

ENROLLED HOUSE
BILL NO. 2606

By: Peterson (Pam), Inman,
Sherrer, Kern, Reynolds,
Terrill and Tibbs of the
House

and

Brogdon of the Senate

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

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

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

Section 1171. A. Every person who hides, waits or otherwise
loiters in the vicinity of any private dwelling house, apartment
building, any other place of residence, or in the vicinity of any
locker room, dressing room, restroom or any other place where a
person has a right to a reasonable expectation of privacy, with the
unlawful and willful intent to watch, gaze, or look upon any person
in a clandestine manner, shall, upon conviction, be guilty of a
misdemeanor. The violator shall be punished by imprisonment in the
county jail for a term of not more than one (1) year, or by a fine
not to exceed Five ~~thousand~~ Thousand Dollars (\$5,000.00), or by both
such fine and imprisonment.

B. Every person who uses photographic, electronic or video
equipment in a clandestine manner for any illegal, illegitimate,
prurient, lewd or lascivious purpose with the unlawful and willful
intent to view, watch, gaze or look upon any person without the

knowledge and consent of such person when the person viewed is in a place where there is a right to a reasonable expectation of privacy, or who publishes or distributes any image obtained from such act, shall, upon conviction, be guilty of a felony. The violator shall be punished by imprisonment in the State Penitentiary custody of the Department of Corrections for a term of not more than five (5) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

C. Every person who uses photographic, electronic or video equipment in a clandestine manner for any illegal, illegitimate, prurient, lewd or lascivious purpose with the unlawful and willful intent to view, watch, gaze or look upon any person and capture an image of a private area of a person without the knowledge and consent of such person and knowingly does so under circumstances in which a reasonable person would believe that the private area of the person would not be visible to the public, regardless of whether the person is in a public or private place shall, upon conviction, be guilty of a misdemeanor. The violator shall be punished by imprisonment in the county jail for a term of not more than one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

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

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

Passed the House of Representatives the 13th day of March, 2008.

Presiding Officer of the House of
Representatives

Passed the Senate the 10th day of April, 2008.

Presiding Officer of the Senate