

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2017 REGULAR SESSION
Unofficial Document

Amend printed copy of **HB 291/SCS 1**

On page 2, line 19, prior to the word "use", by inserting the word "unlawful";

On page 2, line 22, by deleting ", except for:", and inserting in place thereof " .";

On page 2, lines 23-25, by deleting all text;

On page 3, lines 4 and 5, by deleting all text and inserting in place thereof:

"(11) No unmanned aircraft system shall be operated within three hundred (300) feet of a dwelling or structure, except during takeoff and landing. Operation of an unmanned aircraft system in violation of this subsection shall be a Class B misdemeanor for the first offense and a Class A misdemeanor for the second or subsequent offense.

(12) This section may be cited as the "Citizens' Freedom from Unwanted Surveillance Act.";

and

On page 10, after line 19, by inserting:

"➔Section 6. KRS 531.090 is amended to read as follows:

(1) A person is guilty of voyeurism when:

(a) He or she intentionally:

1. Uses or causes the use of any camera, videotape, photooptical, photoelectric, **unmanned aircraft system**, or other image recording device for the purpose of observing, viewing, photographing, filming, or videotaping the sexual conduct, genitals, an undergarment worn without being publicly visible, or nipple ~~of the~~

Amendment No. SFA 1

Rep. Sen. Ray S. Jones II

Committee Amendment _____

Signed: _____

Floor Amendment _____

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LRC Drafter: Trebelhorn, Matt

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXX

- ~~female breast~~] of another person without that person's consent; or
2. Uses the unaided eye or any device designed to improve visual acuity for the purpose of observing or viewing the sexual conduct, genitals, an undergarment worn without being publicly visible, or nipple~~[of the female breast]~~ of another person without that person's consent; or
 3. Enters or remains unlawfully in or upon the premises of another for the purpose of observing or viewing the sexual conduct, genitals, an undergarment worn without being publicly visible, or nipple~~[of the female breast]~~ of another person without the person's consent; and
- (b) The other person is in a place where a reasonable person would believe that his or her sexual conduct, genitals, undergarments, or nipple~~[of the female breast]~~ will not be observed, viewed, photographed, filmed, or videotaped without his or her knowledge.
- (2) The provisions of subsection (1) of this section shall not apply to:
- (a) A law enforcement officer during a lawful criminal investigation; or
 - (b) An employee of the Department of Corrections, the Department of Juvenile Justice, a private prison, a local jail, or a local correctional facility whose actions have been authorized for security or investigative purposes.
- (3) Unless objected to by the victim or victims of voyeurism, the court on its own motion or on motion of the Commonwealth's attorney shall:
- (a) Order the sealing of all photographs, film, videotapes, or other images that are introduced into evidence during a prosecution under this section or are in the possession of law enforcement, the prosecution, or the court as the result of a prosecution under this section; and
 - (b) At the conclusion of a prosecution under this section, unless required for additional prosecutions, order the destruction of all of the photographs, film, videotapes, or other

images that are in possession of law enforcement, the prosecution, or the court.

(4) Voyeurism is a Class A misdemeanor.

➔Section 7. KRS 531.100 is amended 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, unmanned aircraft system, 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."