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S.B. 218
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Antani

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SUMMARY

- Increases the penalties for the offense of voyeurism.

DETAILED ANALYSIS

Voyeurism

Four separate prohibitions are included under the offense of “voyeurism.” The prohibitions, unchanged by the bill, prohibit a person from doing any of the following:¹

- For the purpose of sexually arousing or gratifying the person’s self, committing trespass or otherwise surreptitiously invading the privacy of another person, to spy or eavesdrop upon another person.
- For the purpose of sexually arousing or gratifying the person’s self, committing trespass or otherwise surreptitiously invading the privacy of another person to videotape, film, photograph, or otherwise record the other person in a state of nudity.
- For the purpose of sexually arousing or gratifying the person’s self, committing trespass or otherwise surreptitiously invading the privacy of another person to videotape, film, photograph, otherwise record, or spy or eavesdrop upon the other person in a state of nudity if the other person is a minor.
- Secretly or surreptitiously videotaping, filming, photographing, or otherwise recording another person under or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person.

¹ R.C. 2907.08(A) through (D) and (E)(1).

Penalties

The bill increases the penalties for the offense of voyeurism, with the penalties varying depending on the prohibition violated and whether the offender has any prior convictions, as outlined in the following table:²

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Prohibition violated; prior convictions	Existing law penalty	Penalty under the bill
1. <u>Prohibition and general penalty.</u> For the purpose of sexually arousing or gratifying the offender's self, the offender commits trespass or otherwise surreptitiously invades the privacy of another person, to spy or eavesdrop upon another person.	3 rd degree misdemeanor (M3)	1 st degree misdemeanor (M1)
Same prohibition as in (1), above, but the offender has twice previously been convicted of or pleaded guilty to voyeurism, under any of the prohibitions.	M3	5 th degree felony (F5)
Same prohibition as in (1), above, but the offender has three or more times previously been convicted of or pleaded guilty to voyeurism, under any of the prohibitions.	M3	4 th degree felony (F4)
2. <u>Prohibition and general penalty.</u> For the purpose of sexually arousing or gratifying the offender's self, the offender commits trespass or otherwise surreptitiously invades the privacy of another person to videotape, film, photograph, or otherwise record the other person in a state of nudity.	2 nd degree misdemeanor (M2)	M1
Same prohibition as in (2), above, but the offender has twice previously been convicted of or pleaded guilty to voyeurism, under any of the prohibitions.	M2	F5
Same prohibition as in (2), above, but the offender has three or more times previously been convicted of or pleaded guilty to voyeurism, under any of the prohibitions.	M2	F4

² R.C. 2907.08(E)(2) through (E)(5).

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Prohibition violated; prior convictions	Existing law penalty	Penalty under the bill
3. <u>Prohibition and general penalty.</u> The offender secretly or surreptitiously videotapes, films, photographs, or otherwise records another person under or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person.	M1	M1
Same prohibition as in (3), above, but the offender has twice previously been convicted of or pleaded guilty to voyeurism, under any of the prohibitions.	M1	F5
Same prohibition as in (3), above, but the offender has three or more times previously been convicted of or pleaded guilty to voyeurism, under any of the prohibitions.	M1	F4
4. <u>Prohibition and general penalty.</u> For the purpose of sexually arousing or gratifying the offender's self, the offender commits trespass or otherwise surreptitiously invades the privacy of another person to videotape, film, photograph, otherwise record, or spy or eavesdrop upon the other person in a state of nudity if the other person is a minor.	F5	F5
Same prohibition as in (4), above, but the offender has previously been convicted of or pleaded guilty to voyeurism, under any of the prohibitions.	F5	F4

HISTORY

Action	Date
Introduced	08-10-21

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