

FIRST REGULAR SESSION

HOUSE BILL NO. 632

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE OSTMANN.

Read 1st time February 1, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1563L.011

AN ACT

To repeal section 565.253, RSMo 2000, relating to the invasion of privacy, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 565.253, RSMo 2000, is repealed and three new sections enacted in lieu thereof, to be known as sections 537.535, 565.252 and 565.253, to read as follows:

537.535. In addition to any common law actions which might also apply, there shall be a civil action for invasion of privacy when a person knowingly photographs or films another person, without that person's knowledge and consent, while the person being photographed or filmed is in a state of full or partial nudity and is in a place where one would have a reasonable expectation of privacy.

565.252. 1. A person commits the crime of invasion of privacy in the first degree if such person knowingly photographs or films another person, without the person's knowledge and consent, while the person being photographed or filmed is in a state of full or partial nudity and is in a place where one would have a reasonable expectation of privacy, and the person subsequently distributes the photograph or film to another or transmits the image contained in the photograph or film in a manner that allows access to that image via a computer.

2. Invasion of privacy in the first degree is a class C felony.

565.253. 1. A person commits the crime of invasion of privacy **in the second degree** if [he] **such person** knowingly views, photographs or films another person, without that person's knowledge and consent, while the person being viewed, photographed or filmed is in a state of

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

4 full or partial nudity and is in a place where [he] **one** would have a reasonable expectation of
5 privacy.

6 2. Invasion of privacy **in the second degree** is a class A misdemeanor; unless more than
7 one person is viewed, photographed or filmed in full or partial nudity in violation of sections
8 565.250 to 565.257 during the same course of conduct, in which case invasion of privacy is a
9 class D felony; and unless committed by a prior invasion of privacy offender, in which case
10 invasion of privacy is a class C felony. Prior pleas or findings of guilt shall be pled and proven
11 in the same manner required by the provisions of section 558.021, RSMo.