AN ACT TO AMEND SECTION 97-29-61, MISSISSIPPI CODE OF 1972, TO PROHIBIT "PEEPING TOM" ACTIVITIES THAT DO NOT AMOUNT TO FELONIOUS TRESPASS; TO AMEND SECTION 97-29-63, MISSISSIPPI CODE OF 1972, TO PROHIBIT SURREPTITIOUS PHOTOGRAPHY OF A PERSON'S BODY OR UNDERCLOTHING UNDER CIRCUMSTANCES IN WHICH A PERSON WOULD REASONABLY EXPECT TO NOT BE THE SUBJECT OF SUCH PHOTOGRAPHY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-29-61, Mississippi Code of 1972, is amended as follows:

97-29-61. (1) (a) Any person who enters upon real property, whether the original entry is legal or not, and thereafter pries or peeps through a window or other opening in a dwelling or other building structure for the lewd, licentious and indecent purpose of spying upon the occupants thereof, shall be guilty of a felonious trespass * * *

(b) Any person who looks through a window, hole or opening, or otherwise views by means of any instrumentality, including, but not limited to, a periscope, telescope, binoculars, drones, camera, motion-picture camera, camcorder or mobile phone,
21 into the interior of a bedroom, bathroom, changing room, fitting
22 room, dressing room, spa, massage room or therapy room or tanning
23 booth, or the interior of any other area in which the occupant has
24 a reasonable expectation of privacy, with the intent to invade the
25 privacy of a person or persons inside and without the consent or
26 knowledge of every person present, for the lewd, licentious and
27 indecent purpose of spying upon the occupant or occupants thereof,
28 shall be guilty of a felony.
29
30 (2) (a) Except as provided in paragraph (b) of this
31 subsection, a person who was over the age of twenty-one (21) at
32 the time of the offense who is convicted of a violation of
33 subsection (1) of this section shall be imprisoned in the custody
34 of the Department of Corrections not more than five (5) years.
35
36 ( * * *) When one or more occupants spied upon is a
37 child under sixteen (16) years of age, a person who * * * was over
38 the age of twenty-one (21) at the time of the offense who is
39 convicted of a violation of subsection (1) of this section * * *
40 shall be imprisoned in the custody of the Department of
41 Corrections not more than ten (10) years.
42
43 SECTION 2. Section 97-29-63, Mississippi Code of 1972, is
44 amended as follows:
45
46 97-29-63. (1) (a) It is a felony for any person * * * with
47 lewd, licentious or indecent intent * * * to photograph, film,
48 videotape, record or otherwise reproduces the image of another
49 person without the permission of * * * the other person when * * *
the other person is located in a place where a person would intend
to be in a state of undress and have a reasonable expectation of
privacy, including, but not limited to, private dwellings or any
facility, public or private, used as a restroom, bathroom, shower
room, tanning booth, locker room, fitting room, dressing room or
bedroom shall be guilty of a felony.  

(b) It is a felony for any person to invade the privacy
of another person and with lewd, licentious or indecent intent to
photograph, film, videotape, record or otherwise reproduce the
image of another, identifiable person under or through the
clothing being worn by that other person for the purpose of
viewing the body of, or the undergarments worn by, the other
person without the consent or knowledge of the other person and
under circumstances in which the other person has a reasonable
expectation that the other person's body or undergarments would
not be viewed or would not be the subject of a reproduced image.

(2) (a) Except as provided in paragraph (b) of this
subsection, a person who was over the age of twenty-one (21) at
the time of the offense who is convicted of a violation of
subsection (1) of this section shall be punished by a fine of Five
Thousand Dollars ($5,000.00) or by imprisonment of not more than
five (5) years in the custody of the Department of Corrections, or
both.

(b) Where the person who is secretly
photographed, filmed, videotaped or otherwise reproduced is a
child under sixteen (16) years of age, a person who was over the age of twenty-one (21) at the time of the offense who is convicted of a violation of subsection (1) of this section shall be punished by a fine of Five Thousand Dollars ($5,000.00) or by imprisonment of not more than ten (10) years in the custody of the Department of Corrections, or both.

SECTION 3. This act shall take effect and be in force from and after July 1, 2015.