
SENATE BILL No. 110

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-45-4-5.

Synopsis: Voyeurism. Makes peeping up or under another person's clothing a Class B misdemeanor. Enhances the penalty for voyeurism to a Class C felony if the victim is less than 16 years of age, and provides a defense to the Class C felony enhancement if the defendant reasonably believed that the person was at least 16 years of age.

Effective: July 1, 2011.

Yoder

January 5, 2011, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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SENATE BILL No. 110



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-45-4-5, AS AMENDED BY P.L.7-2005,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2011]: Sec. 5. (a) A person:
- 4 (1) who:
- 5 (A) peeps; or
- 6 (B) goes upon the land of another with the intent to peep;
- 7 into an occupied dwelling of another person; ~~or~~
- 8 (2) who peeps into an area where an occupant of the area
- 9 reasonably can be expected to disrobe, including:
- 10 (A) restrooms;
- 11 (B) baths;
- 12 (C) showers; and
- 13 (D) dressing rooms; **or**
- 14 **(3) who peeps up or under another person's clothing;**
- 15 without the consent of the other person, commits voyeurism, a Class B
- 16 misdemeanor.
- 17 (b) However, the offense under subsection (a) is a Class D felony if:



1 (1) it is knowingly or intentionally committed by means of a
 2 camera, a video camera, or any other type of video recording
 3 device; or
 4 (2) the person who commits the offense has a prior unrelated
 5 conviction:
 6 (A) under this section; or
 7 (B) in another jurisdiction, including a military court, for an
 8 offense that is substantially similar to an offense described in
 9 this section.
 10 **(c) The offense under subsection (a) is a Class C felony if the**
 11 **victim is less than sixteen (16) years of age. It is a defense to a**
 12 **prosecution under this subsection that the accused person**
 13 **reasonably believed that the child was at least sixteen (16) years of**
 14 **age.**
 15 ~~(c)~~ **(d)** "Peep" means any looking of a clandestine, surreptitious,
 16 prying, or secretive nature.

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