-202aa or 53-206b, subsection (b) of section 53a-8,
44 section 53a-55a, 53a-56a, 53a-60a, 53a-60c, 53a-72b, 53a-92a, 53a-94a,
45 53a-102a, 53a-103a, 53a-211, 53a-212, 53a-216, 53a-217, 53a-217a, 53a-

46 217b or 53a-217c or subsection (b) of section 1 of this act, or a second or
47 subsequent violation of section 53-202g; or (B) a violation of any
48 section of the general statutes which constitutes a felony, as defined in
49 section 53a-25, provided the court makes a finding that, at the time of
50 the offense, the offender used a deadly weapon, or was armed with
51 and threatened the use of or displayed or represented by words or
52 conduct that the offender possessed a deadly weapon;

53 Sec. 3. Subsection (a) of section 53a-189a of the 2016 supplement to
54 the general statutes is repealed and the following is substituted in lieu
55 thereof (*Effective October 1, 2016*):

56 (a) A person is guilty of voyeurism when, (1) with malice, such
57 person knowingly photographs, films, videotapes or otherwise records
58 the image of another person (A) without the knowledge and consent of
59 such other person, (B) while such other person is not in plain view, and
60 (C) under circumstances where such other person has a reasonable
61 expectation of privacy, (2) with intent to arouse or satisfy the sexual
62 desire of such person or any other person, such person knowingly
63 photographs, films, videotapes or otherwise records the image of
64 another person (A) without the knowledge and consent of such other
65 person, (B) while such other person is not in plain view, and (C) under
66 circumstances where such other person has a reasonable expectation of
67 privacy, (3) with the intent to arouse or satisfy the sexual desire of such
68 person, commits simple trespass, as provided in section 53a-110a, and
69 observes, in other than a casual or cursory manner, another person (A)
70 without the knowledge or consent of such other person, (B) while such
71 other person is inside a dwelling, as defined in section 53a-100, and not
72 in plain view, and (C) under circumstances where such other person
73 has a reasonable expectation of privacy, or (4) with intent to arouse or
74 satisfy the sexual desire of such person or any other person, such
75 person knowingly photographs, films, videotapes or otherwise records
76 the genitals, pubic area or buttocks of another person or the
77 undergarments or stockings that clothe the genitals, pubic area or
78 buttocks of another person (A) without the knowledge and consent of
79 such other person, and (B) while such genitals, pubic area, buttocks,

80 undergarments or stockings are not in plain view. For purposes of this
81 subsection, "not in plain view" includes a view not otherwise
82 obtainable that is made possible through the use of technology that is
83 electronic, as defined in section 1-331, or of an unmanned aerial
84 vehicle, and "unmanned aerial vehicle" means any contrivance used or
85 designed for navigation of or flight in air that is power-driven and
86 operated without the possibility of direct human intervention from
87 within or on the contrivance.

88 Sec. 4. Subsection (a) of section 53a-174 of the general statutes is
89 repealed and the following is substituted in lieu thereof (*Effective*
90 *October 1, 2016*):

91 (a) (1) Any person not authorized by law who conveys or passes, or
92 causes to be conveyed or passed, into any correctional or humane
93 institution or the grounds or buildings thereof, or to any inmate of
94 such an institution who is outside the premises thereof and known to
95 the person so conveying or passing or causing such conveying or
96 passing to be such an inmate, any controlled drug, as defined in
97 section 21a-240, any intoxicating liquors, any firearm, weapon,
98 dangerous instrument or explosive of any kind, any United States
99 currency, or any rope, ladder or other instrument or device for use in
100 making, attempting or aiding an escape, shall be guilty of a class D
101 felony. The unauthorized conveying, passing or possession of any rope
102 or ladder or other instrument or device, adapted for use in making or
103 aiding an escape, into any such institution or the grounds or buildings
104 thereof, shall be presumptive evidence that it was so conveyed, passed
105 or possessed for such use.

106 (2) Any person not authorized by law who operates an unmanned
107 aerial vehicle to convey or pass, or cause to be conveyed or passed,
108 into any correctional or humane institution or the grounds or buildings
109 thereof, or to any inmate of such an institution who is outside the
110 premises thereof and known to the person so conveying or passing or
111 causing such conveying or passing to be such an inmate, any firearm,
112 weapon, dangerous instrument or explosive of any kind, shall be

113 guilty of a class B felony. For the purposes of this subsection,
114 "unmanned aerial vehicle" means any contrivance used or designed for
115 navigation of or flight in air that is power-driven and operated without
116 the possibility of direct human intervention from within or on the
117 contrivance.

118 Sec. 5. (NEW) (*Effective October 1, 2016*) (a) For the purposes of this
119 section:

120 (1) "Unmanned aerial vehicle" means any contrivance used or
121 designed for navigation of or flight in air that is power-driven and
122 operated without the possibility of direct human intervention from
123 within or on the contrivance;

124 (2) "Law enforcement agency" means the Division of State Police
125 within the Department of Emergency Services and Public Protection or
126 any municipal police department; and

127 (3) "Law enforcement officer" means any officer, employee or agent
128 of a law enforcement agency.

129 (b) A law enforcement officer may operate an unmanned aerial
130 vehicle provided:

131 (1) A judge of the Superior Court or judge trial referee has issued a
132 warrant in accordance with section 54-33a of the general statutes
133 authorizing the use of an unmanned aerial vehicle;

134 (2) The individual who will be the subject of the information
135 collected by the operation of an unmanned aerial vehicle has given
136 advance written consent to such operation;

137 (3) The owner of the property that will be the subject of the
138 information collected by the operation of an unmanned aerial vehicle
139 has given advance written consent to such operation;

140 (4) The law enforcement agency has probable cause to believe that a
141 criminal offense has been, is being or will be committed and exigent

142 circumstances exist that make it unreasonable for the law enforcement
143 agency to obtain a warrant authorizing the use of an unmanned aerial
144 vehicle;

145 (5) The law enforcement agency reasonably believes that there is an
146 imminent threat to the life or safety of an individual;

147 (6) Such operation is pursuant to search and rescue activities
148 conducted by the law enforcement agency;

149 (7) Such operation is pursuant to training activities conducted by
150 the law enforcement agency;

151 (8) Such operation is used to reconstruct or document a specific
152 crime or accident scene; or

153 (9) Such operation is pursuant to patrolling public property or
154 property available for the use of the general public for any special
155 event of limited duration, including, but not limited to, a parade,
156 exhibition, game or tournament.

157 (c) An individual or privately owned property shall be considered
158 to be the subject of information collected by the operation of an
159 unmanned aerial vehicle if the information allows the identity of the
160 person or the privately owned property to be ascertained or if the law
161 enforcement officer operating the unmanned aerial vehicle
162 acknowledges such individual or such property was the subject of the
163 information.

164 (d) Information that was collected through the operation of an
165 unmanned aerial vehicle that concerns an individual or privately
166 owned property that was the subject of a warrant may be retained
167 pursuant to the warrant.

168 (e) Information that was collected through the operation of an
169 unmanned aerial vehicle pursuant to subdivisions (2) and (3) of
170 subsection (b) of this section that concerns an individual or privately
171 owned property may be retained pursuant to the terms specified in

172 such advance written consent.

173 (f) (1) Information that was collected through the operation of an
174 unmanned aerial vehicle pursuant to subdivisions (4) to (9), inclusive,
175 of subsection (b) of this section that concerns an individual or privately
176 owned property shall be reviewed by the law enforcement agency that
177 collected the information within ninety days from the date of
178 collection. The collected information shall be destroyed or modified
179 pursuant to subdivision (2) of this subsection or retained pursuant to
180 subdivision (3) of this subsection.

181 (2) If such information allows the identity of an individual or
182 privately owned property to be ascertained and there is no probable
183 cause to believe that an offense was committed by the individual or on
184 the property, such law enforcement agency (A) shall destroy such
185 information within forty-eight hours after such review, or (B) shall
186 permanently modify such information so that the identity of such
187 individual or such property cannot be ascertained, and, after such
188 modification, may retain the modified information for a period of not
189 more than five years from the date of collection and, after such
190 retention, shall destroy the modified information.

191 (3) If such information allows the identity of an individual or
192 privately owned property to be ascertained and there is probable cause
193 to believe that an offense was committed by the individual or on the
194 property, such law enforcement agency may retain such information
195 for a period of not more than five years from the date of collection and,
196 after such retention, shall destroy such information, except that, if a
197 warrant is issued in accordance with section 54-33a of the general
198 statutes based in part on such information, such information may be
199 retained pursuant to the warrant.

200 (g) (1) Not later than January 1, 2017, the Police Officer Standards
201 and Training Council shall develop and promulgate a model policy
202 that provides guidelines on the operation of an unmanned aerial
203 vehicle by a law enforcement agency and the destruction, modification
204 and retention of information collected by such operation.

205 (2) Each law enforcement agency that owns an unmanned aerial
206 vehicle or authorizes a law enforcement officer to operate an
207 unmanned aerial vehicle shall adopt and maintain a written policy that
208 meets or exceeds the model policy developed by the Police Officer
209 Standards and Training Council pursuant to subdivision (1) of this
210 subsection before taking ownership of an unmanned aerial vehicle or
211 not later than thirty days after a law enforcement officer operates an
212 unmanned aerial vehicle.

213 (h) Not later than January thirty-first of each year, each law
214 enforcement agency that operated an unmanned aerial vehicle in the
215 preceding calendar year shall prepare a report that includes, but need
216 not be limited to: (1) The number of times the law enforcement agency
217 operated an unmanned aerial vehicle in the preceding calendar year,
218 (2) the type of such operation as categorized in the policy adopted
219 pursuant to subdivision (2) of subsection (g) of this section, (3) whether
220 the unmanned aerial vehicle was operated pursuant to a warrant, and
221 (4) the number of times the type of information collected through the
222 operation of an unmanned aerial vehicle provided reasonable and
223 articulable suspicion that a criminal offense was being committed. The
224 law enforcement agency shall make such report available on the law
225 enforcement agency's Internet web site or the Internet web site of the
226 municipality served by the law enforcement agency.

227 Sec. 6. (NEW) (*Effective October 1, 2016*) (a) For the purposes of this
228 section:

229 (1) "Unmanned aerial vehicle" has the same meaning as provided in
230 section 5 of this act;

231 (2) "State agency" has the same meaning as provided in section 1-79
232 of the general statutes, except that "state agency" does not include a
233 law enforcement agency, as defined in section 5 of this act; and

234 (3) "State employee" means any officer, employee or agent of a state
235 agency.

236 (b) Any state agency may authorize a state employee to operate an
237 unmanned aerial vehicle, provided the operation is within the scope of
238 the state employee's employment.

239 (c) Not later than July thirty-first of each year, each state agency that
240 permitted a state employee to operate an unmanned aerial vehicle in
241 the preceding twelve months shall submit a report to the Office of
242 Policy and Management. The report shall include a list of all occasions
243 when an unmanned aerial vehicle was operated with the following
244 details for each operation: (1) The date, time and duration of operation,
245 (2) the location of such operation, and (3) the reason for such
246 operation.

247 (d) Not later than October thirty-first of each year, the Office of
248 Policy and Management, based on the reports filed by state agencies
249 pursuant to subsection (c) of this section, shall post on its Internet web
250 site a report concerning the operation of unmanned aerial vehicles by
251 state agencies. The report shall include a summary of the information
252 received from the state agencies and identify any state agency that
253 submitted a report in a previous reporting period pursuant to
254 subsection (c) of this section, but did not submit a report for the
255 current reporting period.

256 Sec. 7. (NEW) (*Effective from passage*) (a) For the purposes of this
257 section, (1) "unmanned aerial vehicle" means any contrivance used or
258 designed for navigation of or flight in air that is power-driven and
259 operated without the possibility of direct human intervention from
260 within or on the contrivance, and (2) "municipality" has the same
261 meaning as provided in subsection (e) of section 7-101a of the general
262 statutes.

263 (b) Except as otherwise provided by any federal law or state statute,
264 no municipality shall enact any ordinance that regulates, restricts,
265 prohibits, licenses or affects the ownership, possession, operation,
266 purchase or sale of an unmanned aerial vehicle.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>August 1, 2016</i>	New section
Sec. 2	<i>August 1, 2016</i>	54-280(a)(8)
Sec. 3	<i>October 1, 2016</i>	53a-189a(a)
Sec. 4	<i>October 1, 2016</i>	53a-174(a)
Sec. 5	<i>October 1, 2016</i>	New section
Sec. 6	<i>October 1, 2016</i>	New section
Sec. 7	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In Section 5(g)(2), "an unmanned aerial vehicle" was inserted after "owns" for clarity.

PS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Correction, Dept.; Judicial Dpt (Probation)	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill creates a new class C felony for the use of weaponized unmanned aerial vehicles, expands the class B felony of dropping firearms or explosives near correctional facilities, and expands the crime of voyeurism to include provisions related to the use of unmanned aerial vehicles. There are currently three offenders incarcerated for violations of statutes related to dropping weapons near correctional facilities and voyeurism.

To the extent that offenders are prosecuted for new or expanded offenses under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue would result. On average, it costs the state \$7,260 (including benefits) to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender.

The bill authorizes law enforcement officers to use weaponized drones in certain circumstances and restricts state and municipal police in their utilization of non-weaponized drones. The bill requires state and municipal police to post information on their drone use on their respective websites. The Police Officer Training and Standards Council shall develop guidelines for law enforcement drone operations by January 1, 2017. These provisions will not result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis

sHB 5274

AN ACT CONCERNING THE USE OF DRONES.

SUMMARY:

This bill makes it a class C felony, punishable by imprisonment for up to 10 years, a fine of up to \$10,000, or both, to use weaponized unmanned aerial vehicles (commonly called drones) unless otherwise authorized by law. It authorizes law enforcement officers to use weaponized drones in limited circumstances (bomb squad exemption), and it restricts when state and municipal police may use non-weaponized drones. It requires state and municipal police to post information on their drone use on their websites or the website of the municipality that they serve and imposes retention and destruction requirements for such information (§ 5).

The bill makes it a class B felony, punishable by imprisonment for up to 20 years, a fine of up to \$15,000 or both, for anyone to use a drone to pass firearms or explosives inside or outside a correctional facility or humane institution to an inmate he or she knows (§ 4). Under existing law, it is already a class D felony, punishable by up to five years imprisonment, a fine of up to \$5,000, or both, to use other means to pass these items to an inmate.

The bill allows state agency officers, employees, and agents to use drones in the course of their employment and requires agencies to report annually on their use to the Office of Policy and Management (OPM).

The bill specifies that, for purposes of voyeurism crimes, a victim is “not in plain view” when the view is not otherwise obtainable and it is made possible by using a (1) drone or (2) technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar

capabilities (see BACKGROUND).

The bill prohibits municipalities, except as state or federal law provides, from enacting any ordinance that regulates, restricts, prohibits, licenses, or affects the ownership, possession, operation, purchase, or sale of drones.

EFFECTIVE DATE: Upon passage for the provision barring municipalities from enacting laws governing drones; August 1, 2016 for the provision on weaponized drones; and October 1, 2016 for the remaining provisions.

§§ 1 & 2 — WEAPONIZED DRONES

The bill creates a new crime, making it a class C felony, unless otherwise provided by law, to use a drone, computer software, or another technology that allows someone who is not physically present to (1) release tear gas or a similar agent or (2) remotely control a deadly weapon, explosive, or incendiary device. (Drones so equipped are commonly described as weaponized or armed.) People convicted of this crime must register with the deadly weapon offender registry (see BACKGROUND).

The bill prohibits law enforcement officers from using weaponized drones except that they may use drones equipped with explosive detection, detonation, or disposal equipment when authorized by the state or federal government and engaged in detecting, detonating, or disposing of explosives. This provision applies to (1) special police officers appointed by the Department of Emergency Services and Public Protection (DESPP) for state property and (2) officers, employees, or agents of the State Police, municipal police departments, and special campus police forces.

§ 4 — CORRECTIONAL AND HUMANE INSTITUTIONS

Under existing law, it is a class D felony for anyone not authorized by law to pass certain prohibited items, including firearms, weapons, dangerous instruments, or explosives in a correctional or humane institution to an inmate he or she knows, whether the inmate is inside

or outside the premises. Under the bill, using a drone to pass or try to pass any of the items listed above to an inmate is a class B felony. (Neither the bill nor the penal code defines “humane institution,” but a separate law (CGS § 17b-222) defines a humane institution as any state mental hospital; community mental health center; treatment facility for children and adolescents; or any other facility or program administered by the departments of Mental Health and Addiction Services, Developmental Services, or Children and Families.)

§ 5 — USE OF DRONES BY STATE AND MUNICIPAL POLICE

The bill restricts when law enforcement agencies (defined as the State Police and municipal police) may operate drones. They may do so only under the following circumstances:

1. a Superior Court judge or judge trial referee (judge over age 70 who serves with limited powers) issues a warrant authorizing its use;
2. the person who, or the owner of property that, will be the subject of the information collected by the drone has given prior written consent (the subject being the person or property that can be identified in information collected or that the official acknowledges as the subject);
3. the law enforcement agency has probable cause to believe that a crime was, is being, or will be committed and exigent circumstances make it unreasonable to obtain a warrant (case law recognizes an exception to the usual requirement to obtain a warrant to conduct a search when exigent circumstances exist, such as an emergency with an imminent threat to someone’s life);
4. the law enforcement agency reasonably believes that there is an imminent threat to someone’s life or safety;
5. the operation is for search and rescue or training activities, or for reconstructing or documenting a specific crime or accident

scene; or

6. while patrolling public property or property open to the general public for limited-time special events, such as a parade, exhibition, game, or tournament.

Information Retention and Destruction

The bill allows agencies to retain information collected by a drone about a person or private property under the terms of a warrant or written consent that authorized the drone's use. If a drone collected information for any other reason authorized above, the official's law enforcement agency must review the information within 90 days. If information identifies an individual or private property, the agency must determine whether probable cause exists that a crime was committed by the person or on the property. Absent probable cause, the agency must (1) destroy the information within 48 hours after the review or (2) permanently modify it so that the person or property cannot be identified and destroy it within five years of the modification.

If probable cause exists, the agency must destroy the information within five years of its collection or retain it under a warrant that was issued, at least in part, based on the information.

Model Drone Policy

By January 1, 2017, the bill requires the Police Officer Training and Standards Council (POST) to develop and promulgate a model policy with guidelines on drone operations by law enforcement agencies and destroying, modifying, and retaining information collected by law enforcement agencies using drones. Law enforcement agencies that own or authorize officials to use drones must adopt and maintain a written policy that meets or exceeds the POST policy, either before taking ownership of a drone or within 30 days of an official using one.

Law Enforcement Agencies Reports of Drone Use

By January 31 annually, the bill requires every law enforcement agency that used drones in a prior calendar year to prepare a report

on their use and post the report on the agency's website or the Internet website of the municipality served by the law enforcement agency. The report must include:

1. the number of times the agency used a drone;
2. the type of operation, as categorized in its policy, in which the drone was used;
3. whether a warrant was issued for the use; and
4. the number of times the information collected provided reasonable and articulable suspicion that a crime was being committed.

§ 6 — USE OF DRONES BY OTHER STATE AGENCIES

The bill allows state agencies to authorize their officers, employees, and agents to use a drone within the scope of their employment. This applies to any office, department, board, council, commission, institution, higher education constituent unit, technical high school, or other agency in any branch of government, except the State Police, whose use is covered under law enforcement use.

By July 31 each year, the bill requires an agency that allowed a state employee to use a drone in the previous 12 months to report on its use to OPM. The report must include all occasions when a drone was used; why it was used; and the date, time, duration, and location of each use.

By October 31 each year, OPM must, based on these reports, post on its website a summary report on state agencies' drone use. The summary report must identify any agency that previously submitted a report but did not submit a report during the current reporting period.

BACKGROUND

Deadly Weapon and Deadly Weapon Offender Registry

By law, a "deadly weapon" is a weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles (CGS

§ 53a-3).

By law, DESPP maintains a registry of people convicted, or found not guilty by reason of mental disease or defect, of an offense committed with a deadly weapon. A person must register if he or she violated (1) specified statutes or (2) committed any felony and the court finds that, at the time of the offense, the offender used a deadly weapon or was armed with and threatened to use, displayed, or represented by words or conduct that he or she possessed, a deadly weapon. Offenders must register for five years. The registry information is not a public record and is disclosable only to certain law enforcement and other agencies.

Voyeurism

By law, a person commits the crime of voyeurism when (1) he or she knowingly photographs, films, videotapes, or records the victim's image; (2) he or she acts maliciously or intends to satisfy his or her or another's sexual desire; and (3) the victim is not in plain view, has a reasonable expectation of privacy under the circumstances, and does not know of, or consent to, the conduct.

PA 15-213 expanded the crime of voyeurism in two ways. First, it punishes someone who with intent to arouse or satisfy his or her sexual desire:

1. commits simple trespass (entering property knowing he or she is not entitled to do so without intent to harm property);
2. observes another person who is inside a dwelling and not in plain view under circumstances where there is a reasonable expectation of privacy; and
3. does not have the other person's knowledge or consent and the observation is not casual or cursory.

Second, it punishes someone who intending to arouse or satisfy his or her or someone else's sexual desire:

1. knowingly photographs films, videotapes, or otherwise records the victim's genitals, pubic area, buttocks, or undergarments or stockings used to clothe them, when they are not in plain view; and
2. records such an image without the victim's knowledge and consent.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 19 Nay 6 (03/15/2016)