

HOUSE BILL NO. 188

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES MACKIE, Porter, Phillips, Robinson, Navarre, Green, James, Kubina, Elton

Introduced: 2/20/95

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act creating the crime of indecent viewing and 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 AND PHOTOGRAPHY. (a) A
5 person commits the crime of indecent viewing and photography if, in the state, the
6 person knowingly views, or produces a picture of, the private exposure of the genitals,
7 anus, 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.

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(c) Indecent photography is a

(1) class C felony if the person viewed or shown in a picture was at the time of the viewing or production of the picture, a minor;

(2) class A misdemeanor if the person viewed or shown in a picture was at the time of the viewing or production of the picture, an adult.

(d) In a prosecution under this section, it is an affirmative defense that the viewing was conducted as a security surveillance system if notice that security viewing is being conducted is posted prominently in the area viewed and the viewing is done by a person of the same sex as the person being viewed.

(e) In this section,

(1) "picture" means a film, photograph, negative, slide, book, newspaper, or magazine, whether in print, electronic, or digital format; and

(2) "private exposure" means that a person has exposed the person's body or part of the body in a place, and under circumstances, that someone in the person's position would reasonably believe would not result in their being viewed, or in the production of a picture of the person.

* **Sec. 2. APPLICABILITY.** This Act applies to all offenses committed on or after the effective date of this Act.