

JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY

BILL NO. H1633

TITLE: An Act updating and clarifying the statute relating to “upskirting”.

SPONSOR: Rep. Leigh Davis

COSPONSOR(S): None

HEARING DATE: June 17, 2025

PRIOR HISTORY: H1477 (2023-2024)

SENATE BILL: None

CURRENT LAW: Section 105 of Chapter 272 of the General Laws prohibits willfully photographing, videotaping or electronically surveilling with the intent to secretly conduct or hide such activity: (i) another person who is nude or partially nude without their knowledge or consent; (ii) the sexual or other intimate parts of a person under or around their clothing in an attempt to view these parts without their knowledge or consent. Both are punished by up to 2.5 years in a house of correction or a fine of not more than \$5,000, or both. Includes heightened penalties for surveilling minors. It further prohibits the dissemination of visual images unlawfully obtained under the Section. It defines “sexual and other intimate parts” as human genitals, buttocks, pubic area or female breast below a point immediately above the tip of the areola, whether naked or covered by clothing or undergarments. It defines “partially nude” as the exposure of the human genitals, buttocks, pubic area or female breast below a point immediately above the top of the areola.

BILL SUMMARY: Section 1 – Amends Section 105 of Chapter 272 by: (i) changing the definition of “partially nude” to partially unclothed, such that one or more sexual or other intimate parts are exposed; (ii) changing the definition of “sexual or other intimate parts” to human genitals, buttocks, pubic area or female nipples and areola, or any part thereof; and (iii) adding language stating that the actual knowledge and consent of the person being captured is an affirmative defense.