

108TH CONGRESS
1ST SESSION

S. 1301

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Video Voyeurism Pre-
5 vention Act of 2003”.

1 **SEC. 2. PROHIBITION OF VIDEO VOYEURISM.**

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

5 **“CHAPTER 88—VIDEO VOYEURISM**

“Sec.

“1801. Video voyeurism.

6 **“§ 1801. Video voyeurism**

7 “(a) Whoever, in the special maritime and territorial
 8 jurisdiction of the United States, having the intent to cap-
 9 ture an improper image of an individual, knowingly does
 10 so and that individual’s naked or undergarment clad geni-
 11 tals, pubic area, buttocks, or female breast is depicted in
 12 the improper image under circumstances in which that in-
 13 dividual has a reasonable expectation of privacy regarding
 14 such body part or parts, shall be fined under this title
 15 or imprisoned not more than one year, or both.

16 “(b) In this section—

17 “(1) the term ‘captures’, with respect to an
 18 image, means videotapes, photographs, films, or
 19 records by any means or broadcasts;

20 “(2) the term ‘female breast’ means any portion
 21 of the female breast below the top of the areola;

22 “(3) the term ‘improper image’, with respect to
 23 an individual, means an image, captured without the
 24 consent of that individual, of the naked or undergar-

1 ment clad genitals, pubic area, buttocks, or female
2 breast of that individual; and

3 “(4) the term ‘under circumstances in which
4 that individual has a reasonable expectation of pri-
5 vacy’ means—

6 “(A) circumstances in which a reasonable
7 person would believe that he or she could dis-
8 robe in privacy, without being concerned that
9 his or her image was being videotaped, photo-
10 graphed, filmed, broadcast, or otherwise re-
11 corded by any means; or

12 “(B) circumstances in which a reasonable
13 person would believe that his or her naked or
14 undergarment-clad pubic area, buttocks, geni-
15 tals, or female breast would not be visible to the
16 public, regardless of whether that person is in
17 a public or private area.

18 “(c) This section shall not apply to any person en-
19 gaged in lawful law enforcement or intelligence activi-
20 ties.”.

21 (b) AMENDMENT TO PART ANALYSIS.—The table of
22 chapters at the beginning of part I of title 18, United

1 States Code, is amended by inserting after the item relat-
2 ing to chapter 87 the following new item:

“88. Video Voyeurism 1801”.

Passed the Senate September 25, 2003.

Attest:

Secretary.

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