



Michael J. O'Neill

Bill Analysis
Legislative Service Commission

H.B. 504

123rd General Assembly
(As Introduced)

Reps. Jerse, Sullivan, James, Jordan, Allen, Flannery, Patton, D. Miller, Schuring, Pringle, Hoops, Perry, Ford, Barrett, DePiero, Redfern, Sulzer, Smith, Hartnett, Sutton, Womer Benjamin, Metelsky, Wilson, Ferderber, Jones, Barnes, Roberts

BILL SUMMARY

- Expands the offense of voyeurism to prohibit a person, for the purpose of sexually arousing or gratifying the person's self, from secretly or surreptitiously videotaping, filming, photographing, or otherwise recording another person under or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person, without the knowledge and consent of that other person, under circumstances in which that other person has a reasonable expectation of privacy.

CONTENT AND OPERATION

Existing law

R.C. 2907.08 sets forth a number of prohibitions within the offense of voyeurism:

(1) It prohibits a person, for the purpose of sexually arousing or gratifying the person's self, from committing trespass or otherwise surreptitiously invading the privacy of another, to spy or eavesdrop upon another. A person who violates this prohibition is guilty of a misdemeanor of the third degree. (R.C. 2907.08(A) and (F)(2).)

(2) It prohibits a person, for the purpose of sexually arousing or gratifying the person's self, from committing trespass or otherwise surreptitiously invading the privacy of another to photograph the other person in a state of nudity. A person who violates this prohibition is guilty of a misdemeanor of the second degree. (R.C. 2907.08(B) and (F)(3).)

(3) It prohibits a person, for the purpose of sexually arousing or gratifying the person's self, from committing trespass or otherwise surreptitiously invading the privacy of another to photograph the other person in a state of nudity if the other person is a minor. A person who violates this prohibition is guilty of a misdemeanor of the first degree. (R.C. 2907.08(C) and (F)(4).)

(4) It prohibits a person, for the purpose of sexually arousing or gratifying the person's self, from committing trespass or otherwise surreptitiously invading the privacy of another to photograph the other person in a state of nudity if the other person is a minor and any of the following applies: (a) the offender is the minor's natural or adoptive parent, stepparent, guardian, or custodian, or person in loco parentis of the minor, (b) the minor is in custody of law or is a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the minor, (c) the offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the State Board of Education prescribes minimum standards, the minor is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school, (d) the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the minor is enrolled in or attends that institution, (e) the offender is a caregiver, administrator, or other person in authority employed by or serving in a child day-care center, type A family day-care home, or type B family day-care home, and the minor is enrolled in or attends that center or home, or (f) the offender is the minor's athletic or other type of coach, is the minor's instructor, is the leader of a scouting troop of which the minor is a member, provides babysitting care for the minor, or is a person with temporary or occasional disciplinary control over the minor. A person who violates this prohibition is guilty of a felony of the fifth degree. (R.C. 2907.08(D) and (F)(5).)

Operation of the bill

The bill adds another prohibition to the offense of voyeurism. The bill prohibits a person, for the purpose of sexually arousing or gratifying the person's self, from secretly or surreptitiously videotaping, filming, photographing, or otherwise recording another person under or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person, without the knowledge and consent of that other person, under circumstances in which that other person has a reasonable expectation of privacy. A person who violates this prohibition is guilty of a misdemeanor of the first degree. (R.C. 2907.08(E) and (F)(4).)

COMMENT

The title of the bill refers to the activities of "upskirting" and "downblousing." These terms appear to be the terms used on the Internet for pictures taken in violation of the bill's proposed prohibition that are then posted on a website.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	11-18-99	p. 1371

H0504-I.123/rss

