

SENATE No. 1606

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to privacy..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 104 of chapter 272 is hereby amended by striking subsection (b)
2 and inserting in place thereof the following subsection:-

3 “(b) whoever willfully photographs, videotapes or electronically surveills another person
4 who is nude or partially nude, with the intent to secretly conduct or hide such activity, when the
5 other person in such place and circumstance would have a reasonable expectation of privacy in
6 not being so photographed, videotaped or electronically surveilled, and without that person’s
7 knowledge or consent, shall be punished by imprisonment in state prison for not more than 2 ½
8 years or by a fine of not more than \$5,000.”

9 SECTION 2. Section 104 of chapter 272 is hereby further amended by striking
10 subsection (c) and inserting in place thereof the following section:-

11 “(c) Whoever willfully disseminated the visual image of another person who is nude or
12 partially nude, with knowledge that such visual image was unlawfully obtained in violation of
13 subsection (b) and without consent of the person so depicted, shall be punished by imprisonment

- 14 in the state prison for not more than 5 years, or by fine of not more than \$10,000, or both such
- 15 fine and imprisonment.