



BILL & AMENDMENT SUMMARY

Trespass Resulting in Violation of Privacy SF 2185

Status of Bill: House Floor
Committee: Public Safety (19-0)
(Passed Senate 50-0)
Lead Democrats: Rep. Wessel-Kroeschell
Floor Manager: Rep. Heartsill
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Background

Under current law, there is a provision in the Sexual Abuse chapter, 709, which creates a crime for invasion of privacy when the person who was viewed in full or partial nudity, chapter 709.21. Under this chapter, the person can be found guilty if they film, view, or photographs another person for the purpose of their own arousal or sexual gratification. There are other requirements that must be met as well, such as the requirements that the person being viewed does not have knowledge and does not consent or is unable to consent to being viewed, photographed, or filmed. A person found guilty of this crime is guilty of a serious misdemeanor and will be required to be on the sex offender registry as a Tier II offender.

Last year, the House passed over to the Senate HF 3, by a vote of 97-0, which created a new trespassing crime (chapter 716) and increased the penalty for invasion of privacy from a serious misdemeanor to an aggravated misdemeanor. Language struck the requirement in invasion of privacy that the person being viewed does not have knowledge about being viewed. This bill died in the Senate Judiciary Committee. In HF 3, a new trespass offense is created in the Code's definition of trespass, chapter 716.7, if a person is:

- intentionally viewing, photographing, or filming another person;
- through a window or similar opening of a dwelling;
- without a legitimate purpose;
- while on the real property where the dwelling is located;
- if the person had a reasonable expectation of privacy and does not consent to the viewing.

The bill also stated that if a person is found guilty of this crime they are guilty of a serious misdemeanor.

In order to be found guilty of trespassing, there does not need to be a component of sexual gratification or arousal proven.

Bill Summary

Senate File 2185 incorporates only the portions of HF 3 that dealt with chapter 716; creating a new definition of trespass and making the penalty a serious misdemeanor.

The fiscal, correctional, and minority impact statements on this bill state that the impacts cannot be estimated because this bill creates a new crime, so there isn't any historical data.

Amendment Summary

H-8080 by Public Safety Committee - Increases the penalty for invasion of privacy, chapter 709, from a serious to an aggravated misdemeanor.

H-8089 to H-8080 by Heartsill (R) - Amends the title page to include “modifying penalties for invasion of privacy.”

H-8142 by Heartsill (R) and R. Olson (D) - Operation one of this amendment adds a definition of “film” to chapter 702, which defines words to be used throughout Iowa’s criminal code. The second operation goes to the trespass chapter, chapter 716, and creates a definition of “reasonable expectation of privacy.” This is defined to be circumstances where “a reasonable person would believe that the person could disrobe or partially disrobe in privacy, without being concerned” that they were being viewed, photographed, or filmed.

H-8150 by Jones (R) - Strikes the language from invasion of privacy, chapter 709, which requires that the person being viewed does not have knowledge about being viewed.