**A** **BILL**

TO AMEND SECTION 16‑17‑470, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EAVESDROPPING, PEEPING, AND VOYEURISM, SO AS TO REVISE THE OFFENSE OF VOYEURISM TO CLARIFY THAT IT INCLUDES “UPSKIRTING” AND TO DEFINE THE TERM.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 16‑17‑470(B) of the 1976 Code is amended to read:

“(B) A person commits the crime of voyeurism if, for the purpose of arousing or gratifying sexual desire of any person, he or she knowingly views, photographs, audio records, video records, produces, or creates a digital electronic file, or films another person, without that person’s knowledge and consent, while the person is in a place where he or she would have a reasonable expectation of privacy. The crime of voyeurism includes, but is not limited to, the practice of upskirting. For purposes of this section, ‘upskirting’ means the practice of secretly photographing, video recording, producing, creating a digital electronic file, or otherwise filming underneath a person’s dress or skirt. A person who violates the provisions of this subsection:

(1) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than three years, or both; or

(2) for a second or subsequent offense, is guilty of a felony and, upon conviction, must be fined not less than five hundred dollars or more than five thousand dollars or imprisoned not more than five years, or both.”

SECTION 2. This act takes effect upon approval by the Governor.

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