

1 SB26  
2 196936-4  
3 By Senator Chambliss  
4 RFD: Judiciary  
5 First Read: 05-MAR-19  
6 PFD: 02/07/2019

1 SB26

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4 ENROLLED, An Act,

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

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

24 (2) PHOTOGRAPHS or FILMS. The making of a  
25 photograph, motion picture film, videotape, digital image,

1 digital video, or any other recording or transmission of the  
2 image or recording of a person.

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

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

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

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

19 Section 3. (a) A person commits the crime of  
20 voyeurism in the second degree if he or she knowingly  
21 photographs or films the intimate areas of another person,  
22 whether through, under, or around clothing, without that  
23 person's knowledge and consent, and under circumstances where  
24 the person has a reasonable expectation of privacy, whether in  
25 a public or private place.

1           (b) Voyeurism in the second degree is a Class A  
2 misdemeanor, except if the defendant is 18 years of age or  
3 younger on the date of the offense, voyeurism in the second  
4 degree is a Class B misdemeanor.

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

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

13           (b) Notwithstanding ordinary rules of court and  
14 preservation of evidence, if a person is adjudicated or  
15 convicted of a violation of Section 2 or Section 3, a court  
16 may order the destruction of any photograph, motion picture  
17 film, digital image, digital video, videotape, or any other  
18 recording of an image that was made by the person in violation  
19 of this act; provided that the victim, or victim's  
20 representative, is provided with written notice 90 days before  
21 the destruction is to occur. Except as prohibited by State or  
22 Federal law, the victim, or victim's representative, shall  
23 retain the right to possess any photograph, motion picture  
24 film, digital image, videotape, or any other recording of an  
25 image.

1           Section 5. Although this bill would have as its  
2 purpose or effect the requirement of a new or increased  
3 expenditure of local funds, the bill is excluded from further  
4 requirements and application under Amendment 621, now  
5 appearing as Section 111.05 of the Official ReCompilation of  
6 the Constitution of Alabama of 1901, as amended, because the  
7 bill defines a new crime or amends the definition of an  
8 existing crime.

9           Section 6. This act shall become effective on the  
10 first day of the third month following its passage and  
11 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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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.

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House of Representatives  
Amended and passed 30-MAY-19

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Senate concurred in House amendment 30-MAY-19

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By: Senator Chambliss