SB26
196936-4
By Senator Chambliss
RFD: Judiciary
First Read: 05-MAR-19
PFD: 02/07/2019
ENROLLED, An Act,

Relating to voyeurism; to criminalize the act of recording or attempting to record any image or video of the private, intimate body parts of another person, without that person's consent, where that person has or should have a reasonable expectation of privacy; to provide penalties; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) As used in this act, the following words shall have the following meanings:

(1) INTIMATE AREAS. Any portion of a person's body, whether or not covered by undergarments, that are traditionally covered by undergarments to protect that portion from public view, including genitals, pubic areas, buttocks, and female breasts.

(2) PHOTOGRAPHS or FILMS. The making of a photograph, motion picture film, videotape, digital image,
digital video, or any other recording or transmission of the image or recording of a person.

(3) UNDERGARMENTS. Articles of clothing worn under clothing that conceal intimate areas from view.

Section 2. (a) A person commits the crime of voyeurism in the first degree if, for the purpose of arousing or gratifying the sexual desire of any person, he or she knowingly photographs or films the intimate areas of another person, whether through, under, or around clothing, without that person's knowledge and consent and under circumstances where the person has a reasonable expectation of privacy, whether in a public or private place.

(b) Voyeurism in the first degree is a Class C felony, except if the defendant is 18 years of age or younger on the date of the offense, voyeurism in the first degree is a Class A misdemeanor.

(c) The statute of limitations begins at the time of discovery of the photograph or film.

Section 3. (a) A person commits the crime of voyeurism in the second degree if he or she knowingly photographs or films the intimate areas of another person, whether through, under, or around clothing, without that person's knowledge and consent, and under circumstances where the person has a reasonable expectation of privacy, whether in a public or private place.
(b) Voyeurism in the second degree is a Class A misdemeanor, except if the defendant is 18 years of age or younger on the date of the offense, voyeurism in the second degree is a Class B misdemeanor.

(c) The statute of limitations begins at the time of discovery of the photograph or film.

Section 4. (a) Section 3 does not apply to viewing, photographing, or filming by personnel of the Department of Corrections or of a local jail or correctional facility for security purposes or during investigation of an alleged misconduct by a person in the custody of the Department of Corrections or the local jail or correctional facility.

(b) Notwithstanding ordinary rules of court and preservation of evidence, if a person is adjudicated or convicted of a violation of Section 2 or Section 3, a court may order the destruction of any photograph, motion picture film, digital image, digital video, videotape, or any other recording of an image that was made by the person in violation of this act; provided that the victim, or victim's representative, is provided with written notice 90 days before the destruction is to occur. Except as prohibited by State or Federal law, the victim, or victim's representative, shall retain the right to possess any photograph, motion picture film, digital image, videotape, or any other recording of an image.
Section 5. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill defines a new crime or amends the definition of an existing crime.

Section 6. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.
President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB26
Senate 04-APR-19
I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed 30-MAY-19

Senate concurred in House amendment 30-MAY-19

APPROVED 6-7-19
By: Senator Chambliss
 TIME 4:26pm

Alabama Secretary Of State
Act Num....: 2019-481
Bill Num....: S-28

Gov

Recv'd 06/10/19 10:58amSLF
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SENATE ACTION

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 26.

yeas 7 nays 0 abstain 0

PATRICK HARRIS,
Secretary

HOUSE ACTION

DATE: 4/4/2019

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on __________ was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amend(s) ___________ w/sub

This __________ day of __________, 2019.

JEFF WOODARD, Chairperson

CONFERENCE COMMITTEE

Senate Conferees

CONFERENCE COMMITTEE

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 26.

YEAS 47 NAYS 0

JEFF WOODARD, Secretary