
OLR Bill Analysis

SB 1100

AN ACT CONCERNING "UPSKIRTING".

SUMMARY

Under current law, the crime of voyeurism includes when someone, intending to arouse or satisfy his or her or someone else's sexual desire, knowingly photographs, films, videotapes, or otherwise records ("records") the victim's genitals, pubic area, buttocks, or undergarments or stockings used to clothe them, when they are not in plain view, and does so without the victim's knowledge and consent. (This conduct is sometimes referred to as "upskirting.")

This bill specifies that this crime applies when the victim has a reasonable expectation of privacy, regardless of whether the victim is in a public place.

It also specifies that, for purposes of all conduct constituting voyeurism (see BACKGROUND), a person is not "in plain view" if the view is achieved by photographing or recording under or around a person's clothing.

By law, depending on the circumstances, voyeurism is either a class D or class C felony.

EFFECTIVE DATE: October 1, 2019

BACKGROUND

Voyeurism

By law, in addition to the conduct described above, a person commits voyeurism if he or she, intending to arouse or satisfy his or her sexual desire:

1. commits simple trespass;

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.

A person also commits voyeurism when, with malice or intending to satisfy his or her or another's sexual desire, the person:

1. knowingly photographs or records the victim's image, without the victim's knowledge or consent; and
2. does so when the victim is not in plain view and has a reasonable expectation of privacy under the circumstances (CGS § 53a-189a).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 38 Nay 0 (04/08/2019)