

**CS FOR HOUSE BILL NO. 188(JUD) am**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**NINETEENTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Amended: 3/17/95**

**Offered: 3/14/95**

**Sponsor(s): REPRESENTATIVES MACKIE, Porter, Phillips, Robinson, Navarre, Green, James, Kubina, Elton, Rokeberg**

**SENATORS Green, Zharoff, Duncan, Lincoln, Taylor, Miller, Halford**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act creating the crime of indecent viewing or photography."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **\* Section 1.** AS 11.61 is amended by adding a new section to read:

4           Sec. 11.61.123. INDECENT VIEWING OR PHOTOGRAPHY. (a) A person  
5           commits the crime of indecent viewing or photography if, in the state, the person  
6           knowingly views, or produces a picture of, the private exposure of the genitals, anus,  
7           or female breast of another person and the view or production is without the  
8           knowledge or consent of

9                       (1) the parent or guardian of the person viewed, or who is shown in the  
10           picture, if the person who is viewed or shown is under 16 years of age; and

11                      (2) the person viewed or shown in the picture, if the person viewed or  
12           shown is at least 13 years of age.

13                      (b) Each viewing of a person, and each production of a picture of a person,  
14           whose genitals, anus, or female breast are viewed or are shown in a picture constitutes  
15           a separate violation of this section.

1 (c) Indecent viewing or photography is a  
2 (1) class C felony if the person viewed or shown in a picture was, at  
3 the time of the viewing or production of the picture, a minor;  
4 (2) class A misdemeanor if the person viewed or shown in a picture  
5 was, at the time of the viewing or production of the picture, an adult.  
6 (d) This section does not apply to viewing or photography conducted by a law  
7 enforcement agency for a law enforcement purpose.  
8 (e) In a prosecution under this section, it is an affirmative defense that the  
9 viewing or photography was conducted as a security surveillance system, notice of the  
10 viewing or photography was posted, and any viewing or use of pictures produced is  
11 done only in the interest of crime prevention or prosecution.  
12 (f) In this section,  
13 (1) "picture" means a film, photograph, negative, slide, book,  
14 newspaper, or magazine, whether in print, electronic, magnetic, or digital format; and  
15 (2) "private exposure" means that a person has exposed the person's  
16 body or part of the body in a place, and under circumstances, that the person  
17 reasonably believed would not result in the person's body or body parts being (A)  
18 viewed by the defendant; or (B) produced in a picture; "private exposure" does not  
19 include the exposure of a person's body or body parts in a law enforcement facility,  
20 correctional facility, designated treatment facility, or a juvenile detention facility; in  
21 this paragraph, "correctional facility" has the meaning given in AS 33.30.901,  
22 "designated treatment facility" has the meaning given in AS 47.30.915, and "juvenile  
23 detention facility" has the meaning given in AS 47.10.990.  
24 \* **Sec. 2. APPLICABILITY.** This Act applies to all offenses committed on or after the  
25 effective date of this Act.