

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2402

By: Roussetot

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2011, Section 1171, which relates to unlawful  
9 peeping; modifying penalty; and providing an  
10 effective date.

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

12 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1171, is  
13 amended to read as follows:

14 Section 1171. A. Every person who hides, waits or otherwise  
15 loiters in the vicinity of any private dwelling house, apartment  
16 building, any other place of residence, or in the vicinity of any  
17 locker room, dressing room, restroom or any other place where a  
18 person has a right to a reasonable expectation of privacy, with the  
19 unlawful and willful intent to watch, gaze, or look upon any person  
20 in a clandestine manner, shall, upon conviction, be guilty of a  
21 misdemeanor. The violator shall be punished by imprisonment in the  
22 county jail for a term of not more than one (1) year, or by a fine  
23 not to exceed Five Thousand Dollars (\$5,000.00), or by both such  
24 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 custody of the Department of  
10 Corrections for a term of not more than five (5) years, or by a fine  
11 not exceeding Five Thousand Dollars (\$5,000.00), or by both such  
12 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~~ felony. The violator shall be punished by  
23 imprisonment in the ~~county jail~~ custody of the Department of  
24 Corrections for a term of not more than ~~one (1) year~~ two (2) years,

1 or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by  
2 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, 2012.

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9 53-2-8451 GRS 01/09/12

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