

One Hundred Eighth Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Tuesday,
the twentieth day of January, two thousand and four*

An Act

To amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Video Voyeurism Prevention Act of 2004”.

SEC. 2. PROHIBITION OF VIDEO VOYEURISM.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 87 the following new chapter:

“CHAPTER 88—PRIVACY

“Sec.
“1801. Video voyeurism.

“§ 1801. Video voyeurism

“(a) Whoever, in the special maritime and territorial jurisdiction of the United States, has the intent to capture an image of a private area of an individual without their consent, and knowingly does so under circumstances in which the individual has a reasonable expectation of privacy, shall be fined under this title or imprisoned not more than one year, or both.

“(b) In this section—

“(1) the term ‘capture’, with respect to an image, means to videotape, photograph, film, record by any means, or broadcast;

“(2) the term ‘broadcast’ means to electronically transmit a visual image with the intent that it be viewed by a person or persons;

“(3) the term ‘a private area of the individual’ means the naked or undergarment clad genitals, pubic area, buttocks, or female breast of that individual;

“(4) the term ‘female breast’ means any portion of the female breast below the top of the areola; and

“(5) the term ‘under circumstances in which that individual has a reasonable expectation of privacy’ means—

“(A) circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of a private area of the individual was being captured; or

“(B) circumstances in which a reasonable person would believe that a private area of the individual would not

be visible to the public, regardless of whether that person is in a public or private place.

“(c) This section does not prohibit any lawful law enforcement, correctional, or intelligence activity.”.

(b) AMENDMENT TO PART ANALYSIS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 87 the following new item:

“88. Privacy 1801”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*