

By: Senator(s) Fillingane, McDaniel,
Sojourner

To: Judiciary, Division B

SENATE BILL NO. 2022
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 97-29-61, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT "PEEPING TOM" ACTIVITIES THAT DO NOT AMOUNT TO
3 FELONIOUS TRESPASS; TO AMEND SECTION 97-29-63, MISSISSIPPI CODE OF
4 1972, TO PROHIBIT SURREPTITIOUS PHOTOGRAPHY OF A PERSON'S BODY OR
5 UNDERCLOTHING UNDER CIRCUMSTANCES IN WHICH A PERSON WOULD
6 REASONABLY EXPECT TO NOT BE THE SUBJECT OF SUCH PHOTOGRAPHY; AND
7 FOR RELATED PURPOSES.

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

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

11 97-29-61. (1) (a) Any person who enters upon real
12 property, whether the original entry is legal or not, and
13 thereafter pries or peeps through a window or other opening in a
14 dwelling or other building structure for the lewd, licentious and
15 indecent purpose of spying upon the occupants thereof, shall be
16 guilty of a felonious trespass * * *.

17 (b) Any person who looks through a window, hole or
18 opening, or otherwise views by means of any instrumentality,
19 including, but not limited to, a periscope, telescope, binoculars,
20 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 (2) (a) Except as provided in paragraph (b) of this
30 subsection, a person who was over the age of twenty-one (21) at
31 the time of the offense who is convicted of a violation of
32 subsection (1) of this section shall be imprisoned in the custody
33 of the Department of Corrections not more than five (5) years.

34 (* * * b) When one or more occupants spied upon is a
35 child under sixteen (16) years of age, a person who * * * was over
36 the age of twenty-one (21) at the time of the offense who is
37 convicted of a violation of subsection (1) of this section * * *
38 shall be imprisoned in the custody of the Department of
39 Corrections not more than ten (10) years.

40 **SECTION 2.** Section 97-29-63, Mississippi Code of 1972, is
41 amended as follows:

42 97-29-63. (1) (a) It is a felony for any person * * * with
43 lewd, licentious or indecent intent * * * to photograph, film,
44 videotape, record or otherwise reproduces the image of another
45 person without the permission of * * * the other person when * * *



46 the other person is located in a place where a person would intend
47 to be in a state of undress and have a reasonable expectation of
48 privacy, including, but not limited to, private dwellings or any
49 facility, public or private, used as a restroom, bathroom, shower
50 room, tanning booth, locker room, fitting room, dressing room or
51 bedroom shall be guilty of a felony * * *.

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

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

69 (* * *b) Where the person who is secretly
70 photographed, filmed, videotaped or otherwise reproduced is a



71 child under sixteen (16) years of age, a person * * * who was over
72 the age of twenty-one (21) at the time of the offense who is
73 convicted of a violation of subsection (1) of this section * * *
74 shall be punished by a fine of Five Thousand Dollars (\$5,000.00)
75 or by imprisonment of not more than ten (10) years in the custody
76 of the Department of Corrections, or both.

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

