As introduced.

SYNOPSIS
Creates new crime of "video voyeurism."

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning video voyeurism and supplementing Title 2C of
the New Jersey Statutes.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. As used in this act:
   "Photographs" or "films" means the making of a photograph, motion picture film, videotape, or any other recording or transmission of the image of a person in a state of undress through electronic or mechanical means.
   "Reasonable expectation of privacy" means:
   a. A belief that one could disrobe in privacy, without being concerned that one's undressing was being photographed or filmed by another; or
   b. A belief that one may reasonably expect to be safe from casual or hostile intrusion or surveillance.
   "Surveillance" means the surreptitious observation of the activities of another person having the purpose or effect of spying upon and invading the privacy of the person.

2. A person is guilty of video voyeurism when, for the purpose of arousing or gratifying the sexual desire of the person or any other person, he knowingly photographs or films any person without that person's knowledge and consent and while that person is in a place where that person would have a reasonable expectation of privacy.

3. A person who violates the provisions of this act shall be guilty of a crime of the third degree.

4. This act shall take effect on the first day of the second month after enactment.

STATEMENT

This legislation creates a new criminal offense, video voyeurism. It is designed to help shut the electronic blinds on modern peeping toms. It will close a loophole in the state voyeurism law by penalizing those who rely on tiny cameras and other technological tools for sexual spying.

The current law is not well tailored to cope with video voyeurs who conceal devices utilizing advanced technology and disseminate images of undressed individuals on the Internet and elsewhere. This bill would supplement the criminal trespass statute to make it a crime of the third degree if a person surreptitiously photographs or films an
individual in a place where he or she would have a reasonable expectation of privacy--for example, a home, bathroom or dressing room--for the purpose of sexual arousal or gratification for the photographer or anyone else.

Many times, a voyeur records the actions of his or her victim in the privacy of the victim's own home. Therefore, the current provisions of State law would not cover his or her actions. The invasion of one's privacy is a serious offense that should be punished appropriately. Although physical contact is not made between the victim and the voyeur, the sense of violation and feeling of vulnerability is equal to that of some rape victims. By recording the movements and actions of a victim in his or her own home, the voyeur is able to make his or her victim feel as if there is no safe place where one can escape from the public eye. Thus, this legislation seeks to create a new offense which would specifically punish a person's use of technology to invade the privacy of another.

The bill is patterned on legislation pending in the New York State Legislature.