HOUSE DOCKET, NO. 2951 FILED ON: 1/21/2011

# HOUSE . . . . . No. 2153

## The Commonwealth of Massachusetts

PRESENTED BY:

***Paul Brodeur***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing further protection from photographing, videotaping or electronically surveilling a partially nude or nude child.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *Paul Brodeur* | *32nd Middlesex* |
| *Benjamin Swan* | *11th Hampden* |
| *Kevin J. Kuros* | *8th Worcester* |
| *Steven L. Levy* | *4th Middlesex* |
| *John D. Keenan* | *7th Essex* |
| *Mark J. Cusack* | *5th Norfolk* |
| *Gerard Leone* | *District Attorney, Middlesex County* |

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# HOUSE . . . . . No. 2153

By Mr. Brodeur of Melrose, a petition (accompanied by bill, House, No. 2153) of Paul Brodeur and others relative to providing further protection from photographing, videotaping or electronically surveilling a partially nude or nude child. The Judiciary.

## The Commonwealth of Massachusetts

**In the Year Two Thousand Eleven**

An Act providing further protection from photographing, videotaping or electronically surveilling a partially nude or nude child.

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

SECTION 1. Section 105 of chapter 272 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding at the end of subsection (b) the following new subsection:

(b½) Whoever willfully photographs, videotapes or electronically surveils a child under eighteen years of age who is nude or partially nude, with the intent to secretly conduct or hide such activity, when the other person in such place and circumstance would have a reasonable expectation of privacy in not being so photographed, videotaped or electronically surveilled, and without that person's knowledge and consent, shall be punished by imprisonment in the state prison for not more than 5 years or in a jail or house of correction for not more than 2½ years or by a fine of not more than $10,000, or by both such fine and imprisonment.

SECTION 2. Said Section 105 of chapter 272 of the Generals Laws, as so appearing, is hereby further amended by adding at the end of subsection (c) the following new subsection:

13 (c½) Whoever willfully disseminates the visual image of a child under eighteen years of
14 age who is nude or partially nude with knowledge that such visual image was unlawfully
15 obtained in violation of subsection (b1/2) shall be punished by imprisonment in the state prison
16 for not more than 10 years or in a jail or house of correction for not more than 2½ years or by a
17 fine of not more than $50,000, or by both such fine and imprisonment.