

SENATE BILL NO. 28—SENATOR CEGAVSKE

PREFILED FEBRUARY 3, 2005

Referred to Committee on Judiciary

SUMMARY—Creates crimes of video voyeurism and distribution of product of video voyeurism. (BDR 15-8)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets **[omitted material]** is material to be omitted.

AN ACT relating to crimes; creating the crimes of video voyeurism and distribution of a product of video voyeurism; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates various crimes against decency and morals and provides penalties to be imposed upon persons who commit such crimes. (Chapter 201 of NRS)

This bill establishes two new crimes against decency and morals. The first new crime is the crime of video voyeurism. Video voyeurism occurs when a person knowingly and without consent uses any visual technology to secretly view or record the image of another person in a place where the person has a reasonable expectation of privacy, including a restroom, locker room, dressing room and residence. The person must also have viewed or recorded the image for the purpose of sexually arousing or gratifying himself or another person. A person who commits the crime of video voyeurism is guilty of a category E felony, which means that the court is required to sentence the person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years, and may fine the person up to \$5,000. The court is then required to place the person on probation after sentencing, unless specific circumstances are established which provide the court with discretion to decide whether to grant probation. Probation is subject to any conditions imposed by the court and may include serving up to 1 year in county jail. (NRS 193.130)

The second new crime established in this bill is the crime of distributing a product of video voyeurism. This crime occurs when a person distributes, discloses, displays, transmits or publishes a recorded image that the person knows or has reason to know was made in a manner which constitutes the crime of video



23 voyeurism. This crime does not apply to persons who take such actions for the
24 purpose of investigating or prosecuting the crime of video voyeurism. A person
25 who commits the crime of distributing a product of video voyeurism is guilty of a
26 category D felony, which means that the court is required to sentence the person to
27 imprisonment in the state prison for a minimum term of not less than 1 year and a
28 maximum term of not more than 4 years, and may fine the person up to \$5,000.
29 (NRS 193.130)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 201 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *A person commits the crime of video voyeurism if, for the*
4 *purpose of sexually arousing or gratifying himself or other*
5 *persons, the person knowingly photographs, videotapes, films,*
6 *digitally records or through the use of any other visual technology*
7 *secretly views or records the image of another person without the*
8 *consent of the other person while the other person is in a place in*
9 *which the other person has a reasonable expectation of privacy.*
10 *For the purposes of this subsection, "place in which the other*
11 *person has a reasonable expectation of privacy" includes, without*
12 *limitation, a restroom, locker room, dressing room and residence.*

13 2. *Except as otherwise provided in this subsection, a person*
14 *commits the crime of distributing a product of video voyeurism if*
15 *the person distributes, discloses, displays, transmits or publishes a*
16 *photograph, videotape, film, digital recording or other recorded*
17 *image that the person knows or has reason to know was made in*
18 *violation of subsection 1. The provisions of this subsection do not*
19 *apply to a person who is authorized to distribute, disclose, display,*
20 *transmit or publish a photograph, videotape, film, digital*
21 *recording or other recorded image for the purpose of investigating*
22 *or prosecuting the crime of video voyeurism.*

23 3. *A person who commits the crime of video voyeurism is*
24 *guilty of a category E felony and shall be punished as provided in*
25 *NRS 193.130.*

26 4. *A person who commits the crime of distributing a product*
27 *of video voyeurism is guilty of a category D felony and shall be*
28 *punished as provided in NRS 193.130.*

