

CHAPTER 204

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 04-1266

BY REPRESENTATIVE(S) Pommer, Boyd, Butcher, Carroll, Cloer, Coleman, Fairbank, Frangas, Garcia, Hodge, Madden, Marshall, McFadyen, McGihon, Merrifield, Miller, Mitchell, Paccione, Plant, Romanoff, Salazar, Stafford, Williams S., Cadman, and Johnson R.;

also SENATOR(S) Groff, Arnold, Chlouber, Hagedorn, Hanna, Hillman, Phillips, Sandoval, Tapia, Tupa, and Veiga.

AN ACT**CONCERNING CREATION OF THE CRIME OF CRIMINAL INVASION OF PRIVACY.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 7 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 8
CRIMINAL INVASION OF PRIVACY**

18-7-801. Criminal invasion of privacy. (1) A PERSON WHO KNOWINGLY TAKES A PHOTOGRAPH OF ANOTHER PERSON'S INTIMATE PARTS, AS DEFINED IN SECTION 18-3-401 (2), WITHOUT THAT PERSON'S CONSENT, IN A SITUATION WHERE THE PERSON PHOTOGRAPHED HAS A REASONABLE EXPECTATION OF PRIVACY, COMMITS CRIMINAL INVASION OF PRIVACY.

(2) CRIMINAL INVASION OF PRIVACY IS A CLASS 2 MISDEMEANOR.

(3) FOR THE PURPOSES OF THIS SECTION, "PHOTOGRAPH" INCLUDES A PHOTOGRAPH, MOTION PICTURE, VIDEOTAPE, PRINT, NEGATIVE, SLIDE, OR OTHER MECHANICALLY, ELECTRONICALLY, DIGITALLY, OR CHEMICALLY REPRODUCED VISUAL MATERIAL.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 2004, and shall apply to offenses committed on or after said date.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 26, 2004