

THE HOUSE OF REPRESENTATIVES
Monday, March 3, 2008

Committee Substitute for
House Bill No. 2606

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2606 - By: PETERSON (PAM),
INMAN AND SHERRER of the House.

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:

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

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

11 B. Every person who uses photographic, electronic or video equipment in a
12 clandestine manner for any illegal, illegitimate, prurient, lewd or lascivious purpose with

1 the unlawful and willful intent to view, watch, gaze or look upon any person without the
2 knowledge and consent of such person when the person viewed is in a place where there
3 is a right to a reasonable expectation of privacy, or who publishes or distributes any
4 image obtained from such act, shall, upon conviction, be guilty of a felony. The violator
5 shall be punished by imprisonment in the ~~State Penitentiary~~ custody of the Department
6 of Corrections for a term of not more than five (5) years, or by a fine not exceeding Five
7 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

8 C. Every person who uses photographic, electronic or video equipment in a
9 clandestine manner for any illegal, illegitimate, prurient, lewd or lascivious purpose with
10 the unlawful and willful intent to view, watch, gaze or look upon any person and capture
11 an image of a private area of a person without the knowledge and consent of such person
12 and knowingly does so under circumstances in which a reasonable person would believe
13 that the private area of the person would not be visible to the public, regardless of
14 whether the person is in a public or private place shall, upon conviction, be guilty of a
15 misdemeanor. The violator shall be punished by imprisonment in the county jail for a
16 term of not more than one (1) year, or by a fine not exceeding Five Thousand Dollars
17 (\$5,000.00), or by both such fine and imprisonment.

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

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

1 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,
2 dated 02-28-08 - DO PASS, As Amended and Coauthored.