

EHB 2606

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THE STATE SENATE
Thursday, April 03, 2008

ENGROSSED

House Bill No. 2606

ENGROSSED 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.

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

13 C. Every person who uses photographic, electronic or video
14 equipment in a clandestine manner for any illegal, illegitimate,
15 prurient, lewd or lascivious purpose with the unlawful and willful
16 intent to view, watch, gaze or look upon any person and capture an
17 image of a private area of a person without the knowledge and
18 consent of such person and knowingly does so under circumstances in
19 which a reasonable person would believe that the private area of the
20 person would not be visible to the public, regardless of whether the
21 person is in a public or private place shall, upon conviction, be
22 guilty of a misdemeanor. The violator shall be punished by
23 imprisonment in the county jail for a term of not more than one (1)

1 year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00),
2 or by both such fine and imprisonment.

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

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

8 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JURISPRUDENCE, dated
9 4-2-08 - DO PASS.