

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1718

H.P. 1225

House of Representatives, December 20, 2005

An Act To Increase from a Class D Crime to a Class C Crime Violation of Privacy if the Victim Is under 16 Years of Age

Reported by Representative BLANCHETTE of Bangor for the Joint Standing Committee on Criminal Justice and Public Safety pursuant to Public Law 2005, chapter 423, section 24.

Received by the Clerk of the House on December 14, 2005. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Be it enacted by the People of the State of Maine as follows:

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4 **Sec. 1. 17-A MRSA §511**, as amended by PL 1999, c. 116, §1, is further amended to read:

6 **§511. Violation of privacy**

8 1. A person is guilty of violation of privacy if, except in the execution of a public duty or as authorized by law, that person intentionally:

12 A. Commits a civil trespass on property with the intent to overhear or observe any person in a private place.
14 Violation of this paragraph is a Class D crime;

16 A-1. Violates paragraph A and the other person has not in fact attained 16 years of age. Violation of this paragraph is a Class C crime;

20 B. Installs or uses in a private place without the consent of the person or persons entitled to privacy in that place, any device for observing, photographing, recording, amplifying or broadcasting sounds or events in that place.
24 Violation of this paragraph is a Class D crime;

26 B-1. Violates paragraph B and the other person has not in fact attained 16 years of age. Violation of this paragraph is a Class C crime;

30 C. Installs or uses outside a private place without the consent of the person or persons entitled to privacy therein, any device for hearing, recording, amplifying or broadcasting sounds originating in that place that would not ordinarily be audible or comprehensible outside that place.
34 Violation of this paragraph is a Class D crime;

36 C-1. Violates paragraph C and the other person has not in fact attained 16 years of age. Violation of this paragraph is a Class C crime;

40 D. Engages in visual surveillance in a public place by means of mechanical or electronic equipment with the intent to observe or photograph, or record, amplify or broadcast an image of any portion of the body of another person present in that place when that portion of the body is in fact concealed from public view under clothing and a reasonable person would expect it to be safe from surveillance.
44 Violation of this paragraph is a Class D crime; or

2 D-1. Violates paragraph D and the other person has not in
3 fact attained 16 years of age. Violation of this paragraph
4 is a Class C crime.

6 1-A. It is a defense to a prosecution under subsection 1,
7 paragraph D that the person subject to surveillance had in fact
8 attained ~~14~~ 16 years of age and had consented to the visual
9 surveillance.

10 2. As used in this section, "private place" means a place
11 where one may reasonably expect to be safe from surveillance,
12 including, but not limited to, changing or dressing rooms,
13 bathrooms and similar places, but excluding a place to which the
14 public or a substantial group has access.

16 ~~3.--Violation-of-privacy-is-a-Class-D-crime.~~

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SUMMARY

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21 Currently, violation of privacy is a Class D crime. This
22 bill amends the law to make violation of privacy a Class C crime
23 if the victim of the crime has not in fact attained 16 years of
24 age at the time of the offense.