
Chairman Linda W. Cropp

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A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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Chairman Linda W. Cropp introduced the following bill, which was referred to the
Committee on _____.

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To establish the criminal offenses of video voyeurism and video voyeurism dissemination, to
provide penalties for the crimes, and to provide additional penalties if the victim of the
crime is a minor and for repeat offenders.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
act may be cited as the "Video Voyeurism Act of 2005".

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Sec. 2. Definitions.

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For the purposes of this act, the term:

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(1) "Broadcast" means to electronically transmit a visual image with
the intent that it be viewed by another person.

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(2) "Imaging device" means any mechanical, digital, or electronic viewing
mechanism.

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(3) "Place and time when a person has a reasonable expectation of

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privacy" means a place and time when a reasonable person would believe that he or she could fully disrobe in privacy, without being concerned that the person's undressing was being viewed, recorded, or broadcast by another.

(4) "Privately exposing the body" means exposing a sexual organ.

Sec. 3. Enumerated Offenses.

(a) A person commits the offense of video voyeurism if that person:

(1) Intentionally installs or uses without consent any device for observing, photographing, recording, amplifying, or broadcasting sounds or events in a place where a person is dressing, undressing, or privately exposing the body at a place and time when a person has a reasonable expectation of privacy; or

(2) Intentionally installs or uses without consent any imaging device to secretly view, broadcast, or record under or through the clothing being worn by another person for the purpose of viewing the body of or the undergarments worn by that person.

(b)(1) A person commits the offense of video voyeurism dissemination if that person knowing or having reason to believe that an image was created in the manner described in subsection (a) of this section:

(A) Intentionally disseminates, distributes, or transfers the image to another person for the purpose of amusement, entertainment, sexual arousal, gratification, profit, or to degrade or abuse the imaged person;

(B) Sells the image for consideration to another person; or

(C) Disseminates, distributes, or transfers the image to another person for the image to be sold to others.

(2) It shall not be a defense for either offense specified in this section that:

(A) The defendant was a cohabitant, landlord, tenant, cotenant, employer, employee, or business partner or associate of the victim, or an agent of any of the foregoing; or

(B) The victim was not in a state of full or partial undress.

Sec. 4. Exceptions.

This act shall not apply to any:

(1) Law enforcement agency conducting surveillance for a law enforcement purpose;

(2) Security system when a written notice is conspicuously posted on the premises stating that a video surveillance system has been installed for security purposes; or

(3) Video surveillance device that is installed in such a manner that the presence of the device is clearly obvious.

Sec. 5. Penalties.

(a) A person who violates this act and the victim is a minor shall be punished in accordance with section 4 of the District of Columbia Protection of Minors Act of 1982, effective December 8, 1982 (D.C. Law 4-173; D.C. Official Code § 22-3103).

(b) A person who violates this act and the victim is an adult shall be fined not more than \$1,000 or imprisoned not more than 180 days, or both, for each offense.

(c) A person who violates this act and who has previously been convicted of or adjudicated delinquent for a violation of this act shall be fined not less than \$1,000 nor more than \$5,000 or imprisoned not less than 6 months or more than 3 years, or both, for each offense.

Sec. 6. Fiscal impact statement

The Council adopts the fiscal impact statement in the committee report as the fiscal

impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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Sec. 7. Effective date.

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This act shall take effect following approval by the Mayor (or in the event of veto by the
Mayor, action by the Council to override the veto), a 60-day period of Congressional review as
provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
Columbia Register.

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