

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 19, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete everything after the enacting clause and insert the following:  
2 SECTION 1. IC 35-45-4-5, AS AMENDED BY P.L.7-2005,  
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2011]: Sec. 5. **(a) The following definitions apply  
5 throughout this section:**  
6 **(1) "Camera" means a camera, a video camera, a device that  
7 captures a digital image, or any other type of video recording  
8 device.**  
9 **(2) "Peep" means any looking of a clandestine, surreptitious,  
10 prying, or secretive nature.**  
11 **(3) "Private area" means the naked or undergarment clad  
12 genitals, pubic area, or buttocks of an individual.**  
13 **(a) (b) A person:**  
14 **(1) who knowingly or intentionally:**  
15 **(A) peeps; or**  
16 **(B) goes upon the land of another with the intent to peep;**  
17 **into an occupied dwelling of another person; or**  
18 **(2) who knowingly or intentionally peeps into an area where an**  
19 **occupant of the area reasonably can be expected to disrobe,**  
20 **including:**  
21 **(A) restrooms;**

1 (B) baths;  
 2 (C) showers; and  
 3 (D) dressing rooms;  
 4 without the consent of the other person, commits voyeurism, a Class B  
 5 misdemeanor.

6 ~~(b)~~ (c) However, the offense under subsection ~~(a)~~ (b) is a Class D  
 7 felony if:

8 (1) it is knowingly or intentionally committed by means of a  
 9 camera; ~~a video camera, or any other type of video recording~~  
 10 ~~device~~; or

11 (2) the person who commits the offense has a prior unrelated  
 12 conviction:

13 (A) under this section; or

14 (B) in another jurisdiction, including a military court, for an  
 15 offense that is substantially similar to an offense described in  
 16 this section.

17 ~~(c) "Peep" means any looking of a clandestine, surreptitious, prying,~~  
 18 ~~or secretive nature.~~

19 **(d) A person who:**

20 **(1) without the consent of the individual; and**

21 **(2) with intent to peep at the private area of an individual;**  
 22 **peeps at the private area of an individual and records an image by**  
 23 **means of a camera commits public voyeurism, a Class A**  
 24 **misdemeanor.**

25 **(e) The offense under subsection (d) is a Class D felony if the**  
 26 **person has a prior unrelated conviction under this section or in**  
 27 **another jurisdiction, including a military court, for an offense that**  
 28 **is substantially similar to an offense described in this section, or if**  
 29 **the person:**

30 **(1) publishes the image;**

31 **(2) makes the image available on the Internet; or**

- 1           **(3) transmits or disseminates the image to another person.**
- 2           **(f) It is a defense to a prosecution under subsection (d) that the**
- 3           **individual deliberately exposed the individual's private area.**  
          (Reference is to SB 19 as introduced.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 4, Nays 3.

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**Senator Steele, Chairperson**