

***In the House of Representatives, U. S.,***

*September 21, 2004.*

*Resolved*, That the bill from the Senate (S. 1301) entitled “An Act to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Video Voyeurism Preven-*  
3 *tion Act of 2004”.*

4 ***SEC. 2. PROHIBITION OF VIDEO VOYEURISM.***

5 *(a) IN GENERAL.—Title 18, United States Code, is*  
6 *amended by inserting after chapter 87 the following new*  
7 *chapter:*

8 ***“CHAPTER 88—PRIVACY***

*“Sec.*  
*“1801. Video voyeurism.*

9 ***“§ 1801. Video voyeurism***

10 *“(a) Whoever, in the special maritime and territorial*  
11 *jurisdiction of the United States, has the intent to capture*

1 *an image of a private area of an individual without their*  
2 *consent, and knowingly does so under circumstances in*  
3 *which the individual has a reasonable expectation of pri-*  
4 *vacy, shall be fined under this title or imprisoned not more*  
5 *than one year, or both.*

6 “(b) *In this section—*

7 “(1) *the term ‘capture’, with respect to an image,*  
8 *means to videotape, photograph, film, record by any*  
9 *means, or broadcast;*

10 “(2) *the term ‘broadcast’ means to electronically*  
11 *transmit a visual image with the intent that it be*  
12 *viewed by a person or persons;*

13 “(3) *the term ‘a private area of the individual’*  
14 *means the naked or undergarment clad genitals, pubic*  
15 *area, buttocks, or female breast of that individual;*

16 “(4) *the term ‘female breast’ means any portion*  
17 *of the female breast below the top of the areola; and*

18 “(5) *the term ‘under circumstances in which that*  
19 *individual has a reasonable expectation of privacy’*  
20 *means—*

21 “(A) *circumstances in which a reasonable*  
22 *person would believe that he or she could disrobe*  
23 *in privacy, without being concerned that an*  
24 *image of a private area of the individual was*  
25 *being captured; or*

1           “(B) circumstances in which a reasonable  
2           person would believe that a private area of the  
3           individual would not be visible to the public, re-  
4           gardless of whether that person is in a public or  
5           private place.

6           “(c) This section does not prohibit any lawful law en-  
7           forcement, correctional, or intelligence activity.”.

8           (b) AMENDMENT TO PART ANALYSIS.—The table of  
9           chapters at the beginning of part I of title 18, United States  
10          Code, is amended by inserting after the item relating to  
11          chapter 87 the following new item:

          “88. **Privacy** ..... **1801**”.

Attest:

Clerk.



108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1301**

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**AMENDMENT**