Video Voyeurism Laws

Federal Law

- Jurisdiction limited to maritime and territorial jurisdiction, or federal property including but not limited to territories, federal reserves or parks, federal prisons, etc.
- Prohibits the recording by any means or disseminating images of an individual’s “private areas” without consent under circumstances in which that individual has a reasonable expectation of privacy, regardless of whether the individual is in a private or public location.
- Penalty of a fine and/or up to one year imprisonment.

The following states have laws which prohibit non-consensual photographic or video recording of persons in a state of undress or nudity in locations where the individual has a reasonable expectation of privacy. These locations vary and include, but are not exclusive of: restrooms, changing areas, locker rooms.

*In addition to criminalizing video voyeurism as stated above, states marked with an asterisk also specifically prohibit what is known as “upskirting” and “down-blousing.” These laws prohibit surreptitious or concealed photography and video recordings of an individual’s body, under or through that persons clothing, without the individual’s knowledge and consent regardless of whether the individual is in a private or public location. The additional language is part of the statute cited, unless a separate citation is given.

Alabama

- Class B Misdemeanor

Alaska

- Indecent Viewing or Photography, Alaska Stat. §11.61.123
- Minor: Class C Felony; Adult: Class A Misdemeanor

Arizona

- Surreptitious Photographing, Videotaping, Filming, or Digitally Recording, Ariz. Rev. Stat. § 13-3019
- Class 5 Felony
- If no camera/recording device, Class 6 Felony (Class 5 for second offense)
- If images distributed and victim is recognizable, Class 4 Felony.
Arkansas*
- Arkansas House Bill 1011
- Class D felony (Class B misdemeanor for upskirting/downblousing)

California*
- Disorderly Conduct, Cal. Penal Code § 647(j)
- Misdemeanor

Colorado*
- Class 2 Misdemeanor

Connecticut
- Voyeurism, Conn. Gen. Stat. § 53a-189a
- Class D Felony

Delaware*
- Violation of Privacy, Del. Code Ann. tit. 11 § 1335(a)(6)-(7)
- Class G Felony

District of Columbia*
- Voyeurism, 54 D.C. REG. 4036 (sec. 105)(2007)
- Misdemeanor; Felony for dissemination or distribution

Florida*
- 1st Degree Misdemeanor
- 2x Repeat Offender: 3rd Degree Felony

Georgia
- Felony

Hawaii *
- Violation of Privacy in the First Degree, Haw. Rev. Stat. § 711-1110.9
  - Prohibits installation or use of recording device in a private place used to record persons in a state of undress or engaged in sexual conduct.
  - Class C Felony
- Violation of Privacy in the Second Degree, Haw. Rev. Stat. § 711-1111
  - Prohibits surreptitiously recording body and/or undergarments.
  - Misdemeanor
• Sexual Assault in the 4th Degree, Haw. Rev. Stat. § 707-733(c)
• Prohibits knowingly trespassing on property for the purpose of subjecting another person to surreptitious surveillance for the sexual gratification of the actor.
• Misdemeanor

Idaho*
• Crime of Video Voyeurism, Idaho Code § 18-6609
• Felony

Illinois*
• Unauthorized Videotaping, 720 Ill. Comp. Stat. 5/26-4
• Recording: Class A Misdemeanor; Class 3 Felony if victim under 18 or offender is registered sex offender
• Distribution of Images: Class 4 Felony; Class 2 Felony if victim under 18 or offender is registered sex offender

Indiana
• Voyeurism, Ind. Code Ann. § 35-45-4-5
• Class D Felony

Iowa
• Invasion of privacy, Iowa Code § 709.21
• Serious misdemeanor

Kansas*
• Class A misdemeanor

Kentucky*
• Class A Misdemeanor

Louisiana*
• Felony

Maine*
• Violation of Privacy, Me. Rev. Stat. Ann. tit. 17-A § 511(d)
• Class D Crime

Maryland*
• Visual Surveillance With Prurient Intent, Md. Code Ann., Crim. Law § 3-902
• Misdemeanor
• Victim has civil cause of action as well
Massachusetts
- Recording Penalty: 2 ½ Years or by a fine of not more than $ 5,000, or by both such fine and imprisonment.
- Enhanced penalty for distribution of images: 5 Years

Michigan
- Installation, Placement, Use, of Recording, Transmitting, etc., Device in Private Place, Mich. Comp. Laws § 750.539d
- Felony

Minnesota
- Interference with Privacy, Minn. Stat. § 609.746
- Gross Misdemeanor
- Repeat offenses or recording of a minor: Felony

Mississippi
- Photographing, Taping, or Filming Person in Violation of Expectation of Privacy, Miss. Code Ann. § 97-29-63
- Felony

Missouri*
- Invasion of Privacy, First Degree, Mo. Ann. Stat. § 565.252
  - Prohibits recording or photographing an individual without their consent in a state of nudity while the person is located in a place where privacy is reasonably expected.
  - Class D Felony

  - Invasion of Privacy, Second Degree, Mo. Ann. Stat.§ 565.253
  - Specifically prohibits the use of a concealed recording device to photograph or video an individual’s body or undergarments without their consent.
  - Class A Misdemeanor

Montana
- Recording within Residence: 6 month penalty;
  - Recording Adult In Public: 6 month penalty
  - Recording Minor In Public: 2 year penalty

Nebraska
- Unlawful Intrusion, Neb. Rev. Stat. § 28-311.08
  - Adult: Class III Misdemeanor
  - Minor: Class II Misdemeanor
Nevada*

- Capturing image of private area of another person; distributing, disclosing, displaying, transmitting or publishing image of private area of another person; penalties; exceptions; confidentiality of image, Nev. Rev. Stat. Ann. § 200.604
- Gross Misdemeanor

New Hampshire*

- Class A Misdemeanor

New Jersey

- Observation of Sexual Contact; Reproduction or Disclosure of Images of Sexual Contact; Dressing Rooms, N.J. Stat. Ann. 2C:14-9
- Recording an Individual: Fourth Degree Crime
- Distribution of Images: Third Degree Crime, subject to fine up to $30,000

New Mexico*

- Misdemeanor; if victim is a minor, fourth degree felony

New York*

- Unlawful Surveillance Second Degree, N.Y. Penal Law § 250.45
- Class E Felony

- Unlawful Surveillance First Degree, N.Y. Penal Law § 250.50
- Increased penalty for repeat convictions within a 10 year period.
- Class D Felony

- Dissemination of Unlawful Surveillance, N.Y. Penal Law § 250.55 and § 250.60
- Class A Misdemeanor for distribution; Class E Felony for sale or publication

North Carolina*

- Secretly Peeping into Room Occupied by Another Person, N.C. Gen. Stat. § 14-202(e)-(f)
- Class 1 Felony

North Dakota

- Surreptitious Intrusion, N.D. Cent. Code 12.1-20-12.2
- Class A Misdemeanor

Ohio*

- Voyeurism, Ohio Rev. Code Ann. § 2907.08(e)
- Misdemeanor of the First Degree; Felony of the Fifth Degree if victim is minor and offender is parent, teacher, coach, etc.
Oklahoma
- Peeping Tom, Okla. Stat. tit. 21 § 1171
- Felony

Oregon
- Invasion of Personal Privacy, Or. Rev. Stat. § 163.700
- Class A Misdemeanor

Pennsylvania*
- Misdemeanor of the Third Degree; Misdemeanor of Second Degree if more than one violation.

Rhode Island*
- Video Voyeurism, R.I. Gen. Laws § 11-64-2
- Penalty of Three Year Imprisonment and/or Fine

South Carolina
- Eavesdropping, Peeping, Voyeurism, S.C. Code Ann. § 16-17-470
- Recording: Misdemeanor
- Distribution or Multiple Convictions: Felony

South Dakota*
- Taking Pictures Without Consent, S.D. Codified Laws § 22-21-4
- Class 1 Misdemeanor

Tennessee
- Recording: Class A Misdemeanor
- Distribution of Images: Class E Felony

Texas*
- Improper Photography or Visual Recording, Tex. Penal Code Ann. § 21.15
- Felony

Utah*
- Voyeurism Offense, Utah Code Ann. § 76-9-702.7
- Class A Misdemeanor
- Minor Under 14 or Distribution: Third Degree Felony

Vermont*
- Recording Penalty: Up to 2 years imprisonment and/or $1,000 fine; up to 3 years and/or $5,000 for second or subsequent offense
• Distribution of Images Penalty: Up to 5 years imprisonment and/or $5,000 fine

Virginia*
• Unlawful Filming, Videotaping or Photographing of Another, Va. Code Ann. § 18.2-386.1
• Class 1 Misdemeanor; Minor: Class 6 Felony

Washington*
• Voyeurism, Wash. Rev. Code § 9A.44.115
• Class C Felony

West Virginia
• Criminal Invasion of Privacy, W.Va. Code § 61-8-28
• Recording or Dissemination: Misdemeanor
• Repeated Offenses: Felony

Wisconsin
• Invasion of Privacy, Wis. Stat, § 942.08
• Class A Misdemeanor

Wyoming*
• Voyeurism, Wyo. Stat. Ann. § 6-4-304
• Felony

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