

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2606

6 By: Peterson (Pam)

7 COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; amending
9 21 O.S. 2001, Section 1171, which relates to
10 loitering; making certain acts unlawful; providing
11 penalty; defining phrase; and providing an effective
12 date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1171, is
15 amended to read as follows:

16 Section 1171. A. Every person who hides, waits or otherwise
17 loiters in the vicinity of any private dwelling house, apartment
18 building, any other place of residence, or in the vicinity of any
19 locker room, dressing room, restroom or any other place where a
20 person has a right to a reasonable expectation of privacy, with the
21 unlawful and willful intent to watch, gaze, or look upon any person
22 in a clandestine manner, shall, upon conviction, be guilty of a
23 misdemeanor. The violator shall be punished by imprisonment in the
24 county jail for a term of not more than one (1) year, or by a fine

1 not to exceed Five ~~thousand~~ Thousand Dollars (\$5,000.00), or by both
2 such fine and imprisonment.

3 B. Every person who uses photographic, electronic or video
4 equipment in a clandestine manner for any illegal, illegitimate,
5 prurient, lewd or lascivious purpose with the unlawful and willful
6 intent to view, watch, gaze or look upon any person without the
7 knowledge and consent of such person when the person viewed is in a
8 place where there is a right to a reasonable expectation of privacy,
9 or who publishes or distributes any image obtained from such act,
10 shall, upon conviction, be guilty of a felony. The violator shall
11 be punished by imprisonment in the ~~State Penitentiary~~ custody of the
12 Department of Corrections for a term of not more than five (5)
13 years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00),
14 or by both such fine and imprisonment.

15 C. Every person who uses photographic, electronic or video
16 equipment in a clandestine manner for any illegal, illegitimate,
17 prurient, lewd or lascivious purpose with the unlawful and willful
18 intent to view, watch, gaze or look upon any person and capture an
19 image of a private area of a person without the knowledge and
20 consent of such person and knowingly does so under circumstances in
21 which a reasonable person would believe that the private area of the
22 person would not be visible to the public, regardless of whether the
23 person is in a public or private place shall, upon conviction, be
24 guilty of a misdemeanor. The violator shall be punished by

1 imprisonment in the county jail for a term of not more than one (1)
2 year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00),
3 or by both such fine and imprisonment.

4 D. As used in this section, the phrase "private area of the
5 person" means the naked or undergarment-clad genitals, pubic area,
6 buttocks, or any portion of the areola of the female breast of that
7 individual.

8 SECTION 2. This act shall become effective November 1, 2008.

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10 51-2-10416 GRS 02/28/08

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