

CS FOR HOUSE BILL NO. 125(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/20/01

Referred: Finance

Sponsor(s): REPRESENTATIVES KOTT, Dyson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to unlawful and indecent viewing and photography and to civil**
2 **damages and penalties for that viewing and photography."**

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

4 *** Section 1.** AS 09.68 is amended by adding a new section to read:

5 **Sec. 09.68.150. Indecent viewing or photography or improper viewing**
6 **civil liability.** A person who engages in improper viewing or photography in violation
7 of AS 11.61.121 or indecent viewing or photography in violation of AS 11.61.123 is,
8 in addition to any criminal penalty provided by law, liable in a civil action to the
9 person viewed or photographed for

10 (1) the person's actual damages;

11 (2) the total of

12 (A) any pecuniary gain realized by the person from engaging in
13 the indecent viewing or photography or improper viewing or photography;

14 (B) a penalty of \$100 for each picture the person engaging in

1 the indecent viewing or photography or improper viewing or photography
 2 reproduced or transmitted to another person; in this paragraph, "picture" has
 3 the meaning given in AS 11.61.123; and

4 (3) a penalty of \$5,000 for each day the person viewed or
 5 photographed was viewed or photographed.

6 * **Sec. 2.** AS 11.61 is amended by adding a new section to read:

7 **Sec. 11.61.121. Improper viewing or photography.** (a) A person commits
 8 the crime of improper viewing or photography if the person knowingly and
 9 surreptitiously views or produces a picture of or knowingly employs a hidden or
 10 concealed camera, peephole, or two-way mirror to view or produce a picture of
 11 another person in the interior of a residence or domicile without the knowledge or
 12 consent of

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

15 (2) the person viewed or shown in the picture if the person viewed or
 16 shown is at least 13 years of age.

17 (b) Each viewing of a person and each production of a picture of a person
 18 constitutes a separate violation of this section.

19 (c) This section does not apply to viewing or photography conducted by a law
 20 enforcement agency for a law enforcement purpose.

21 (d) In a prosecution under this section, it is an affirmative defense that notice
 22 of the viewing or photography was posted, or any viewing or use of pictures produced
 23 is done only in the interest of crime prevention or prosecution.

24 (e) In this section, "picture" has the meaning given in AS 11.61.123.

25 (f) Improper viewing is a class A misdemeanor.

26 * **Sec. 3.** AS 11.61.123(a) is amended to read:

27 (a) A person commits the crime of indecent viewing or photography if, in the
 28 state, the person knowingly views, or produces a picture of, the private exposure of the
 29 genitals, anus, or female breast of another person, **or the undergarments of the**
 30 **person covering the genitals, anus, or female breast,** and the view or production is
 31 without the knowledge or consent of

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

3 (2) the person viewed or shown in the picture [,] if the person viewed
4 or shown is at least 13 years of age.

5 * **Sec. 4.** AS 11.61.123(e)(1) is amended to read:

6 (1) "picture" means a film, image, photograph, negative, slide, book,
7 newspaper, or magazine, whether in print, electronic, magnetic, or digital format;
8 [AND]