

CHAPTER 149**(HB 130)**

AN ACT relating to video voyeurism.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 531 IS CREATED TO READ AS FOLLOWS:

- (1) *A person is guilty of video voyeurism when he or she intentionally:*
 - (a) *Uses or causes the use of any camera, videotape, photooptical, photoelectric, or other image recording device for the purpose of observing, viewing, photographing, filming, or videotaping the sexual conduct, genitals, or nipple of the female breast of another person without that person's consent; and*
 - (b) *Uses or divulges any image so obtained for consideration; or*
 - (c) *Distributes any image so obtained by live or recorded visual medium, electronic mail, the Internet, or a commercial on-line service.*
- (2) *Video voyeurism is a Class D felony.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 531 IS CREATED TO READ AS FOLLOWS:

The provisions of Section 1 of this Act shall not apply to the transference of prohibited images by a telephone company, a cable television company or any of its affiliates, an Internet provider, or a commercial on-line service provider, or to the carrying, broadcasting, or performing of related activities in providing telephone, cable television, Internet, or commercial on-line services.

SECTION 3. A NEW SECTION OF KRS CHAPTER 531 IS CREATED TO READ AS FOLLOWS:

Unless objected to by the victim or victims of the video voyeurism, the court, on its own motion, or on motion of the attorney for the Commonwealth shall:

- (1) *Order all photographs, film, videotapes, or other images that are introduced into evidence or are in the possession of law enforcement, the prosecution, or the court to be sealed; and*
- (2) *At the conclusion of the case, unless required for additional prosecutions, order all of the photographs, film, videotapes, or other images that are in the possession of law enforcement, the prosecution, or the court to be destroyed.*

Approved April 2, 2002