

2003 SESSION

SENATE SUBSTITUTE

031836504

SENATE BILL NO. 1210

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice

on January 29, 2003)

(Patron Prior to Substitute—Senator Newman)

A BILL to amend and reenact § 18.2-130 of the Code of Virginia, relating to peeping or spying into a dwelling or enclosure.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-130 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-130. Peeping or spying into dwelling or enclosure.

A. It shall be unlawful for any person to enter upon the property of another and secretly or furtively peep, spy or attempt to peep or spy into or through a window, door or other aperture of any building, structure, or other enclosure of any nature occupied or intended for occupancy as a dwelling, whether or not such building, structure or enclosure is permanently situated or transportable and whether or not such occupancy is permanent or temporary, *or to do the same upon property owned by him and leased or rented to another under circumstances that would violate the occupant's reasonable expectation of privacy.*

B. It shall be unlawful for any person to use a peephole or other aperture to secretly or furtively peep, spy or attempt to peep or spy into a restroom, dressing room, locker room, hotel room, motel room, tanning bed, tanning booth, bedroom or other location or enclosure for the purpose of viewing any nonconsenting person who is totally nude, clad in undergarments, or in a state of undress exposing the genitals, pubic area, buttocks or female breast and the circumstances are such that the person would otherwise have a reasonable expectation of privacy.

C. The provisions of this section shall not apply to a lawful criminal investigation or a correctional official or local or regional jail official conducting surveillance for security purposes or during an investigation of alleged misconduct involving a person committed to the Department of Corrections or to a local or regional jail.

D. As used in this section, "peephole" means any hole, crack or other similar opening through which a person can see.

E. A violation of this section is a Class 1 misdemeanor.

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