

**COMPENDIUM OF FEDERAL AND STATE STATUTES ON AUDIO AND VIDEO  
SURVEILLANCE**

**The list of statutes is followed by the text of the relevant sections and subsections of each listed federal and state statute.**

**For the reader's convenience the terms all parties, audio, consent, employee, oral, party, surveillance, video, videotape, and variations of these words are in bold font.**

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## TEXT OF STATUTES

### FEDERAL STATUTES

#### UNITED STATES CODE

#### **18 U.S.C. § 2511 (2017). Interception and disclosure of wire, oral, or electronic communications prohibited.**

(1) Except as otherwise specifically provided in this chapter [18 USCS §§ 2510 et seq.] any person who--

- (a) intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire, **oral**, or electronic communication;
- (b) intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any **oral** communication when--
  - (i) such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or
  - (ii) such device transmits communications by radio, or interferes with the transmission of such communication; or
  - (iii) such person knows, or has reason to know, that such device or any component thereof has been sent through the mail or transported in interstate or foreign commerce; or
  - (iv) such use or endeavor to use (A) takes place on the premises of any business or other commercial establishment the operations of which affect interstate or foreign commerce; or (B) obtains or is for the purpose of obtaining information relating to the operations of any business or other commercial establishment the operations of which affect interstate or foreign commerce; or
- (v) such person acts in the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;
- (c) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, **oral**, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, **oral**, or electronic communication in violation of this subsection;
- (d) intentionally uses, or endeavors to use, the contents of any wire, **oral**, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, **oral**, or electronic communication in violation of this subsection; or
- (e) (i) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, **oral**, or electronic communication, intercepted by means authorized by sections 2511(2)(a)(ii), 2511(2)(b)-(c), 2511(2)(e), 2516, and 2518 of this chapter [18 USCS §§ 2511(2)(a)(ii), 2511(2)(b)-(c), 2511(2)(e), 2516, and 2518], (ii) knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation, (iii) having obtained or received the information in connection with a criminal investigation, and (iv) with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation, shall be punished as provided in subsection (4) or shall be subject to suit as provided in subsection (5).

(2)

...

(c) It shall not be unlawful under this chapter [18 USCS §§ 2510 - 2522] for a person acting under color of law to intercept a wire, **oral**, or electronic communication, where such person is a party to the communication or one of the parties to the communication has given prior **consent** to such interception.

(d) It shall not be unlawful under this chapter [18 USCS §§ 2510 - 2522] for a person not acting under color of law to intercept a wire, **oral**, or electronic communication where such person is a party to the communication or where one of the parties to the communication has given prior **consent** to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State.

...

**18 U.S.C. § 2701 (2017). Unlawful access to stored communications.**

(a) Offense. Except as provided in subsection (c) of this section whoever--

(1) intentionally accesses without authorization a facility through which an electronic communication service is provided; or

(2) intentionally exceeds an authorization to access that facility; and thereby obtains, alters, or prevents authorized access to a wire or electronic communication while it is in electronic storage in such system shall be punished as provided in subsection (b) of this section.

...

**18 U.S.C. § 2721 (2017). Prohibition on release and use of certain personal information from State motor vehicle records.**

(a) In general. A State department of motor vehicles, and any officer, **employee**, or contractor thereof, shall not knowingly disclose or otherwise make available to any person or entity:

(1) personal information, as defined in 18 U.S.C. 2725(3), about any individual obtained by the department in connection with a motor vehicle record, except as provided in subsection (b) of this section; or

(2) highly restricted personal information, as defined in 18 U.S.C. 2725(4), about any individual obtained by the department in connection with a motor vehicle record, without the express **consent** of the person to whom such information applies, except uses permitted in subsections (b)(1), (b)(4), (b)(6), and (b)(9): Provided, That subsection (a)(2) shall not in any way affect the use of organ donation information on an individual's driver's license or affect the administration of organ donation initiatives in the States.

## STATE STATUTES

### ALABAMA

#### **Ala. Code § 13A-11-31 (2017). Criminal eavesdropping.**

(a) A person commits the crime of criminal eavesdropping if he intentionally uses any device to eavesdrop, whether or not he is present at the time.

(b) Criminal eavesdropping is a Class A misdemeanor.

#### **Ala Code § 13A-11-32 (2017). Criminal surveillance.**

(a) A person commits the crime of criminal **surveillance** if he intentionally engages in **surveillance** while trespassing in a private place.

(b) Criminal **surveillance** is a Class B misdemeanor.

### ALASKA

#### **Alaska Stat. Ann. § 42.20.310 (2017). Eavesdropping**

(a) A person may not

(1) use an eavesdropping device to hear or record all or any part of an **oral** conversation without the **consent** of a party to the conversation;

(2) use or divulge any information which the person knows or reasonably should know was obtained through the illegal use of an eavesdropping device for personal benefit or another's benefit;

(3) publish the existence, contents, substance, purport, effect, or meaning of any conversation the person has heard through the illegal use of an eavesdropping device;

(4) divulge, or publish the existence, contents, substance, purport, effect, or meaning of any conversation the person has become acquainted with after the person knows or reasonably should know that the conversation and the information contained in the conversation was obtained through the illegal use of an eavesdropping device.

(b) In this section “eavesdropping device” means any device capable of being used to hear or record **oral** conversation whether the conversation is conducted in person, by telephone, or by any other means; provided that this definition does not include devices used for the restoration of the deaf or hard-of-hearing to normal or partial hearing.

## ARIZONA

### **Ariz. Rev. Stat. Ann § 13-3005 (2017). Interception of wire, electronic and oral communications; installation of pen register or trap and trace device; classification; exceptions**

A. Except as provided in this section and section 13-3012, a person is guilty of a class 5 felony who either:

1. Intentionally intercepts a wire or electronic communication to which he is not a party, or aids, authorizes, employs, procures or permits another to so do, without the **consent** of either a sender or receiver thereof.
2. Intentionally intercepts a conversation or discussion at which he is not present, or aids, authorizes, employs, procures or permits another to so do, without the **consent** of a party to such conversation or discussion.
3. Intentionally intercepts the deliberations of a jury or aids, authorizes, employs, procures or permits another to so do.

B. Except as provided in sections 13-3012 and 13-3017, a person who intentionally and without lawful authority installs or uses a pen register or trap and trace device on the telephone lines or communications facilities of another person which are utilized for wire or electronic communication is guilty of a class 6 felony.

## ARKANSAS

### **Ark. Code Ann. § 5-60-120 (2017). Interception and recording.**

(a) It is unlawful for a person to intercept a wire, landline, **oral**, telephonic communication, or wireless communication, and to record or possess a recording of the communication unless the person is a party to the communication or one (1) of the parties to the communication has given prior **consent** to the interception and recording.

(b) Any violation of this section is a Class A misdemeanor.

...

## CALIFORNIA

### **Cal. Civ. Code § 1798.14 (2017). Records limited to relevant and necessary information.**

Each agency shall maintain in its records only personal information which is relevant and necessary to accomplish a purpose of the agency required or authorized by the California Constitution or statute or mandated by the federal government.

**Cal. Gov't. Code § 34090.8 (2017). (Limitation upon transit agency for installing equipment for storing recorded images).**

(a) When installing new security systems, a transit agency operated by a city or city and county shall only purchase and install equipment capable of storing recorded images for at least one year, unless all of the following conditions apply:

(1) The transit agency has made a diligent effort to identify a security system that is capable of storing recorded data for one year.

(2) The transit agency determines that the technology to store recorded data in an economically and technologically feasible manner for one year is not available.

(3) The transit agency purchases and installs the best available technology with respect to storage capacity that is both economically and technologically feasible at that time.

(b) Notwithstanding any other provision of law, **video** recordings or other recordings made by security systems operated as part of a public transit system shall be retained for one year, unless one of the following conditions applies:

(1) The **video** recordings or other recordings are evidence in any claim filed or any pending litigation, in which case the **video** recordings or other recordings shall be preserved until the claim or the pending litigation is resolved.

(2) The **video** recordings or other recordings recorded an event that was or is the subject of an incident report, in which case the **video** recordings or other recordings shall be preserved until the incident is resolved.

(3) The transit agency utilizes a security system that was purchased or installed prior to January 1, 2004, or that meets the requirements of subdivision (a), in which case the **video** recordings or other recordings shall be preserved for as long as the installed technology allows.

**Cal. Gov't Code § 6253.9 (2017). (Information in electronic format).**

(a) Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this chapter that is in an electronic format shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following:

(1) The agency shall make the information available in any electronic format in which it holds the information.

(2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.

...

**Cal. Penal Code § 632 (2017). Eavesdropping on confidential communication; Punishment.**

(a) A person who, intentionally and without the **consent** of **all parties** to a confidential communication, uses an electronic amplifying or recording device to eavesdrop upon or record the confidential communication, whether the communication is carried on among the parties in the presence of one another or by means of a telegraph, telephone, or other device, except a radio, shall be punished by a fine not exceeding two thousand five hundred dollars (\$2,500) per

violation, or imprisonment in a county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment. If the person has previously been convicted of a violation of this section or Section 631, 632.5, 632.6, 632.7, or 636, the person shall be punished by a fine not exceeding ten thousand dollars (\$10,000) per violation, by imprisonment in a county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment.

(b) For the purposes of this section, “person” means an individual, business association, partnership, corporation, limited liability company, or other legal entity, and an individual acting or purporting to act for or on behalf of any government or subdivision thereof, whether federal, state, or local, but excludes an individual known by **all parties** to a confidential communication to be overhearing or recording the communication.

(c) For the purposes of this section, “confidential communication” means any communication carried on in circumstances as may reasonably indicate that any party to the communication desires it to be confined to the parties thereto, but excludes a communication made in a public gathering or in any legislative, judicial, executive, or administrative proceeding open to the public, or in any other circumstance in which the parties to the communication may reasonably expect that the communication may be overheard or recorded.

(d) Except as proof in an action or prosecution for violation of this section, evidence obtained as a result of eavesdropping upon or recording a confidential communication in violation of this section is not admissible in any judicial, administrative, legislative, or other proceeding.

...

**Cal. Penal Code § 647 (2017). Disorderly conduct; Punishment for violation.**

Except as provided in paragraph (5) of subdivision (b) and subdivision (l), every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor:

...

(j)

(1) A person who looks through a hole or opening, into, or otherwise views, by means of any instrumentality, including, but not limited to, a periscope, telescope, binoculars, camera, motion picture camera, camcorder, or mobile phone, the interior of a bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth, or the interior of any other area in which the occupant has a reasonable expectation of privacy, with the intent to invade the privacy of a person or persons inside. This subdivision does not apply to those areas of a private business used to count currency or other negotiable instruments.

(2) A person who uses a concealed camcorder, motion picture camera, or photographic camera of any type, to secretly **videotape**, film, photograph, or record by electronic means, another,

identifiable 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, without the **consent** or knowledge of that other person, with the intent to arouse, appeal to, or gratify the lust, passions, or sexual desires of that person and invade the privacy of that other person, under circumstances in which the other person has a reasonable expectation of privacy.

(3)

(A) A person who uses a concealed camcorder, motion picture camera, or photographic camera of any type, to secretly **videotape**, film, photograph, or record by electronic means, another, identifiable person who may be in a state of full or partial undress, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the **consent** or knowledge of that other person, in the interior of a bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth, or the interior of any other area in which that other person has a reasonable expectation of privacy, with the intent to invade the privacy of that other person.

(B) Neither of the following is a defense to the crime specified in this paragraph:

(i) The defendant was a cohabitant, landlord, tenant, cotenant, employer, **employee**, or business partner or associate of the victim, or an agent of any of these.

(ii) The victim was not in a state of full or partial undress.

...

**Cal. Veh. Code § 40240 (2017). Enforcement of parking violations in specified transit-only traffic lanes through the use of video image evidence; Installation of devices; Review of video image; Time limit for implementation of automated enforcement system.**

(a) Subject to subdivision (g), the City and County of San Francisco and the Alameda-Contra Costa Transit District may install automated forward facing parking control devices on city-owned or district-owned public transit vehicles, as defined by Section 99211 of the Public Utilities Code, for the purpose of **video** imaging of parking violations occurring in transit-only traffic lanes. Citations shall be issued only for violations captured during the posted hours of operation for a transit-only traffic lane. The devices shall be angled and focused so as to capture **video** images of parking violations and not unnecessarily capture identifying images of other drivers, vehicles, and pedestrians. The devices shall record the date and time of the violation at the same time as the **video** images are captured.

...

(f) Notwithstanding Section 6253 of the Government Code, or any other law, the **video** image records are confidential. Public agencies shall use and allow access to these records only for the purposes authorized by this article.

...

## **COLORADO**

### **Colo. Rev. Stat. § 18-7-801 (2017). Criminal invasion of privacy.**

(1) A person who knowingly observes or takes a photograph of another person's intimate parts, as defined in section 18-3-401 (2), without that person's consent, in a situation where the person observed or photographed has a reasonable expectation of privacy, commits criminal invasion of privacy.

(2) Criminal invasion of privacy is a class 2 misdemeanor.

(3) For the purposes of this section, “photograph” includes a photograph, motion picture, **videotape**, live feed, print, negative, slide, or other mechanically, electronically, digitally, or chemically reproduced visual material.

### **Colo. Rev. Stat. § 18-9-304 (2017). Eavesdropping prohibited - penalty**

(1) Any person not visibly present during a conversation or discussion commits eavesdropping if he:

(a) Knowingly overhears or records such conversation or discussion without the **consent** of at least one of the principal parties thereto, or attempts to do so; or

(b) Intentionally overhears or records such conversation or discussion for the purpose of committing, aiding, or abetting the commission of an unlawful act; or

(c) Knowingly uses for any purpose, discloses, or attempts to use or disclose to any other person the contents of any such conversation or discussion while knowing or having reason to know the information was obtained in violation of this section; or

(d) Knowingly aids, authorizes, agrees with, employs, permits, or intentionally conspires with any person to violate the provisions of this section.

(2) Eavesdropping is a class 1 misdemeanor.

### **Colo. Rev. Stat. § 24-72-113 (2017). Limit on retention of passive surveillance records – definition.**

(1) As used in this section, “passive **surveillance**” means the use by a government entity of a digital video camera, **videotape** camera, closed circuit television camera, film camera, photo radar recorder, or other image recording device positioned to capture moving or still pictures or images of human activity on a routine basis or for security or other purposes, including monitoring or recording traffic, weather conditions, office activities, transit facilities, parking garages, sports venues, schools, day care centers, hospitals or other medical facilities,

recreational facilities, playgrounds, swimming pools, or utility facilities. “Passive **surveillance**” does not include **surveillance** triggered by a certain event or activity and that does not monitor at regular intervals. “Passive **surveillance**” does not include the use of toll collection cameras.

(2) (a) The custodian, as defined in section 24-72-202, may only access a passive **surveillance** record beyond the first anniversary after the date of the creation of the passive **surveillance** record, and up to the third anniversary after the date of the creation of the passive **surveillance** record, if there has been a **notice** of claim filed, or an accident or other specific incident that may cause the passive **surveillance** record to become evidence in any civil, labor, administrative, or felony criminal proceeding, in which case the passive **surveillance** record may be retained. The custodian shall preserve a record of the reason for which the passive **surveillance** record was accessed and the person who accessed the passive **surveillance** record beyond the first anniversary after its creation. All passive **surveillance** records must be destroyed after the third anniversary after the date of the creation of the passive **surveillance** record unless retention is authorized by this section.

...

## CONNECTICUT

### **Conn. Gen. Stat. § 31-48b (2017). Use of electronic surveillance devices by employers limited. Prohibition on recording negotiations between employers and employees.**

(a) For purposes of this section, “employer” means the owner or owners in the case of an unincorporated business, the partners in the case of a partnership, the officers in the case of a corporation or in the case of the state, any town, city or borough, or district, local or regional board of education, or housing authority or district department of health, the chief executive officer thereof.

(b) No employer or agent or representative of an employer shall operate any electronic **surveillance** device or system, including but not limited to the recording of sound or voice or a closed circuit television system, or any combination thereof, for the purpose of recording or monitoring the activities of his **employees** in areas designed for the health or personal comfort of the **employees** or for safeguarding of their possessions, such as rest rooms, locker rooms or lounges.

(c) Any employer who violates any provision of subsection (b) of this section shall, for the first offense, be fined five hundred dollars, for the second offense, be fined one thousand dollars and, for the third and any subsequent offense, be fined one thousand dollars and imprisoned thirty days.

(d) No employer or his agent or representative and no **employee** or his agent or representative shall intentionally overhear or record a conversation or discussion pertaining to employment contract negotiations between the two parties, by means of any instrument, device or equipment, unless such party has the **consent** of **all parties** to such conversation or discussion.

(e) Any employer or his agent or representative or any **employee** or his agent or representative who violates any provision of subsection (d) of this section shall be fined one thousand dollars or imprisoned one year, or both.

**Conn. Gen. Stat. § 53a-187 (2017). Definitions. Applicability.**

(a) The following definitions are applicable to sections 53a-188 and 53a-189: (1) “Wiretapping” means the intentional overhearing or recording of a telephonic or telegraphic communication or a communication made by cellular radio telephone by a person other than a sender or receiver thereof, without the **consent** of either the sender or receiver, by means of any instrument, device or equipment. The normal operation of a telephone or telegraph corporation and the normal use of the services and facilities furnished by such corporation pursuant to its tariffs shall not be deemed “wiretapping”. (2) “Mechanical overhearing of a conversation” means the intentional overhearing or recording of a conversation or discussion, without the **consent** of at least one party thereto, by a person not present thereat, by means of any instrument, device or equipment. (3) “Unlawfully” means not specifically authorized by law. For purposes of this section, “cellular radio telephone” means a wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular radio telephones.

(b) This section and sections 53a-188 and 53a-189 shall not apply to wiretapping by criminal law enforcement officials in the lawful performance of their duties and do not affect the admissibility of evidence in any proceedings other than a prosecution for eavesdropping or tampering with private communications.

**Conn. Gen. Stat. § 53a-189 (2017). Eavesdropping: Class D felony.**

(a) A person is guilty of eavesdropping when he unlawfully engages in wiretapping or mechanical overhearing of a conversation.

(b) Eavesdropping is a class D felony.

**Conn. Gen. Stat. § 53a-189a (2017). Voyeurism: Class D or C felony.**

(a) A person is guilty of voyeurism when, (1) with malice, such person knowingly photographs, films, **videotapes** or otherwise records the image of another person (A) without the knowledge and **consent** of such other person, (B) while such other person is not in plain view, and (C) under circumstances where such other person has a reasonable expectation of privacy, (2) with intent to arouse or satisfy the sexual desire of such person or any other person, such person knowingly photographs, films, **videotapes** or otherwise records the image of another person (A) without the knowledge and **consent** of such other person, (B) while such other person is not in plain view, and (C) under circumstances where such other person has a reasonable expectation of privacy, (3) with the intent to arouse or satisfy the sexual desire of such person, commits simple trespass, as provided in section 53a-110a, and observes, in other than a casual or cursory manner, another

person (A) without the knowledge or **consent** of such other person, (B) while such other person is inside a dwelling, as defined in section 53a-100, and not in plain view, and (C) under circumstances where such other person has a reasonable expectation of privacy, or (4) with intent to arouse or satisfy the sexual desire of such person or any other person, such person knowingly photographs, films, **videotapes** or otherwise records the genitals, pubic area or buttocks of another person or the undergarments or stockings that clothe the genitals, pubic area or buttocks of another person (A) without the knowledge and consent of such other person, and (B) while such genitals, pubic area, buttocks, undergarments or stockings are not in plain view.

(b) Voyeurism is (1) a class D felony for a first offense, except as provided in subdivision (3) of this subsection, (2) a class C felony for any subsequent offense, and (3) a class C felony for a first offense when (A) such person has been previously convicted of an offense enumerated in subsection (f) of section 53a-29, or (B) the intended subject of the offense is a person under sixteen years of age.

(c) Notwithstanding the provisions of section 54-193, no person may be prosecuted for an offense under subdivision (1), (2) or (4) of subsection (a) of this section except within five years from the date of the offense, or within five years from the date the subject of the offense discovers the existence of the photograph, film, **videotape** or other recording that constitutes a violation of subdivision (1), (2) or (4) of subsection (a) of this section, whichever is later.

## **DELAWARE**

### **Del. Code Ann. tit. 11, ch. 24 § 2401 (2017). Wiretapping, Electronic Surveillance and Interception of Communications, Subchapter I. Electronic Surveillance and Interception of Communications - Definitions.**

When used in this chapter:

- (1) "Aggrieved person" means a person who was a party to any intercepted wire, **oral** or electronic communication or a person against whom the interception was directed.
- (2) "Aural transfer" means a transfer containing the human voice at any point between and including the point of origin and the point of reception.
- (3) "Communication common carrier" means any person engaged as a common carrier for hire in the transmission of wire or electronic communications.
- (4) "Contents," when used with respect to any wire, **oral** or electronic communication, includes any information concerning the identity of the parties to the communication or the existence or substance of that communication.

(5) "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any electromagnetic, photoelectronic or photooptical system. However, "electronic communication" does not include:

- a. Any wire or **oral** communication;
- b. Any communication made through a tone-only paging device; or
- c. Any communication from a tracking device.

(6) "Electronic communication service" means any service that provides to users of the service the ability to send or receive wire, **oral** or electronic communications.

(7) "Electronic communications system" means any wire, **oral**, radio, electromagnetic, photo optical or photoelectronic facilities for the transmission of wire, **oral** or electronic communications, and any computer facilities or related electronic equipment for the wire, **oral** or electronic storage of electronic communications.

(8) "Electronic, mechanical, or other device" means any device or electronic communication instrument other than:

- a. Any telephone or telegraph instrument, equipment or other facility for the transmission of electronic communications, or any component thereof, which is furnished to the subscriber or user by a provider of wire or electronic communication service in the ordinary course of its business and is being used by the subscriber or user in the ordinary course of its business or furnished by the subscriber or user for connection to the facilities of the service and used in the ordinary course of its business or which is being used by a communications common carrier in the ordinary course of its business or which is being used by an investigative or law-enforcement officer in the ordinary course of that officer's duties; or,
- b. A hearing aid or similar device being used to correct subnormal hearing to not better than normal.

(9) "Electronic storage" means any temporary, intermediate storage of a wire, **oral** or electronic communication incidental to the electronic transmission of the communication. "Electronic storage" includes any storage of a wire, **oral** or electronic communication by an electronic communication service for purposes of backup protection of the communication.

(10) "Intercept" means the aural or other acquisition of the contents of any wire, **oral** or electronic communication through the use of any electronic, mechanical or other device.

...

(13) "**Oral** communication" means any **oral** communication uttered by a person made while exhibiting an expectation that such communication is not subject to interception and under

circumstances justifying such expectation, but such term does not include any electronic communication.

...

(20) "Wire communication" means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable or other like connection between the point of origin and the point of reception (including the use of a connection in a switching station) furnished or operated by any person licensed to engage in providing or operating such facilities for the transmission of communications.

**Del. Code Ann. tit. 11, ch. 24 § 2402 (2017). Interception of communications generally; divulging contents of communications, violations of chapter.**

(a) Prohibited acts. — Except as specifically provided in this chapter or elsewhere in this Code no person shall:

(1) Intentionally intercept, endeavor to intercept, or procure any other person to intercept or endeavor to intercept any wire, **oral** or electronic communication;

(2) Intentionally disclose or endeavor to disclose to any other person the contents of any wire, **oral** or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, **oral** or electronic communication in violation of this chapter; or

(3) Intentionally use or endeavor to use the contents of any wire, **oral** or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, **oral** or electronic communication in violation of this chapter.

...

(c) Lawful acts. — It is lawful:

...

(4) For a person to intercept a wire, **oral** or electronic communication where the person is a party to the communication or where one of the parties to the communication has given prior **consent** to the interception, unless the communication is intercepted for the purpose of committing any criminal or tortious act in violation of the constitutions or laws of the United States, this State or any other state or any political subdivision of the United States or this or any other state.

...

(6) For an officer, **employee** or agent of a government emergency communications center to intercept a wire, **oral** or electronic communication where the officer, agent or **employee** is a party to a conversation concerning an emergency.

...

## **DISTRICT OF COLUMBIA**

### **D.C. Code § 5-133.19 (2017). Regulations for use of video surveillance by Metropolitan Police Department.**

(a) The Chief of Police, pursuant to subchapter I of Chapter 5 of Title 2, shall issue regulations pertaining to the Metropolitan Police Department's use of **video surveillance** cameras and technology in the operation of its Joint Operations Command Center/Synchronized Operations Command Center.

(b) The proposed regulations shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess.

(c) If the Council does not approve or disapprove the proposed regulations, in whole or in part, by resolution, within this 45-day review period, the proposed regulations shall be deemed disapproved.

### **D.C. Code § 7-2231.10 (2017). Rules for use of surveillance cameras.**

(a) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules for the use of **surveillance** cameras and technology in the operation of its Video Interoperability for Public Safety ("VIPS") program; provided, that the Agency shall not use cameras maintained or monitored by either the Department of Corrections or the Metropolitan Police Department. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, by resolution, within this 45-day review period, the proposed rules shall be deemed disapproved.

(b) Until rules are issued and approved pursuant to subsection (a) of this section, the use of any **video surveillance** cameras that are part of the VIPS program shall be governed by the regulations promulgated pursuant to the Use of Closed Circuit Television to Combat Crime Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-284; 54 DCR 938), and published in Chapter 25 of Title 24 of the District of Columbia Municipal Regulations.

(c) The Metropolitan Police Department shall maintain a right of access to all **surveillance** cameras and technology in the VIPS program, without limitation, except as stated in applicable rules or regulations governing the VIPS program.

## **FLORIDA**

### **Fla. Stat. § 810.145 (2017). Video voyeurism.**

(1) As used in this section, the term:

...

(b) "Imaging device" means any mechanical, digital, or electronic viewing device; still camera; camcorder; motion picture camera; or any other instrument, equipment, or format capable of recording, storing, or transmitting visual images of another person.

(c) "Place and time when a person has a reasonable expectation of privacy" means a place and time when a reasonable person would believe that he or she could fully disrobe in privacy, without being concerned that the person's undressing was being viewed, recorded, or broadcasted by another, including, but not limited to, the interior of a residential dwelling, bathroom, changing room, fitting room, dressing room, or tanning booth.

(d) "Privately exposing the body" means exposing a sexual organ.

(2) A person commits the offense of **video** voyeurism if that person:

(a) For his or her own amusement, entertainment, sexual arousal, gratification, or profit, or for the purpose of degrading or abusing another person, intentionally uses or installs an imaging device to secretly view, broadcast, or record a person, without that person's knowledge and **consent**, who is dressing, undressing, or privately exposing the body, at a place and time when that person has a reasonable expectation of privacy;

(b) For the amusement, entertainment, sexual arousal, gratification, or profit of another, or on behalf of another, intentionally permits the use or installation of an imaging device to secretly view, broadcast, or record a person, without that person's knowledge and **consent**, who is dressing, undressing, or privately exposing the body, at a place and time when that person has a reasonable expectation of privacy; or

(c) For the amusement, entertainment, sexual arousal, gratification, or profit of oneself or another, or on behalf of oneself or another, intentionally uses an imaging device to secretly view, broadcast, or record under or through the clothing being worn by another person, without that person's knowledge and **consent**, for the purpose of viewing the body of, or the undergarments worn by, that person.

(3) A person commits the offense of **video** voyeurism dissemination if that person, knowing or having reason to believe that an image was created in a manner described in this section, intentionally disseminates, distributes, or transfers the image to another person for the purpose of amusement, entertainment, sexual arousal, gratification, or profit, or for the purpose of degrading or abusing another person.

...

(5) This section does not apply to any:

(a) Law enforcement agency conducting **surveillance** for a law enforcement purpose;

(b) Security system when a written **notice** is conspicuously posted on the premises stating that a video **surveillance** system has been installed for the purpose of security for the premises;

(c) Video **surveillance** device that is installed in such a manner that the presence of the device is clearly and immediately obvious; or

...

**Fla. Stat. § 934.03 (2017). Interception and disclosure of wire, oral, or electronic communications prohibited.**

(1) Except as otherwise specifically provided in this chapter, any person who:

(a) Intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire, **oral**, or electronic communication;

(b) Intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any **oral** communication when:

1. Such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or

2. Such device transmits communications by radio or interferes with the transmission of such communication;

(c) Intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, **oral**, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, **oral**, or electronic communication in violation of this subsection;

(d) Intentionally uses, or endeavors to use, the contents of any wire, **oral**, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, **oral**, or electronic communication in violation of this subsection; or

(e) Intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, **oral**, or electronic communication intercepted by means authorized by subparagraph (2)(a)2., paragraph (2)(b), paragraph (2)(c), s. 934.07, or s. 934.09 when that person knows or has reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation, has obtained or received the information in connection with a criminal investigation, and intends to improperly obstruct, impede, or interfere with a duly authorized criminal investigation;

shall be punished as provided in subsection (4).

...

## GEORGIA

### **Ga. Code Ann. § 16-11-62 (2017). Eavesdropping, surveillance, or intercepting communication which invades privacy of another; divulging private message.**

It shall be unlawful for:

(1) Any person in a clandestine manner intentionally to overhear, transmit, or record or attempt to overhear, transmit, or record the private conversation of another which shall originate in any private place;

(2) Any person, through the use of any device, without the **consent** of all persons observed, to observe, photograph, or record the activities of another which occur in any private place and out of public view; provided, however, that it shall not be unlawful:

...

(B) For an owner or occupier of real property to use for security purposes, crime prevention, or crime detection any device to observe, photograph, or record the activities of persons who are on the property or an approach thereto in areas where there is no reasonable expectation of privacy;

(C) To use for security purposes, crime prevention, or crime detection any device to observe, photograph, or record the activities of persons who are within the curtilage of the residence of the person using such device. A photograph, **videotape**, or record made in accordance with this subparagraph, or a copy thereof, may be disclosed by such resident to the district attorney or a law enforcement officer and shall be admissible in a judicial proceeding, without the **consent** of any person observed, photographed, or recorded; or

(D) For a law enforcement officer or his or her agent to use a device in the lawful performance of his or her official duties to observe, photograph, **videotape**, or record the activities of persons that occur in the presence of such officer or his or her agent;

(3) Any person to go on or about the premises of another or any private place, except as otherwise provided by law, for the purpose of invading the privacy of others by eavesdropping upon their conversations or secretly observing their activities;

(4) Any person intentionally and secretly to intercept by the use of any device, instrument, or apparatus the contents of a message sent by telephone, telegraph, letter, or by any other means of private communication;

(5) Any person to divulge to any unauthorized person or authority the content or substance of any private message intercepted lawfully in the manner provided for in Code Section 16-11-65;

(6) Any person to sell, give, or distribute, without legal authority, to any person or entity any photograph, **videotape**, or record, or copies thereof, of the activities of another which occur in any private place and out of public view without the **consent** of all persons observed; or

(7) Any person to commit any other acts of a nature similar to those set out in paragraphs (1) through (6) of this Code section which invade the privacy of another.

**Ga. Code Ann. § 16-11-66 (2017). Interception of wire, oral, or electronic communication by party thereto; consent requirements for recording and divulging conversations to which child under 18 years is a party; parental exception.**

(a) Nothing in Code Section 16-11-62 shall prohibit a person from intercepting a wire, **oral**, or electronic communication where such person is a party to the communication or one of the parties to the communication has given prior **consent** to such interception.

...

**HAWAII**

**Haw. Rev. Stat. § 711-1111 (2017). Violation of privacy in the second degree.**

(1) A person commits the offense of violation of privacy in the second degree if, except in the execution of a public duty or as authorized by law, the person intentionally:

...

(d) Installs or uses, or both, in any private place, without **consent** of the person or persons entitled to privacy therein, any means or device for observing, recording, amplifying, or broadcasting sounds or events in that place other than another person in a stage of undress or sexual activity; provided that this paragraph shall not prohibit a person from making a **video** or **audio** recording or taking a photograph of a law enforcement officer while the officer is in the performance of the officer's duties in a public place or under circumstances in which the officer has no reasonable expectation of privacy and the person is not interfering with the officer's ability to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order;

(e) Installs or uses outside a private place any device for hearing, recording, amplifying, or broadcasting sounds originating in that place which would not ordinarily be audible or comprehensible outside, without the **consent** of the person or persons entitled to privacy therein;

(f) Covertly records or broadcasts an image of another person's intimate area underneath clothing, by use of any device, and that image is taken while that person is in a public place and without that person's **consent**;

(g) Intercepts, without the **consent** of the sender or receiver, a message or photographic image by telephone, telegraph, letter, electronic transmission, or other means of communicating privately; but this paragraph does not apply to:

(i) Overhearing of messages through a regularly installed instrument on a telephone party line or an extension; or

(ii) Interception by the telephone company, electronic mail account provider, or telephone or electronic mail subscriber incident to enforcement of regulations limiting use of the facilities or incident to other operation and use;

(h) Divulges, without the **consent** of the sender or the receiver, the existence or contents of any message or photographic image by telephone, telegraph, letter, electronic transmission, or other means of communicating privately, if the accused knows that the message or photographic image was unlawfully intercepted or if the accused learned of the message or photographic image in the course of employment with an agency engaged in transmitting it; or

(i) Knowingly possesses materials created under circumstances prohibited in section 711-1110.9.

(2) This section shall not apply to any dissemination, distribution, or transfer of images subject to this section by an electronic communication service provider or remote storage service in the ordinary course of its business. ...

(3) For the purposes of this section:

...

“Public place” means an area generally open to the public, regardless of whether it is privately owned, and includes but is not limited to streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, buses, tunnels, buildings, stores, and restaurants.

(4) Violation of privacy in the second degree is a misdemeanor. In addition to any penalties the court may impose, the court may order the destruction of any recording made in violation of this section.

**Haw. Rev. Stat. § 803-42 (2017). Interception, access, and disclosure of wire, oral, or electronic communications, use of pen register, trap and trace device, and mobile tracking device prohibited.**

(a) Except as otherwise specifically provided in this part any person who:

(1) Intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire, **oral**, or electronic communication;

(2) Intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any wire, **oral**, or electronic communication when:

(A) Such a device is affixed to, or otherwise transmits a signal through, a wire, cable, or other similar connection used in wire communication; or

(B) Such a device transmits communications by radio, or interferes with the transmission of such communication;

(3) Intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, **oral**, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, **oral**, or electronic communication in violation of this part;

(4) Intentionally uses, or endeavors to use, the contents of any wire, **oral**, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, **oral**, or electronic communication in violation of this part;

(5)

(A) Intentionally accesses without authorization a facility through which an electronic communication service is provided; or

(B) Intentionally exceeds an authorization to access that facility; and thereby obtains, alters, or prevents authorized access to a wire or electronic communication while it is in electronic storage;

(6) Intentionally discloses, or attempts to disclose, to any other person the contents of any wire, **oral**, or electronic communication, intercepted by means authorized by subsection (b)(1), (2), or (3), or section 803-44 or 803-46; and

(A) Either:

(i) Knowing or having reason to know that the information was obtained through the interception of the communication in connection with a criminal investigation; or

(ii) Having obtained or received the information in connection with a criminal investigation; and

(B) With the intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation;

(7) Intentionally installs or uses a pen register or a trap and trace device without first obtaining a court order; or

(8) Intentionally installs or uses a mobile tracking device without first obtaining a search warrant or other order authorizing the installation and use of such device, unless the device is installed by or with **consent** of the owner of the property on which the device is installed;

shall be guilty of a class C felony.

...

## **IDAHO**

### **Idaho Code Ann. § 18-6609 (2017). Crime of video voyeurism.**

...

(2) A person is guilty of **video** voyeurism when:

(a) With the intent of arousing, appealing to or gratifying the lust or passions or sexual desires of such person or another person, or for his own or another person's lascivious entertainment or satisfaction of prurient interest, or for the purpose of sexually degrading or abusing any other person, he uses, installs or permits the use or installation of an imaging device at a place where a person would have a reasonable expectation of privacy, without the knowledge or **consent** of the person using such place; or

...

(3) A violation of this section is a felony.

...

### **Idaho Code Ann. § 18-6702 (2017). Interception and Disclosure of Wire, Electronic or Oral Communications Prohibited.**

(1) Except as otherwise specifically provided in this chapter, any person shall be guilty of a felony and is punishable by imprisonment in the state prison for a term not to exceed five (5) years or by a fine not to exceed five thousand dollars (\$5,000), or by both fine and imprisonment if that person:

(a) Willfully intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire, electronic or **oral** communication; or

(b) Willfully uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any **oral** communication when:

1. Such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or

2. Such device transmits communications by radio or interferes with the transmission of such communication; or

(c) Willfully discloses, or endeavors to disclose, to any other person the contents of any wire, electronic or **oral** communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic or oral communication in violation of this subsection; or

(d) Willfully uses, or endeavors to use, the contents of any wire, electronic or **oral** communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic or **oral** communication in violation of this subsection; or

(e) Intentionally discloses or endeavors to disclose to any other person the contents of any wire, electronic or **oral** communication, intercepted by means authorized by subsection (2)(b), (c), (f) or (g) of this section or by section 18-6708, Idaho Code, if that person:

(i) Knows or has reason to know that the information was obtained through the interception of such communication in connection with a criminal investigation; and

(ii) Has obtained or received the information in connection with a criminal investigation with the intent to improperly obstruct, impede or interfere with a duly authorized criminal investigation.

...

(d) It is lawful under this chapter for a person to intercept a wire, electronic or **oral** communication when one (1) of the parties to the communication has given prior **consent** to such interception.

(e) It is unlawful to intercept any communication for the purpose of committing any criminal act.

...

## **ILLINOIS**

### **720 ILCS 5/14-2 (2017). Elements of the offense; affirmative defense.**

(a) A person commits eavesdropping when he or she knowingly and intentionally:

(1) Uses an eavesdropping device, in a surreptitious manner, for the purpose of overhearing, transmitting, or recording all or any part of any private conversation to which he or she is not a party unless he or she does so with the **consent** of all of the parties to the private conversation;

(2) Uses an eavesdropping device, in a surreptitious manner, for the purpose of transmitting or recording all or any part of any private conversation to which he or she is a party unless he or she does so with the **consent** of all other parties to the private conversation;

(3) Intercepts, records, or transcribes, in a surreptitious manner, any private electronic communication to which he or she is not a party unless he or she does so with the **consent** of **all parties** to the private electronic communication;

(4) Manufactures, assembles, distributes, or possesses any electronic, mechanical, eavesdropping, or other device knowing that or having reason to know that the design of the device renders it primarily useful for the purpose of the surreptitious overhearing, transmitting, or recording of private conversations or the interception, or transcription of private electronic communications and the intended or actual use of the device is contrary to the provisions of this Article; or

(5) Uses or discloses any information which he or she knows or reasonably should know was obtained from a private conversation or private electronic communication in violation of this Article, unless he or she does so with the **consent** of all of the parties.

...

**720 ILCS 5/26-4 (2017). Unauthorized video recording and live video transmission.**

(a) It is unlawful for any person to knowingly make a **video** record or transmit live **video** of another person without that person's consent in a restroom, tanning bed, tanning salon, locker room, changing room, or hotel bedroom.

...

(a-15) It is unlawful for any person to place or cause to be placed a device that makes a **video** record or transmits a live **video** in a restroom, tanning bed, tanning salon, locker room, changing room, or hotel bedroom with the intent to make a video record or transmit live **video** of another person without that person's **consent**.

(a-20) It is unlawful for any person to place or cause to be placed a device that makes a **video** record or transmits a live **video** with the intent to make a **video** record or transmit live **video** of another person in that other person's residence without that person's **consent**.

(a-25) It is unlawful for any person to, by any means, knowingly disseminate, or permit to be disseminated, a **video** record or live **video** that he or she knows to have been made or transmitted in violation of (a), (a-5), (a-6), (a-10), (a-15), or (a-20).

...

**IOWA**

**Iowa Code Ann. § 709.21 (2017). Invasion of privacy — nudity.**

1. A person who knowingly views, photographs, or films another person, for the purpose of arousing or gratifying the sexual desire of any person, commits invasion of privacy if all of the following apply:

a. The other person does not have knowledge about and does not **consent** or is unable to **consent** to being viewed, photographed, or filmed.

b. The other person is in a state of full or partial nudity.

c. The other person has a reasonable expectation of privacy while in a state of full or partial nudity.

...

3. A person who violates this section commits an aggravated misdemeanor.

**Iowa Code Ann. § 727.8 (2017). Electronic and mechanical eavesdropping.**

Any person, having no right or authority to do so, who taps into or connects a listening or recording device to any telephone or other communication wire, or who by any electronic or mechanical means listens to, records, or otherwise intercepts a conversation or communication of any kind, commits a serious misdemeanor; provided, that the sender or recipient of a message or one who is openly present and participating in or listening to a communication shall not be prohibited hereby from recording such message or communication; and further provided, that nothing herein shall restrict the use of any radio or television receiver to receive any communication transmitted by radio or wireless signal.

**KANSAS**

**Kan. Stat. Ann. 21-6101 (2017). Breach of privacy.**

(a) Breach of privacy is knowingly and without lawful authority:

(1) Intercepting, without the **consent** of the sender or receiver, a message by telephone, telegraph, letter or other means of private communication;

(2) divulging, without the **consent** of the sender or receiver, the existence or contents of such message if such person knows that the message was illegally intercepted, or if such person illegally learned of the message in the course of employment with an agency in transmitting it;

(3) entering with intent to listen surreptitiously to private conversations in a private place or to observe the personal conduct of any other person or persons entitled to privacy therein;

(4) installing or using outside or inside a private place any device for hearing, recording, amplifying or broadcasting sounds originating in such place, which sounds would not ordinarily

be audible or comprehensible without the use of such device, without the **consent** of the person or persons entitled to privacy therein;

(5) installing or using any device or equipment for the interception of any telephone, telegraph or other wire or wireless communication without the **consent** of the person in possession or control of the facilities for such communication;

(6) installing or using a concealed camcorder, motion picture camera or photographic camera of any type to secretly **videotape**, film, photograph or record, by electronic or other means, another identifiable person under or through the clothing being worn by that other person or another, identifiable person who is nude or in a state of undress, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the **consent** or knowledge of that other person, with the intent to invade the privacy of that other person, under circumstances in which that other person has a reasonable expectation of privacy;

(7) disseminating or permitting the dissemination of any **videotape**, photograph, film or image obtained in violation of subsection (a)(6); or

(8) disseminating any **videotape**, photograph, film or image of another identifiable person 18 years of age or older who is nude or engaged in sexual activity and under circumstances in which such identifiable person had a reasonable expectation of privacy, with the intent to harass, threaten or intimidate such identifiable person, and such identifiable person did not **consent** to such dissemination.

...

(f) As used in this section, “private place” means a place where one may reasonably expect to be safe from uninvited intrusion or **surveillance**.

## **KENTUCKY**

### **KY. Rev. Stat. Ann. § 526.020 (2017). Eavesdropping.**

(1) A person is guilty of eavesdropping when he intentionally uses any device to eavesdrop, whether or not he is present at the time.

(2) Eavesdropping is a Class D felony.

### **KY. Rev. Stat. Ann. § 531.090 (2017). Voyeurism.**

(1) A person is guilty of voyeurism when:

(a) He or she intentionally:

1. Uses or causes the use of any camera, **videotape**, photo optical, photoelectric, or other image recording device for the purpose of observing, viewing, photographing, filming, or **videotaping**

the sexual conduct, genitals, an undergarment worn without being publicly visible, or nipple of the female breast of another person without that person's **consent**; ...

(4) Voyeurism is a Class A misdemeanor.

## **LOUISIANA**

### **La. Rev. Stat. Ann. § 14:283 (2017). Video voyeurism; penalties.**

A. **Video** voyeurism is any of the following:

(1) The use of any camera, **videotape**, photo-optical, photo-electric, unmanned aircraft system, or any other image recording device for the purpose of observing, viewing, photographing, filming, or **videotaping** a person where that person has not **consented** to the observing, viewing, photographing, filming, or videotaping and it is for a lewd or lascivious purpose.

(2) The transfer of an image obtained by activity described in Paragraph (1) of this Subsection by live or recorded telephone message, electronic mail, the Internet, or a commercial online service.

...

### **La. Rev. Stat. Ann. § 15:1303 (2017). Interception and disclosure of wire, electronic, or oral communications.**

A. Except as otherwise specifically provided in this Chapter, it shall be unlawful for any person to:

(1) Willfully intercept, endeavor to intercept, or procure any other person to intercept or endeavor to intercept, any wire, electronic or **oral** communication;

(2) Willfully use, endeavor to use, or procure any other person to use or endeavor to use, any electronic, mechanical, or other device to intercept any **oral** communication when:

(a) Such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire or electronic communication; or

(b) Such device transmits communications by radio or interferes with the transmission of such communication;

(3) Willfully disclose, or endeavor to disclose, to any other person the contents of any wire, electronic, or **oral** communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic, or **oral** communication in violation of this Subsection; or

(4) Willfully use, or endeavor to use, the contents of any wire, electronic, or **oral** communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic, or **oral** communication in violation of this Subsection.

...

## MAINE

### Me. Rev. Stat. Ann. Tit 15, § 710 (2017). Offenses.

1. Interception, **Oral** Communications Prohibited. Any person, other than an **employee** of a communication common carrier, a law enforcement officer, an investigative officer, another **employee** of the Department of Corrections authorized to exercise law enforcement powers as described in Title 34-A, section 3011 or a jail investigative officer or a jail **employee** acting at the direction of a jail investigative officer, carrying out practices otherwise permitted by this chapter, who intentionally or knowingly intercepts, attempts to intercept or procures any other person to intercept or attempt to intercept any wire or **oral** communication is guilty of a Class C crime.

...

3. Disclosure, or Use of Wire or **Oral** Communications Prohibited. A person is guilty of a Class C crime if he:

A. Intentionally or knowingly discloses or attempts to disclose to any person the contents of any wire or **oral** communication, knowing that the information was obtained through interception; or

B. Intentionally or knowingly uses or attempts to use the contents of any wire or **oral** communication, knowing that the information was obtained through interception.

...

5. Possession of Interception Devices Prohibited. A person, other than an **employee** of a communication common carrier, a law enforcement officer, an investigative officer, another **employee** of the Department of Corrections authorized to exercise law enforcement powers as described in Title 34-A, section 3011 or a jail investigative officer or a jail **employee** acting at the direction of a jail investigative officer, carrying out practices otherwise permitted by this chapter, who has in that person's possession any device, contrivance, machine or apparatus designed or commonly used for intercepting wire or **oral** communications is guilty of a Class C crime.

6. Sale of Interception Devices Prohibited. A person who sells, exchanges, delivers, barter, gives or furnishes or possesses with an intent to sell any device, contrivance, machine or apparatus designed or commonly used for the interception of wire or **oral** communications as defined in this chapter is guilty of a Class B crime. This subsection shall not include devices

manufactured under written contract for sale to common carriers, law enforcement agencies and the Department of Corrections, provided that the production of any such device shall not have commenced prior to the signing of the contract by both parties.

**Me. Rev. Stat. Ann. Tit. 17-A, § 511 (2017). Violation of privacy.**

1. A person is guilty of violation of privacy if, except in the execution of a public duty or as authorized by law, that person intentionally:

A. Commits a civil trespass on property with the intent to overhear or observe any person in a private place;

B. Installs or uses in a private place without the **consent** of the person or persons entitled to privacy in that place, any device for observing, photographing, recording, amplifying or broadcasting sounds or events in that place;

C. Installs or uses outside a private place without the **consent** of the person or persons entitled to privacy therein, any device for hearing, recording, amplifying or broadcasting sounds originating in that place that would not ordinarily be audible or comprehensible outside that place; or

D. Engages in visual **surveillance** in a public place by means of mechanical or electronic equipment with the intent to observe or photograph, or record, amplify or broadcast an image of any portion of the body of another person present in that place when that portion of the body is in fact concealed from public view under clothing and a reasonable person would expect it to be safe from **surveillance**.

...

3. Violation of privacy is a Class D crime.

**MARYLAND**

**Md. Code Ann, Cts. & Jud. Proc. § 10-402 (2017). Interception of communications generally; divulging contents of communications; violations of subtitle.**

(a) Unlawful acts. -- Except as otherwise specifically provided in this subtitle it is unlawful for any person to:

(1) Willfully intercept, endeavor to intercept, or procure any other person to intercept or endeavor to intercept, any wire, **oral**, or electronic communication;

(2) Willfully disclose, or endeavor to disclose, to any other person the contents of any wire, **oral**, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, **oral**, or electronic communication in violation of this subtitle; or

(3) Willfully use, or endeavor to use, the contents of any wire, **oral**, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, **oral**, or electronic communication in violation of this subtitle.

(b) Penalty. -- Any person who violates subsection (a) of this section is guilty of a felony and is subject to imprisonment for not more than 5 years or a fine of not more than \$ 10,000, or both.

...

**Md. Crim. Law § 3-903 (2017). Camera surveillance.**

(a) "Camera" defined. -- In this section, "camera" includes any electronic device that can be used surreptitiously to observe an individual.

...

(c) Prohibited. -- A person may not place or procure another to place a camera on real property where a private residence is located to conduct deliberate surreptitious observation of an individual inside the private residence.

(d) Penalty. -- A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$ 2,500 or both.

...

(g) Civil action. --

(1) An individual who was observed through the use of a camera in violation of this section has a civil cause of action against any person who placed or procured another to place the camera on the real property.

(2) In an action under this subsection, the court may award damages and reasonable attorney's fees.

...

**MASSACHUSETTS**

**Mass. Ann. Laws ch. 272, § 99 (2017). Eavesdropping, Wire Tapping, and Other Interception of Communications.**

Interception of wire and **oral** communications –

...

B. Definitions. As used in this section—

1. The term “wire communication” means any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception.

2. The term “oral communication” means speech, except such speech as is transmitted over the public air waves by radio or other similar device.

3. The term “intercepting device” means any device or apparatus which is capable of transmitting, receiving, amplifying, or recording a wire or **oral** communication other than a hearing aid or similar device which is being used to correct subnormal hearing to normal and other than any telephone or telegraph instrument, equipment, facility, or a component thereof, (a) furnished to a subscriber or user by a communications common carrier in the ordinary course of its business under its tariff and being used by the subscriber or user in the ordinary course of its business; or (b) being used by a communications common carrier in the ordinary course of its business.

4. The term “interception” means to secretly hear, secretly record, or aid another to secretly hear or secretly record the contents of any wire or **oral** communication through the use of any intercepting device by any person other than a person given prior authority by **all parties** to such communication; provided that it shall not constitute an interception for an investigative or law enforcement officer, as defined in this section, to record or transmit a wire or **oral** communication if the officer is a party to such communication or has been given prior authorization to record or transmit the communication by such a party and if recorded or transmitted in the course of an investigation of a designated offense as defined herein.

...

13. The term “person” means any individual, partnership, association, joint stock company, trust, or corporation, whether or not any of the foregoing is an officer, agent or **employee** of the United States, a state, or a political subdivision of a state.

...

#### C. Offenses.

##### 1. Interception, **oral** communications prohibited.

Except as otherwise specifically provided in this section any person who—

willfully commits an interception, attempts to commit an interception, or procures any other person to commit an interception or to attempt to commit an interception of any wire or **oral** communication shall be fined not more than ten thousand dollars, or imprisoned in the state prison for not more than five years, or imprisoned in a jail or house of correction for not more than two and one half years, or both so fined and given one such imprisonment.

Proof of the installation of any intercepting device by any person under circumstances evincing an intent to commit an interception, which is not authorized or permitted by this section, shall be prima facie evidence of a violation of this subparagraph.

...

3. Disclosure or use of wire or **oral** communications prohibited.

Except as otherwise specifically provided in this section any person who—

a. willfully discloses or attempts to disclose to any person the contents of any wire or **oral** communication, knowing that the information was obtained through interception; or

b. willfully uses or attempts to use the contents of any wire or **oral** communication, knowing that the information was obtained through interception, shall be guilty of a misdemeanor punishable by imprisonment in a jail or a house of correction for not more than two years or by a fine of not more than five thousand dollars or both.

...

5. Possession of interception devices prohibited.

A person who possesses any intercepting device under circumstances evincing an intent to commit an interception not permitted or authorized by this section, or a person who permits an intercepting device to be used or employed for an interception not permitted or authorized by this section, or a person who possesses an intercepting device knowing that the same is intended to be used to commit an interception not permitted or authorized by this section, shall be guilty of a misdemeanor punishable by imprisonment in a jail or house of correction for not more than two years or by a fine of not more than five thousand dollars or both.

The installation of any such intercepting device by such person or with his permission or at his direction shall be prima facie evidence of possession as required by this subparagraph.

6. Any person who permits or on behalf of any other person commits or attempts to commit, or any person who participates in a conspiracy to commit or to attempt to commit, or any accessory to a person who commits a violation of subparagraphs 1 through 5 of paragraph C of this section shall be punished in the same manner as is provided for the respective offenses as described in subparagraphs 1 through 5 of paragraph C.

...

Q. Civil remedy.

Any aggrieved person whose **oral** or wire communications were intercepted, disclosed or used except as permitted or authorized by this section or whose personal or property interests or

privacy were violated by means of an interception except as permitted or authorized by this section shall have a civil cause of action against any person who so intercepts, discloses or uses such communications or who so violates his personal, property or privacy interest, and shall be entitled to recover from any such person—

1. actual damages but not less than liquidated damages computed at the rate of \$100 per day for each day of violation or \$1000, whichever is higher;
2. punitive damages; and
3. a reasonable attorney's fee and other litigation disbursements reasonably incurred. Good faith reliance on a warrant issued under this section shall constitute a complete defense to an action brought under this paragraph.

...

**Mass. Ann. Laws ch. 272, § 105 (2017). Electronic Recording or Surveillance of Nude or Partially Nude Person.**

...

(b) Whoever willfully photographs, **videotapes** or electronically surveils another person 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 house of correction for not more than 2½ years or by a fine of not more than \$5,000, or by both such fine and imprisonment.

Whoever willfully photographs, videotapes or electronically surveils, with the intent to secretly conduct or hide such activity, the sexual or other intimate parts of a person under or around the person's clothing to view or attempt to view the person's sexual or other intimate parts when a reasonable person would believe that the person's sexual or other intimate parts would not be visible to the public and without the person's knowledge and **consent**, shall be punished by imprisonment in the house of correction for not more than 2½ years or by a fine of not more than \$5,000, or by both fine and imprisonment.

Whoever willfully photographs, **videotapes** or electronically surveils, with the intent to secretly conduct or hide such activity, the sexual or other intimate parts of a child under the age of 18 under or around the child's clothing to view or attempt to view the child's sexual or other intimate parts when a reasonable person would believe that the person's sexual or other intimate parts would not be visible to the public shall be punished by imprisonment in the house of correction for not more than 2½ years, by imprisonment in the state prison for not more than 5 years, or by a fine of not more than \$10,000, or by both such fine and imprisonment.

(c) Whoever willfully disseminates the visual image of another person, with knowledge that such visual image was unlawfully obtained in violation of the first and second paragraphs of subsection (b) and without **consent** of the person so depicted, shall be punished by imprisonment in the house of correction for not more than 2½ years or in the state prison for not more than 5 years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

Whoever willfully disseminates the visual image of the sexual or other intimate parts of a child under the age of 18, with knowledge that such visual image was unlawfully obtained in violation of the third paragraph of subsection (b) shall be punished by imprisonment in the house of correction for not more than 2½ years or in the state prison for not more than 10 years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

...

## **MICHIGAN**

### **Mich. Comp. Laws § 750.539c (2017). Eavesdropping upon private conversation.**

Any person who is present or who is not present during a private conversation and who wilfully uses any device to eavesdrop upon the conversation without the **consent** of **all parties** thereto, or who knowingly aids, employs or procures another person to do the same in violation of this section, is guilty of a felony punishable by imprisonment in a state prison for not more than 2 years or by a fine of not more than \$2,000.00, or both.

### **Mich. Comp. Laws § 750.539d (2017). Installation, placement, or use of device for observing, recording, transmitting, photographing or eavesdropping in private place.**

(1) Except as otherwise provided in this section, a person shall not do either of the following:

(a) Install, place, or use in any private place, without the **consent** of the person or persons entitled to privacy in that place, any device for observing, recording, transmitting, photographing, or eavesdropping upon the sounds or events in that place.

(b) Distribute, disseminate, or transmit for access by any other person a recording, photograph, or visual image the person knows or has reason to know was obtained in violation of this section.

(2) This section does not prohibit security monitoring in a residence if conducted by or at the direction of the owner or principal occupant of that residence unless conducted for a lewd or lascivious purpose.

...

## MINNESOTA

### **Minn. Stat. § 609.746 (2017). Interference with Privacy. Subdivision 1. Surreptitious intrusion; observation device.**

...

(b) A person is guilty of a gross misdemeanor who:

(1) enters upon another's property;

(2) surreptitiously installs or uses any device for observing, photographing, recording, amplifying, or broadcasting sounds or events through the window or any other aperture of a house or place of dwelling of another; and

(3) does so with intent to intrude upon or interfere with the privacy of a member of the household.

(c) A person is guilty of a gross misdemeanor who:

(1) surreptitiously gazes, stares, or peeps in the window or other aperture of a sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place where a reasonable person would have an expectation of privacy and has exposed or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the clothing covering the immediate area of the intimate parts; and

(2) does so with intent to intrude upon or interfere with the privacy of the occupant.

(d) A person is guilty of a gross misdemeanor who:

(1) surreptitiously installs or uses any device for observing, photographing, recording, amplifying, or broadcasting sounds or events through the window or other aperture of a sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place where a reasonable person would have an expectation of privacy and has exposed or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the clothing covering the immediate area of the intimate parts; and

(2) does so with intent to intrude upon or interfere with the privacy of the occupant.

...

### **Minn. Stat. § 626A.02 (2017). Interception and Disclosure of Wire, Electronic, or Oral Communications Prohibited.**

Subdivision 1. Offenses. — Except as otherwise specifically provided in this chapter any person who:

- (a) intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire, electronic, or **oral** communication;
- (b) intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any **oral** communication when:
  - (i) such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or
  - (ii) such device transmits communications by radio, or interferes with the transmission of such communication;
- (c) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, electronic, or **oral** communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic, or **oral** communication in violation of this subdivision; or
- (d) intentionally uses, or endeavors to use, the contents of any wire, electronic, or **oral** communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic, or **oral** communication in violation of this subdivision; shall be punished as provided in subdivision 4, or shall be subject to suit as provided in subdivision 5.

...

## **MISSISSIPPI**

### **Miss. Code Ann. § 41-29-529 (2017). Civil action for violation of this article.**

- (1) A person whose wire, **oral** or other communication is intercepted, disclosed or used in violation of this article shall have a civil cause of action against any person who intercepts, discloses or uses or procures another person to intercept, disclose or use the communication, and is entitled to recover from the person:
  - (a) Actual damages but not less than liquidated damages computed at a rate of One Hundred Dollars (\$ 100.00) a day for each day of violation or One Thousand Dollars (\$ 1,000.00), whichever is higher;
  - (b) Punitive damages; and
  - (c) A reasonable attorney's fee and other litigation costs reasonably incurred.
- (2) A good faith reliance on a court order is a complete defense to any civil or criminal action brought under this article.

**Miss. Code Ann. § 41-29-531 (2017).** Exceptions to civil liability for violation of this article.

This article shall not apply to:

...

(e) A person not acting under color of law who intercepts a wire, **oral** or other communication if the person is a party to the communication, or if one (1) of the parties to the communication has given prior **consent** to the interception unless the communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of this state, or for the purpose of committing any other injurious act.

**Miss. Code Ann. § 97-29-63 (2017). Photographing or filming another without permission where there is expectation of privacy; when victim is adult; when victim is child under sixteen.**

(1) (a) It is a felony for any person with lewd, licentious or indecent intent to photograph, film, **videotape**, record or otherwise reproduces the image of another person without the permission of the other person when the other person is located in a place where a person would intend to be in a state of undress and have a reasonable expectation of privacy, including, but not limited to, private dwellings or any facility, public or private, used as a restroom, bathroom, shower room, tanning booth, locker room, fitting room, dressing room or bedroom shall be guilty of a felony.

(b) It is a felony for any person to invade the privacy of another person and with lewd, licentious or indecent intent to photograph, film, videotape, record or otherwise reproduce the image of another, identifiable 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, the other person without the **consent** or knowledge of the other person and under circumstances in which the other person has a reasonable expectation that the other person's body or undergarments would not be viewed or would not be the subject of a reproduced image.

...

## **MISSOURI**

**Mo. Rev. Stat. § 542.402 (2017). Penalty for illegal wiretapping, permitted activities**  
**[Effective Jan. 1, 2017]**

1. Except as otherwise specifically provided in sections 542.400 to 542.422, a person is guilty of a class D felony and upon conviction shall be punished as provided by law, if such person:

(1) Knowingly intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire communication;

(2) Knowingly uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any **oral** communication when such device transmits communications by radio or interferes with the transmission of such communication; provided, however, that nothing in sections 542.400 to 542.422 shall be construed to prohibit the use by law enforcement officers of body microphones and transmitters in undercover investigations for the acquisition of evidence and the protection of law enforcement officers and others working under their direction in such investigations;

(3) Knowingly discloses, or endeavors to disclose, to any other person the contents of any wire communication, when he knows or has reason to know that the information was obtained through the interception of a wire communication in violation of this subsection; or

(4) Knowingly uses, or endeavors to use, the contents of any wire communication, when he knows or has reason to know that the information was obtained through the interception of a wire communication in violation of this subsection.

2. It is not unlawful under the provisions of sections 542.400 to 542.422:

...

(3) For a person not acting under law to intercept a wire communication where such person is a party to the communication or where one of the parties to the communication has given prior **consent** to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act.

**Mo. Rev. Stat. § 565.252.1 (2017). Invasion of privacy, first degree, penalty [Effective January 1, 2017].**

1. A person commits the offense of invasion of privacy if he or she knowingly:

(1) Photographs, films, **videotapes**, produces, or otherwise creates an image of another person, without the person's **consent**, while the person is in a state of full or partial nudity and is in a place where one would have a reasonable expectation of privacy; or

(2) Photographs, films, **videotapes**, produces, or otherwise creates an image of another person under or through the clothing worn by that other person for the purpose of viewing the body of or the undergarments worn by that other person without that person's **consent**.

...

**MONTANA**

**Mont. Code Ann. § 45-5-223 (2017). Surreptitious visual observation or recordation — place of residence — public place — exceptions.**

...

(2) A person commits the offense of surreptitious visual observation or recordation in public if the person purposely or knowingly observes or records a visual image of the sexual or intimate parts of another person in a public place without the other person's knowledge when the victim has a reasonable expectation of privacy.

...

**Mont. Code Ann. § 45-8-213 (2017). Privacy in communications.**

(1) Except as provided in 69-6-104, a person commits the offense of violating privacy in communications if the person knowingly or purposely:

...

(c) records or causes to be recorded a conversation by use of a hidden electronic or mechanical device that reproduces a human conversation without the knowledge of **all parties** to the conversation. ...

(2) Except as provided in 69-6-104, a person commits the offense of violating privacy in communications if the person purposely intercepts an electronic communication. This subsection does not apply to elected or appointed public officials or to public **employees** when the interception is done in the performance of official duty or to persons given warning of the interception.

...

(4) "Electronic communication" means any transfer between persons of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system.

**NEBRASKA**

**Neb. Rev. Stat. § 28-311.08 (2017). Unlawful intrusion; photograph, film, record, or live broadcast of intimate area; penalty; court; duties; registration under Sex Offender Registration Act; statute of limitations.**

(1) It shall be unlawful for any person to knowingly intrude upon any other person without his or her **consent** or knowledge in a place of solitude or seclusion.

(2) It shall be unlawful for any person to knowingly photograph, film, record, or live broadcast an image of the intimate area of any other person without his or her knowledge and **consent** when his or her intimate area would not be generally visible to the public regardless of whether such other person is located in a public or private place.

(3) For purposes of this section:

...

(ii) Recording by **video**, photographic, digital, or other electronic means of another person in a state of undress; and

(c) Place of solitude or seclusion means a place where a person would intend to be in a state of undress and have a reasonable expectation of privacy, including, but not limited to, any facility, public or private, used as a restroom, tanning booth, locker room, shower room, fitting room, or dressing room.

...

**Neb. Rev. Stat. § 86-290 (2017). Unlawful acts; penalty.**

(1) Except as otherwise specifically provided in sections 86-271 to 86-295, it is unlawful to:

(a) Intentionally intercept, endeavor to intercept, or procure any other person to intercept or endeavor to intercept any wire, electronic, or **oral** communication;

(b) Intentionally use, endeavor to use, or procure any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any **oral** communication when (i) such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication or (ii) such device transmits communications by radio or interferes with the transmission of such communication;

(c) Intentionally disclose or endeavor to disclose to any other person the contents of any wire, electronic, or **oral** communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic, or **oral** communication in violation of this subsection;

(d) Intentionally use or endeavor to use the contents of any wire, electronic, or **oral** communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic, or **oral** communication in violation of this subsection; or

...

(2)

...

(c) It is not unlawful under sections 86-271 to 86-295 for a person not acting under color of law to intercept a wire, electronic, or **oral** communication when such person is a party to the communication or when one of the parties to the communication has given prior **consent** to such interception unless such communication is intercepted for the purpose of committing any

criminal or tortious act in violation of the Constitution or laws of the United States or of any state.

...

## NEVADA

### **Nev. Rev. Stat. § 200.604 (2017). Capturing image of private area of another person; distributing, disclosing, displaying, transmitting or publishing image of private area of another person; penalties; exceptions; confidentiality of image.**

1. Except as otherwise provided in subsection 4, a person shall not knowingly and intentionally capture an image of the private area of another person:

(a) Without the **consent** of the other person; and

(b) Under circumstances in which the other person has a reasonable expectation of privacy.

2. Except as otherwise provided in subsection 4, a person shall not distribute, disclose, display, transmit or publish an image that the person knows or has reason to know was made in violation of subsection 1.

...

8.

(e) “Under circumstances in which the other person has a reasonable expectation of privacy” means:

(1) Circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of his or her private area would be captured; or

(2) Circumstances in which a reasonable person would believe that his or her private area would not be visible to the public, regardless of whether the person is in a public or private place.

### **Nev. Rev. Stat. § 200.650 (2017). Unauthorized, surreptitious intrusion of privacy by listening device prohibited.**

Except as otherwise provided in NRS 179.410 to 179.515, inclusive, and 704.195, a person shall not intrude upon the privacy of other persons by surreptitiously listening to, monitoring or recording, or attempting to listen to, monitor or record, by means of any mechanical, electronic or other listening device, any private conversation engaged in by the other persons, or disclose the existence, content, substance, purport, effect or meaning of any conversation so listened to, monitored or recorded, unless authorized to do so by one of the persons engaging in the conversation.

## NEW HAMPSHIRE

### **N.H. Rev. Stat. Ann. § 236:130 (2017). Highway Surveillance Prohibited.**

I. In this subdivision, “**surveillance**” means the act of determining the ownership of a motor vehicle or the identity of a motor vehicle’s occupants on the public ways of the state or its political subdivisions through the use of a camera or other imaging device or any other device, including but not limited to a transponder, cellular telephone, global positioning satellite, or radio frequency identification device, that by itself or in conjunction with other devices or information can be used to determine the ownership of a motor vehicle or the identity of a motor vehicle’s occupants.

II. Neither the state of New Hampshire nor its political subdivisions shall engage in **surveillance** on any public ways of the state or its political subdivisions.

III. The prohibition set forth in paragraph II shall not apply where **surveillance**:

(a) Is specifically authorized by statute;

(b) Is undertaken on a case-by-case basis in the investigation of a particular violation, misdemeanor, or felony;

(c) Is undertaken to produce images or data that:

(1) Are viewed only at the transportation management center of the department of transportation in connection with a particular incident occurring on a public way; and

(2) Are not recorded;

...

IV. Nothing in this section shall prevent the creation, transmission, or recording of any images or data which cannot, by enhancement, manipulation, or otherwise, be used for **surveillance**.

V. Any person violating the provisions of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

### **N.H. Rev. Stat. § 570-A:2 (Effective January 1, 2017). Interception and Disclosure of Telecommunication or Oral Communications Prohibited.**

I. A person is guilty of a class B felony if, except as otherwise specifically provided in this chapter or without the **consent** of **all parties** to the communication, the person:

(a) Wilfully intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any telecommunication or **oral** communication;

(b) Wilfully uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any **oral** communication when:

(1) Such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in telecommunication, or

(2) Such device transmits communications by radio, or interferes with the transmission of such communication, or

(3) Such use or endeavor to use (A) takes place on premises of any business or other commercial establishment, or (B) obtains or is for the purpose of obtaining information relating to the operations of any business or other commercial establishment; or

(c) Wilfully discloses, or endeavors to disclose, to any other person the contents of any telecommunication or **oral** communication, knowing or having reason to know that the information was obtained through the interception of a telecommunication or **oral** communication in violation of this paragraph; or

(d) Willfully uses, or endeavors to use, the contents of any telecommunication or **oral** communication, knowing or having reason to know that the information was obtained through the interception of a telecommunication or **oral** communication in violation of this paragraph.

...

**N.H. Rev. Stat. § 644:9 (2017). Violation of Privacy.**

I. A person is guilty of a class A misdemeanor if such person unlawfully and without the **consent** of the persons entitled to privacy therein, installs or uses:

(a) Any device for the purpose of observing, photographing, recording, amplifying, broadcasting, or in any way transmitting images or sounds of the private body parts of a person including the genitalia, buttocks, or female breasts, or a person's body underneath that person's clothing; or

(b) In any private place, any device for the purpose of observing, photographing, recording, amplifying or broadcasting, or in any way transmitting images or sounds in such place; or

(c) Outside a private place, any device for the purpose of hearing, recording, amplifying, broadcasting, observing, or in any way transmitting images, location, movement, or sounds originating in such place which would not ordinarily be audible, visible, or comprehensible outside such place.

II. As used in this section, "private place" means a place where one may reasonably expect to be safe from **surveillance** including public restrooms, locker rooms, the interior of one's dwelling place, or any place where a person's private body parts including genitalia, buttocks, or female breasts may be exposed.

...

**NEW JERSEY**

**N.J. Stat. § 2A:156A-3 (2017). Interception, disclosure, use of wire, electronic, oral communication; violation.**

Except as otherwise specifically provided in this act, any person who:

- a. Purposely intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire, electronic or **oral** communication; or
  - b. Purposely discloses or endeavors to disclose to any other person the contents of any wire, electronic or **oral** communication, or evidence derived therefrom, knowing or having reason to know that the information was obtained through the interception of a wire, electronic or **oral** communication; or
  - c. Purposely uses or endeavors to use the contents of any wire, electronic or **oral** communication, or evidence derived therefrom, knowing or having reason to know, that the information was obtained through the interception of a wire, electronic or **oral** communication;
- shall be guilty of a crime of the third degree. Subsections b. and c. of this section shall not apply to the contents of any wire, electronic or **oral** communication, or evidence derived therefrom, that has become common knowledge or public information.

**N.J. Stat. Ann. § 2A:156A-4 (2017). Lawful interception activities; exceptions.**

It shall not be unlawful under this act for:

...

- d. A person not acting under color of law to intercept a wire, electronic or **oral** communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception unless such communication is intercepted or used for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of this State or for the purpose of committing any other injurious act. The fact that such person is the subscriber to a particular telephone does not constitute **consent** effective to authorize interception of communications among parties not including such person on that telephone. Any person who unlawfully intercepts or uses such communication as provided in this paragraph shall be subject to the civil liability established in section 24 of P.L.1968, c.409 (C.2A:156A-24), in addition to any other criminal or civil liability imposed by law;

...

**N.J. Stat. Ann. § 2C:14-9 (2017). Invasion of privacy, degree of crime; defenses, privileges.**

- a. An actor commits a crime of the fourth degree if, knowing that he is not licensed or privileged to do so, and under circumstances in which a reasonable person would know that another may expose intimate parts or may engage in sexual penetration or sexual contact, he observes another person without that person's **consent** and under circumstances in which a reasonable person would not expect to be observed.

b.

(1) An actor commits a crime of the third degree if, knowing that he is not licensed or privileged to do so, he photographs, films, **videotapes**, records, or otherwise reproduces in any manner, the image of another person whose intimate parts are exposed or who is engaged in an act of sexual penetration or sexual contact, without that person's **consent** and under circumstances in which a reasonable person would not expect to be observed.

(2) An actor commits a crime of the fourth degree if, knowing that he is not licensed or privileged to do so, he photographs, films, videotapes, records, or otherwise reproduces in any manner, the image of the undergarment-clad intimate parts of another person, without that person's **consent** and under circumstances in which a reasonable person would not expect to have his undergarment-clad intimate parts observed.

c. An actor commits a crime of the third degree if, knowing that he is not licensed or privileged to do so, he discloses any photograph, film, **videotape**, recording or any other reproduction of the image, taken in violation of subsection b. of this section, of: (1) another person who is engaged in an act of sexual penetration or sexual contact; (2) another person whose intimate parts are exposed; or (3) another person's undergarment-clad intimate parts, unless that person has **consented** to such disclosure.

...

d. It is an affirmative defense to a crime under this section that:

(1) the actor posted or otherwise provided prior **notice** to the person of the actor's intent to engage in the conduct specified in subsection a., b., or c., and

(2) the actor acted with a lawful purpose.

e.

(1) It shall not be a violation of subsection a. or b. to observe another person in the access way, foyer or entrance to a fitting room or dressing room operated by a retail establishment or to photograph, film, **videotape**, record or otherwise reproduce the image of such person, if the actor conspicuously posts at the entrance to the fitting room or dressing room prior **notice** of his intent to make the observations, photographs, films, **videotapes**, recordings or other reproductions.

...

## NEW MEXICO

**N.M. Stat. Ann. § 30-9-20 (2017). Voyeurism prohibited; penalties.**

A. Voyeurism consists of intentionally using the unaided eye to view or intentionally using an instrumentality to view, photograph, **videotape**, film, webcast or record the intimate areas of another person without the knowledge and **consent** of that person:

(1) while the person is in the interior of a bedroom, bathroom, changing room, fitting room, dressing room or tanning booth or the interior of any other area in which the person has a reasonable expectation of privacy; or

(2) under circumstances where the person has a reasonable expectation of privacy, whether in a public or private place.

...

**N.M. Stat. Ann. § 30-12-1 (2017). Interference with communications; exception.**

Interference with communications consists of knowingly and without lawful authority:

...

C. reading, interrupting, taking or copying any message, communication or report intended for another by telegraph or telephone without the **consent** of a sender or intended recipient thereof;

...

E. using any apparatus to do or cause to be done any of the acts hereinbefore mentioned or to aid, agree with, comply or conspire with any person to do or permit or cause to be done any of the acts hereinbefore mentioned.

Whoever commits interference with communications is guilty of a misdemeanor, unless such interference with communications is done:

...

(3) by a person acting under color of law in the investigation of a crime, where such person is a party to the communication, or one of the parties to the communication has given prior **consent** to such interception, monitoring or recording of such communication.

**NEW YORK**

**N.Y. Labor Law § 203-c (2017). Employee privacy protection.**

1. No employer may cause a **video** recording to be made of an **employee** in a restroom, locker room, or room designated by an employer for **employees** to change their clothes, unless authorized by court order.

2. No **video** recording made in violation of this section may be used by an employer for any purpose.

3. In any civil action alleging a violation of this section, the court may:

(a) award damages and reasonable attorneys' fees and costs to a prevailing plaintiff; and

(b) afford injunctive relief against any employer that commits or proposes to commit a violation of this section.

4. The rights and remedies provided herein shall be in addition to, and not supersede, any other rights and remedies provided by statute or common law.

5. The provisions of this section do not apply with respect to any law enforcement personnel engaged in the conduct of his or her authorized duties.

**N.Y. Penal Law § 250.05 (2017). Eavesdropping.**

A person is guilty of eavesdropping when he unlawfully engages in wiretapping, mechanical overhearing of a conversation, or intercepting or accessing of an electronic communication.

Eavesdropping is a class E felony.

**N.Y. Penal Law § 250.45 (2017). Unlawful surveillance in the second degree.**

A person is guilty of unlawful **surveillance** in the second degree when:

1. For his or her own, or another person's amusement, entertainment, or profit, or for the purpose of degrading or abusing a person, he or she intentionally uses or installs, or permits the utilization or installation of an imaging device to surreptitiously view, broadcast or record a person dressing or undressing or the sexual or other intimate parts of such person at a place and time when such person has a reasonable expectation of privacy, without such person's knowledge or **consent**; or

2. For his or her own, or another person's sexual arousal or sexual gratification, he or she intentionally uses or installs, or permits the utilization or installation of an imaging device to surreptitiously view, broadcast or record a person dressing or undressing or the sexual or other intimate parts of such person at a place and time when such person has a reasonable expectation of privacy, without such person's knowledge or **consent**; or

3.

(a) For no legitimate purpose, he or she intentionally uses or installs, or permits the utilization or installation of an imaging device to surreptitiously view, broadcast or record a person in a bedroom, changing room, fitting room, restroom, toilet, bathroom, washroom, shower or any

room assigned to guests or patrons in a motel, hotel or inn, without such person's knowledge or **consent**.

(b) For the purposes of this subdivision, when a person uses or installs, or permits the utilization or installation of an imaging device in a bedroom, changing room, fitting room, restroom, toilet, bathroom, washroom, shower or any room assigned to guests or patrons in a hotel, motel or inn, there is a rebuttable presumption that such person did so for no legitimate purpose; or

4. Without the knowledge or **consent** of a person, he or she intentionally uses or installs, or permits the utilization or installation of an imaging device to surreptitiously view, broadcast or record, under the clothing being worn by such person, the sexual or other intimate parts of such person; or

5. For his or her own, or another individual's amusement, entertainment, profit, sexual arousal or gratification, or for the purpose of degrading or abusing a person, the actor intentionally uses or installs or permits the utilization or installation of an imaging device to surreptitiously view, broadcast, or record such person in an identifiable manner:

(a) engaging in sexual conduct, as defined in subdivision ten of section 130.00 of this part;

(b) in the same image with the sexual or intimate part of any other person; and

(c) at a place and time when such person has a reasonable expectation of privacy, without such person's knowledge or **consent**.

Unlawful **surveillance** in the second degree is a class E felony.

#### **N.Y. Penal Law § 250.65 (2017). Additional provisions.**

1. The provisions of sections 250.45, 250.50, 250.55 and 250.60 of this article do not apply with respect to any: (a) law enforcement personnel engaged in the conduct of their authorized duties; (b) security system wherein a written **notice** is conspicuously posted on the premises stating that a video **surveillance** system has been installed for the purpose of security; or (c) **video surveillance** devices installed in such a manner that their presence is clearly and immediately obvious.

2. With respect to sections 250.55 and 250.60 of this article, the provisions of subdivision two of section 235.15 and subdivisions one and two of section 235.24 of this chapter shall apply.

#### **NORTH CAROLINA**

**N.C. Gen. Stat. Ann. § 14-202 (2017). Secretly peeping into room occupied by another person.**

...

(b) For purposes of this section:

(1) The term “photographic image” means any photograph or photographic reproduction, still or moving, or any videotape, motion picture, or live television transmission, or any digital image of any individual.

(2) The term “room” shall include, but is not limited to, a bedroom, a rest room, a bathroom, a shower, and a dressing room.

(...

(d) Unless covered by another provision of law providing greater punishment, any person who, while secretly peeping into any room, uses any device to create a photographic image of another person in that room for the purpose of arousing or gratifying the sexual desire of any person shall be guilty of a Class I felony.

(e) Any person who secretly or surreptitiously uses any device to create a photographic image of another person underneath 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 without their **consent** shall be guilty of a Class I felony.

(f) Any person who, for the purpose of arousing or gratifying the sexual desire of any person, secretly or surreptitiously uses or installs in a room any device that can be used to create a photographic image with the intent to capture the image of another without their **consent** shall be guilty of a Class I felony.

(g) Any person who knowingly possesses a photographic image that the person knows, or has reason to believe, was obtained in violation of this section shall be guilty of a Class I felony.

(h) Any person who disseminates or allows to be disseminated images that the person knows, or should have known, were obtained as a result of the violation of this section shall be guilty of a Class H felony if the dissemination is without the **consent** of the person in the photographic image.

...

(k) Any person whose image is captured or disseminated in violation of this section has a civil cause of action against any person who captured or disseminated the image or procured any other person to capture or disseminate the image and is entitled to recover from those persons actual damages, punitive damages, reasonable attorneys' fees and other litigation costs reasonably incurred.

...

**N.C. Gen. Stat. Ann. § 15A-287 (2017). Interception and disclosure of wire, oral, or electronic communications prohibited.**

(a) Except as otherwise specifically provided in this Article, a person is guilty of a Class H felony if, without the **consent** of at least one party to the communication, the person:

(1) Willfully intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire, **oral**, or electronic communication.

(2) Willfully uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any **oral** communication when:

a. The device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communications; or

b. The device transmits communications by radio, or interferes with the transmission of such communications.

(3) Willfully discloses, or endeavors to disclose, to any other person the contents of any wire, **oral**, or electronic communication, knowing or having reason to know that the information was obtained through violation of this Article; or

(4) Willfully uses, or endeavors to use, the contents of any wire or **oral** communication, knowing or having reason to know that the information was obtained through the interception of a wire or **oral** communication in violation of this Article.

...

**NORTH DAKOTA**

**N.D. Cent. Code § 12.1-15-02 (2017). Interception of wire or oral communications — Eavesdropping.**

1. A person is guilty of a class C felony if he:

a. Intentionally intercepts any wire or **oral** communication by use of any electronic, mechanical, or other device; or

b. Intentionally discloses to any other person or intentionally uses the contents of any wire or **oral** communication, knowing that the information was obtained through the interception of a wire or **oral** communication.

2. A person is guilty of a class A misdemeanor if he secretly loiters about any building with intent to overhear discourse or conversation therein and to repeat or publish the same with intent to vex, annoy, or injure others.

3. It is a defense to a prosecution under subsection 1 that:

...

b. The actor was (1) a person acting under color of law to intercept a wire or **oral** communication, and (2) he was a party to the communication or one of the parties to the communication had given prior **consent** to such interception.

c. (1) The actor was a party to the communication or one of the parties to the communication had given prior **consent** to such interception, and (2) such communication was not intercepted for the purpose of committing a crime or other unlawful harm.

**N.D. Cent. Code § 12.1-20-12.2 (2017). Surreptitious intrusion.**

1. An individual, with the intent to arouse, appeal to, or gratify that individual's lust, passions, or sexual desires, is guilty of a class A misdemeanor if that individual does any of the following:

...

d. With intent to intrude upon or interfere with the privacy of the occupant, surreptitiously installs or uses any device for observing, photographing, recording, amplifying, or broadcasting sounds or events from a tanning booth, a sleeping room in a hotel, or other place where a reasonable individual would have an expectation of privacy and has exposed or is likely to expose that individual's intimate parts or has removed the clothing covering the immediate area of the intimate parts.

...

**OHIO**

**Ohio Rev. Code Ann. § 2907.08 (2017). Voyeurism.**

(A) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another, to spy or eavesdrop upon another.

(B) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another to **videotape**, film, photograph, or otherwise record the other person in a state of nudity.

(C) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another 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.

(D) No person shall secretly or surreptitiously **videotape**, film, photograph, or otherwise record 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.

...

## **OKLAHOMA**

### **Okla. Stat. Ann. tit. 13, § 176.4 (2017).**

It is not unlawful pursuant to the Security of Communications Act for:

...

5. a person not acting under color of law to intercept a wire, **oral** or electronic communication when such person is a party to the communication or when one of the parties to the communication has given prior **consent** to such interception unless the communication is intercepted for the purpose of committing any criminal act....

## **OREGON**

### **Or. Rev. Stat. Ann. § 163.700 (2017). Invasion of personal privacy.**

(1) Except as provided in ORS 163.702, a person commits the crime of invasion of personal privacy in the second degree if:

(a)

(A) For the purpose of arousing or gratifying the sexual desire of the person, the person is in a location to observe another person in a state of nudity without the **consent** of the other person; and

(B) The other person is in a place and circumstances where the person has a reasonable expectation of personal privacy; or

(b)

(A) The person knowingly makes or records a photograph, motion picture, **videotape** or other visual recording of another person's intimate area without the **consent** of the other person; and

(B) The person being recorded has a reasonable expectation of privacy concerning the intimate area.

(2) As used in this section and ORS 163.701:

...

(d) "Places and circumstances where the person has a reasonable expectation of personal privacy" includes, but is not limited to, a bathroom, dressing room, locker room that includes an enclosed area for dressing or showering, tanning booth and any area where a person undresses in an enclosed space that is not open to public view.

(e) "Public view" means that an area can be readily seen and that a person within the area can be distinguished by normal unaided vision when viewed from a public place as defined in ORS 161.015.

(f) "Reasonable expectation of privacy concerning the intimate area" means that the person intended to protect the intimate area from being seen and has not exposed the intimate area to public view.

...

**Or. Rev. Stat. Ann. § 165.540 (2017). Obtaining contents of communications.**

(1) Except as otherwise provided in ORS 133.724 or 133.726 or subsections (2) to (7) of this section, a person may not:

(a) Obtain or attempt to obtain the whole or any part of a telecommunication or a radio communication to which the person is not a participant, by means of any device, contrivance, machine or apparatus, whether electrical, mechanical, manual or otherwise, unless **consent** is given by at least one participant.

(b) Tamper with the wires, connections, boxes, fuses, circuits, lines or any other equipment or facilities of a telecommunication or radio communication company over which messages are transmitted, with the intent to obtain unlawfully the contents of a telecommunication or radio communication to which the person is not a participant.

(c) Obtain or attempt to obtain the whole or any part of a conversation by means of any device, contrivance, machine or apparatus, whether electrical, mechanical, manual or otherwise, if not all participants in the conversation are specifically informed that their conversation is being obtained.

(d) Obtain the whole or any part of a conversation, telecommunication or radio communication from any person, while knowing or having good reason to believe that the conversation, telecommunication or radio communication was initially obtained in a manner prohibited by this section.

(e) Use or attempt to use, or divulge to others, any conversation, telecommunication or radio communication obtained by any means prohibited by this section.

...

(6) The prohibitions in subsection (1)(c) of this section do not apply to persons who intercept or attempt to intercept with an unconcealed recording device the **oral** communications that are part of any of the following proceedings:

(a) Public or semipublic meetings such as hearings before governmental or quasi-governmental bodies, trials, press conferences, public speeches, rallies and sporting or other events;

(b) Regularly scheduled classes or similar educational activities in public or private institutions;  
or

(c) Private meetings or conferences if all others involved knew or reasonably should have known that the recording was being made.

...

## **PENNSYLVANIA**

### **18 Pa. Cons. Stat. § 5703 (2017). Interception, disclosure or use of wire, electronic or oral communications.**

Except as otherwise provided in this chapter, a person is guilty of a felony of the third degree if he:

(1) intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire, electronic or **oral** communication;

(2) intentionally discloses or endeavors to disclose to any other person the contents of any wire, electronic or **oral** communication, or evidence derived therefrom, knowing or having reason to know that the information was obtained through the interception of a wire, electronic or **oral** communication; or

(3) intentionally uses or endeavors to use the contents of any wire, electronic or **oral** communication, or evidence derived therefrom, knowing or having reason to know, that the information was obtained through the interception of a wire, electronic or **oral** communication.

### **18 Pa. Cons. Stat. Ann. § 5704 (2017). Exceptions to prohibition of interception and disclosure of communications.**

It shall not be unlawful and no prior court approval shall be required under this chapter for:

...

(4) A person, to intercept a wire, electronic or **oral** communication, where **all parties** to the communication have given prior **consent** to such interception.

...

**18 Pa. Cons. Stat. Ann. § 7507.1 (2017). Invasion of privacy.**

(a) Offense defined. — Except as set forth in subsection (d), a person commits the offense of invasion of privacy if he, for the purpose of arousing or gratifying the sexual desire of any person, knowingly does any of the following:

(1) Views, photographs, **videotapes**, electronically depicts, films or otherwise records another person without that person’s knowledge and **consent** while that person is in a state of full or partial nudity and is in a place where that person would have a reasonable expectation of privacy.

(2) Photographs, **videotapes**, electronically depicts, films or otherwise records or personally views the intimate parts, whether or not covered by clothing, of another person without that person’s knowledge and **consent** and which intimate parts that person does not intend to be visible by normal public observation.

(3) Transfers or transmits an image obtained in violation of paragraph (1) or (2) by live or recorded telephone message, electronic mail or the Internet or by any other transfer of the medium on which the image is stored.

...

(e) Definitions. — As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

...

“Photographs” or “films.” —Making any photograph, motion picture film, **videotape** or any other recording or transmission of the image of a person.

“Place where a person would have a reasonable expectation of privacy.” —A location where a reasonable person would believe that he could disrobe in privacy without being concerned that his undressing was being viewed, photographed or filmed by another.

“Views.” —Looking upon another person with the unaided eye or with any device designed or intended to improve visual acuity.

**RHODE ISLAND**

**R.I. Gen. Laws § 11-35-21 (2017). Unauthorized interception, disclosure or use of wire, electronic, or oral communication.**

(a) Except as otherwise specifically provided in chapter 5.1 of title 12, any person: (1) who willfully intercepts, attempts to intercept, or procures any other person to intercept or attempt to intercept, any wire, electronic, or **oral** communication; (2) who willfully discloses or attempts to

disclose to any person the contents of any wire, electronic, or **oral** communication, knowing, or having reason to know that the information was obtained through interception of a wire, electronic, or **oral** communication in violation of this section; or (3) who willfully uses or attempts to use the contents of any wire, electronic, or **oral** communication, knowing, or having reason to know, that the information was obtained through interception of a wire, electronic, or **oral** communication in violation of this section; shall be imprisoned for not more than five (5) years.

(b) The provisions of subdivisions (a)(2) and (3) of this section shall not apply to the contents of any wire, electronic, or **oral** communication, or evidence derived from those contents, which has become common knowledge or public information.

(c) It shall not be unlawful under this chapter for:

...

(2) A person acting under color of law to intercept a wire, electronic, or **oral** communication, where that person is a party to the communication, or where one of the parties to the communication has given prior **consent** to the interception; or

(3) A person not acting under color of law to intercept a wire, electronic, or **oral** communication, where the person is a party to the communication, or one of the parties to the communication has given prior **consent** to the interception unless the communication is intercepted for the purpose of committing any criminal or tortious act in the violation of the constitution or laws of the United States or of any state or for the purpose of committing any other injurious act.

#### **R.I. Gen. Laws § 11-64-2 (2017). Video voyeurism.**

(1) A person is guilty of **video** voyeurism when, for the purpose of sexual arousal, gratification or stimulation, such person:

(a) Uses, installs or permits the use or installation of an imaging device to capture, record, store or transmit visual images of the intimate areas of another person without that other person's knowledge and **consent**, and under circumstances in which that other person would have a reasonable expectation of privacy.

(b) Intentionally, and with knowledge that the image was obtained in violation of subsection (a), disseminates, publishes, or sells such image of the captured representation of another person or persons depicted in the representation or reproduction, and who did not **consent** to the dissemination, publication or sale.

(2) A person is also guilty of video voyeurism when that person, for the purpose of sexual arousal, gratification or stimulation, looks into an occupied dwelling or other building by use of an imaging device that provides images of the interior of a dwelling.

...

**R.I. Gen. Laws § 28-6.12-1 (2017). Employee privacy protection.**

(a) No employer may cause an **audio** or **video** recording to be made of an **employee** in a restroom, locker room, or room designated by an employer for employees to change their clothes, unless authorized by court order.

(b) No recording made in violation of this section may be used by an employer for any purpose.

(c) In any civil action alleging a violation of this chapter, the court may:

(1) Award damages and reasonable attorneys' fees and cost to a prevailing plaintiff; and

(2) Afford injunctive relief against any employer that commits or proposes to commit a violation of this chapter.

(d) The rights and remedies provided herein shall be in addition to, and not supersede, any other rights and remedies provided by statute or common law.

**SOUTH CAROLINA**

**S.C. Code Ann. § 16-17-470 (2017). Eavesdropping, peeping, voyeurism.**

(A) It is unlawful for a person to be an eavesdropper or a peeping tom on or about the premises of another or to go upon the premises of another for the purpose of becoming an eavesdropper or a peeping tom. The term "peeping tom", as used in this section, is defined as a person who peeps through windows, doors, or other like places, on or about the premises of another, for the purpose of spying upon or invading the privacy of the persons spied upon and any other conduct of a similar nature, that tends to invade the privacy of others. The term "peeping tom" also includes any person who employs the use of **video** or **audio** equipment for the purposes set forth in this section. A person who violates the provisions of this section 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.

(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. ...

(D) As used in this section:

...

(2) "**Surveillance**" means secret observation of the activities of another person for the purpose of spying upon and invading the privacy of the person.

(3) "View" means the intentional looking upon of another person for more than a brief period of time, in other than a casual or cursory manner, with the unaided eye or with a device designed or intended to improve visual acuity.

(E) The provisions of subsection (A) do not apply to:

...

(2) security **surveillance** for the purposes of decreasing or prosecuting theft, shoplifting, or other security **surveillance** measures in bona fide business establishments;

(3) any official law enforcement activities conducted pursuant to Section 16-17-480;

...

## TENNESSEE

### **Tenn. Code Ann. § 39-13-601 (2017). Wiretapping and electronic surveillance -- Prohibited acts -- Exceptions.**

(a) (1) Except as otherwise specifically provided in §§ 39-13-601 -- 39-13-603 and title 40, chapter 6, part 3, a person commits an offense who:

(A) Intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire, **oral**, or electronic communication;

(B) Intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any **oral** communication when:

(i) The device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or

(ii) The device transmits communications by radio, or interferes with the transmission of the communication;

(C) Intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, **oral** or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, **oral**, or electronic communication in violation of this subsection (a); or

(D) Intentionally uses, or endeavors to use, the contents of any wire, **oral** or electronic communication, knowing or having reason to know, that the information was obtained through the interception of a wire, **oral** or electronic communication in violation of this subsection (a).

...

(4) It is lawful under §§ 39-13-601 -- 39-13-603 and title 40, chapter 6, part 3 for a person acting under the color of law to intercept a wire, **oral** or electronic communication, where the person is a party to the communication or one of the parties to the communication has given prior **consent** to such interception.

(5) It is lawful under §§ 39-13-601 -- 39-13-603 and title 40, chapter 6, part 3 for a person not acting under color of law to intercept a wire, **oral**, or electronic communication, where the person is a party to the communication or where one of the parties to the communication has given prior **consent** to the interception, unless the communication is intercepted for the purpose of committing any criminal or tortious act in violation of the constitution or laws of the state of Tennessee.

(6) It is unlawful to intercept any wire, **oral**, or electronic communication for the purpose of committing a criminal act.

...

**Tenn. Code Ann. § 39-13-605 (2017). Unlawful photographing in violation of privacy.**

(a) It is an offense for a person to knowingly photograph, or cause to be photographed an individual, when the individual has a reasonable expectation of privacy, without the prior effective **consent** of the individual, or in the case of a minor, without the prior effective **consent** of the minor's parent or guardian, if the photograph:

(1) Would offend or embarrass an ordinary person if such person appeared in the photograph; and

(2) Was taken for the purpose of sexual arousal or gratification of the defendant.

(b) As used in this section, unless the context otherwise requires, "photograph" means any photograph or photographic reproduction, still or moving, or any **videotape** or live television transmission of any individual.

...

**TEXAS**

**Tex. Penal Code Ann. § 16.02 (2017). Unlawful Interception, Use, or Disclosure of Wire, Oral, or Electronic Communications.**

...

(b) A person commits an offense if the person:

(1) intentionally intercepts, endeavors to intercept, or procures another person to intercept or endeavor to intercept a wire, **oral**, or electronic communication;

(2) intentionally discloses or endeavors to disclose to another person the contents of a wire, **oral**, or electronic communication if the person knows or has reason to know the information was obtained through the interception of a wire, **oral**, or electronic communication in violation of this subsection;

(3) intentionally uses or endeavors to use the contents of a wire, **oral**, or electronic communication if the person knows or is reckless about whether the information was obtained through the interception of a wire, **oral**, or electronic communication in violation of this subsection;

(4) knowingly or intentionally effects a covert entry for the purpose of intercepting wire, **oral**, or electronic communications without court order or authorization; or

(5) intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any **oral** communication when the device:

(A) is affixed to, or otherwise transmits a signal through a wire, cable, or other connection used in wire communications; or

(B) transmits communications by radio or interferes with the transmission of communications by radio.

(c) It is an affirmative defense to prosecution under Subsection (b) that:

...

(3) a person acting under color of law intercepts:

(A) a wire, **oral**, or electronic communication, if the person is a party to the communication or if one of the parties to the communication has given prior **consent** to the interception;

(B) a wire, **oral**, or electronic communication, if the person is acting under the authority of Article 18.20, Code of Criminal Procedure; or

(C) a wire or electronic communication made by a computer trespasser and transmitted to, through, or from a protected computer, if:

(i) the interception did not acquire a communication other than one transmitted to or from the computer trespasser;

(ii) the owner of the protected computer **consented** to the interception of the computer trespasser's communications on the protected computer; and

(iii) actor was lawfully engaged in an ongoing criminal investigation and the actor had reasonable suspicion to believe that the contents of the computer trespasser's communications likely to be obtained would be material to the investigation;

(4) a person not acting under color of law intercepts a wire, **oral**, or electronic communication, if:

(A) the person is a party to the communication; or

(B) one of the parties to the communication has given prior **consent** to the interception, unless the communication is intercepted for the purpose of committing an unlawful act;

...

(d) A person commits an offense if the person:

(1) intentionally manufactures, assembles, possesses, or sells an electronic, mechanical, or other device knowing or having reason to know that the device is designed primarily for nonconsensual interception of wire, electronic, or **oral** communications and that the device or a component of the device has been or will be used for an unlawful purpose...

....

**Tex. Penal Code Ann. § 21.15 (2017). Invasive Visual Recording.**

(b) A person commits an offense if, without the other person's **consent** and with intent to invade the privacy of the other person, the person:

(1) photographs or by **videotape** or other electronic means records, broadcasts, or transmits a visual image of an intimate area of another person if the other person has a reasonable expectation that the intimate area is not subject to public view;

(2) photographs or by **videotape** or other electronic means records, broadcasts, or transmits a visual image of another in a bathroom or changing room; or

(3) knowing the character and content of the photograph, recording, broadcast, or transmission, promotes a photograph, recording, broadcast, or transmission described by Subdivision (1) or (2).

...

(e) For purposes of Subsection (b)(2), a sign or signs posted indicating that the person is being photographed or that a visual image of the person is being recorded, broadcast, or transmitted is not sufficient to establish the person's **consent** under that subdivision.

## UTAH

### Utah Code Ann. § 76-9-402 (2017). Privacy violation.

(1) A person is guilty of privacy violation if, except as authorized by law, the person:

...

(b) installs, or uses after unauthorized installation in any private place, without the **consent** of the person or persons entitled to privacy in the private place, any device for observing, photographing, hearing, recording, amplifying, or broadcasting sounds or events in the private place; or

(c) installs or uses outside of a private place a device for observing, photographing, hearing, recording, amplifying, or broadcasting sounds of events originating in the private place which would not ordinarily be audible or comprehensible outside the private place, without the **consent** of the person or persons entitled to privacy in the private place.

...

### Utah Code Ann. § 77-23a-3 (2017). Definitions.

...

(5) "Electronic communication" means any transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system, but does not include:

(a) the radio portion of a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit;

(b) any wire or **oral** communications;

(c) any communication made through a tone-only paging device; or

(d) any communication from an electronic or mechanical device that permits the tracking of the movement of a person or object.

...

(7) "Electronic communications system" means any wire, radio, electromagnetic, photoelectronic, or photo-optical facilities for the transmission of electronic communications, and any computer facilities or related electronic equipment for the electronic storage of the communication.

...

(10) "Intercept" means the acquisition of the contents of any wire, electronic, or **oral** communication through the use of any electronic, mechanical, or other device.

...

(13) "Oral communication" means any **oral** communication uttered by a person exhibiting an expectation that the communication is not subject to interception, under circumstances justifying that expectation, but does not include any electronic communication.

...

(15) "Person" means any **employee** or agent of the state or a political subdivision, and any individual, partnership, association, joint stock company, trust, or corporation.

...

(19)

(a) "Wire communication" means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception, including the use of the connection in a switching station, furnished or operated by any person engaged as a common carrier in providing or operating these facilities for the transmission of intrastate, interstate, or foreign communications.

(b) "Wire communication" includes the electronic storage of the communication, but does not include the radio portion of a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit.

**Utah Code Ann. § 77-23a-4 (2017). Offenses — Criminal and civil — Lawful interception.**

(1)

(a) Except as otherwise specifically provided in this chapter, any person who violates Subsection (1)(b) is guilty of an offense and is subject to punishment under Subsection (10), or when applicable, the person is subject to civil action under Subsection (11).

(b) A person commits a violation of this subsection who:

(i) intentionally or knowingly intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire, electronic, or **oral** communication;

(ii) intentionally or knowingly uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any **oral** communication,

when the device is affixed to, or otherwise transmits a signal through a wire, cable, or other like connection used in wire communication or when the device transmits communications by radio, or interferes with the transmission of the communication;

(iii) intentionally or knowingly discloses or endeavors to disclose to any other person the contents of any wire, electronic, or **oral** communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic, or **oral** communication in violation of this section; or

(iv) intentionally or knowingly uses or endeavors to use the contents of any wire, electronic, or **oral** communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic, or **oral** communication in violation of this section.

...

(7)

(a) A person acting under color of law may intercept a wire, electronic, or **oral** communication if that person is a party to the communication or one of the parties to the communication has given prior **consent** to the interception.

(b) A person not acting under color of law may intercept a wire, electronic, or **oral** communication if that person is a party to the communication or one of the parties to the communication has given prior **consent** to the interception, unless the communication is intercepted for the purpose of committing any criminal or tortious act in violation of state or federal laws.

...

## **VERMONT**

### **Vt. Stat. Ann. tit. 13, § 2605 (2017). Voyeurism.**

(a) As used in this section:

...

(5) "Place where a person has a reasonable expectation of privacy" means:

(A) a place in which a reasonable person would believe that he or she could disrobe in privacy, without his or her undressing being viewed by another; or

(B) a place in which a reasonable person would expect to be safe from unwanted intrusion or **surveillance**.

...

(7) “**Surveillance**” means secret observation of the activities of another person for the purpose of spying upon and invading the privacy of the person.

(8) “**View**” means the intentional looking upon another person for more than a brief period of time, in other than a casual or cursory manner, with the unaided eye or a device designed or intended to improve visual acuity.

(b) No person shall intentionally view, photograph, film, or record in any format:

(1) the intimate areas of another person without that person's knowledge and **consent** while the person being viewed, photographed, filmed, or recorded is in a place where he or she would have a reasonable expectation of privacy; or

(2) the intimate areas of another person without that person's knowledge and **consent** and under circumstances in which the person has a reasonable expectation of privacy.

(c) No person shall display or disclose to a third party any image recorded in violation of subsection (b), (d), or (e) of this section.

(d) No person shall intentionally conduct **surveillance** or intentionally photograph, film, or record in any format a person without that person's knowledge and **consent** while the person being surveilled, photographed, filmed, or recorded is in a place where he or she would have a reasonable expectation of privacy within a home or residence. Bona fide private investigators and bona fide security guards engaged in otherwise lawful activities within the scope of their employment are exempt from this subsection.

(e) No person shall intentionally photograph, film, or record in any format a person without that person's knowledge and **consent** while that person is in a place where a person has a reasonable expectation of privacy and that person is engaged in sexual conduct.

(f) This section shall apply to a person who intentionally views, photographs, films, or records the intimate areas of a person as part of a security or theft prevention policy or program at a place of business.

...

## **VIRGINIA**

### **Va. Code Ann. § 18.2-386.1 (2017). Unlawful creation of image of another; penalty.**

A. It shall be unlawful for any person to knowingly and intentionally create any **videographic** or still image by any means whatsoever of any **nonconsenting** person if (i) that person is totally nude, clad in undergarments, or in a state of undress so as to expose the genitals, pubic area, buttocks or female breast in a restroom, dressing room, locker room, hotel room, motel room, tanning bed, tanning booth, bedroom or other location; or (ii) the **videographic** or still image is

created by placing the lens or image-gathering component of the recording device in a position directly beneath or between a person's legs for the purpose of capturing an image of the person's intimate parts or undergarments covering those intimate parts when the intimate parts or undergarments would not otherwise be visible to the general public; and when the circumstances set forth in clause (i) or (ii) are otherwise such that the person being recorded would have a reasonable expectation of privacy.

...

**Va. Code Ann. § 19.2-62 (2017). Interception, disclosure, etc., of wire, electronic or oral communications unlawful; penalties; exceptions.**

A. Except as otherwise specifically provided in this chapter any person who:

1. Intentionally intercepts, endeavors to intercept or procures any other person to intercept or endeavor to intercept, any wire, electronic or **oral** communication;
2. Intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical or other device to intercept any **oral** communication;
3. Intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, electronic or **oral** communication knowing or having reason to know that the information was obtained through the interception of a wire, electronic or **oral** communication; or
4. Intentionally uses, or endeavors to use, the contents of any wire, electronic or **oral** communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic or **oral** communication; shall be guilty of a Class 6 felony.

B.

...

2. It shall not be a criminal offense under this chapter for a person to intercept a wire, electronic or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior **consent** to such interception.

...

**WASHINGTON**

**Wash. Rev. Code Ann. § 9.73.030 (2017). Intercepting, recording, or divulging private communication — Consent required — Exceptions.**

(1) Except as otherwise provided in this chapter, it shall be unlawful for any individual, partnership, corporation, association, or the state of Washington, its agencies, and political subdivisions to intercept, or record any:

(a) Private communication transmitted by telephone, telegraph, radio, or other device between two or more individuals between points within or without the state by any device electronic or otherwise designed to record and/or transmit said communication regardless how such device is powered or actuated, without first obtaining the **consent** of all the participants in the communication;

(b) Private conversation, by any device electronic or otherwise designed to record or transmit such conversation regardless how the device is powered or actuated without first obtaining the **consent** of all the persons engaged in the conversation.

...

(3) Where **consent** by **all parties** is needed pursuant to this chapter, **consent** shall be considered obtained whenever one party has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that such communication or conversation is about to be recorded or transmitted: **PROVIDED**, That if the conversation is to be recorded that said announcement shall also be recorded.

...

**Wash. Rev. Code Ann. § 9A.44.115 (2017). Voyeurism.**

(1) As used in this section:

...

(b) "Photographs" or "films" means the making of a photograph, motion picture film, **videotape**, digital image, or any other recording or transmission of the image of a person;

(c) "Place where he or she would have a reasonable expectation of privacy" means:

(i) A place where a reasonable person would believe that he or she could disrobe in privacy, without being concerned that his or her undressing was being photographed or filmed by another;  
or

(ii) A place where one may reasonably expect to be safe from casual or hostile intrusion or **surveillance**;

(d) "**Surveillance**" means secret observation of the activities of another person for the purpose of spying upon and invading the privacy of the person;

(e) "Views" means the intentional looking upon of another person for more than a brief period of time, in other than a casual or cursory manner, with the unaided eye or with a device designed or intended to improve visual acuity.

(2) A person commits the crime of voyeurism if, for the purpose of arousing or gratifying the sexual desire of any person, he or she knowingly views, photographs, or films:

(a) Another person without that person's knowledge and **consent** while the person being viewed, photographed, or filmed is in a place where he or she would have a reasonable expectation of privacy; or

(b) The intimate areas of another person without that person's knowledge and **consent** and under circumstances where the person has a reasonable expectation of privacy, whether in a public or private place.

...

## **WEST VIRGINIA**

### **W. Va. Code § 21-3-20(a) (2017). § 21-3-20. Use of video and other electronic surveillance devices by employers prohibited.**

(a) It is unlawful for any employer or the agent or representative of an employer, whether public or private, to operate any electronic **surveillance** device or system, including, but not limited to, the use of a closed circuit television system, a **video-recording** device, or any combination of those or other electronic devices for the purpose of recording or monitoring the activities of the employees in areas designed for the health or personal comfort of the **employees** or for safeguarding of their possessions, such as rest rooms, shower rooms, locker rooms, dressing rooms and **employee** lounges.

(b) Any employer or agent thereof who violates any provision of this section is guilty of a misdemeanor and, if convicted, shall be fined five hundred dollars for the first offense. An employer or agent thereof convicted a second time under this provision shall be fined one thousand dollars. For the third and any subsequent offense, the penalty shall be two thousand dollars.

### **W.Va. Code § 61-8-28 (2017). Criminal invasion of privacy; penalties.**

(a) For the purposes of this section, the words or terms defined in this subsection have the meanings ascribed to them. These definitions are applicable unless a different meaning clearly appears from the context:

...

(2) "To visually portray" a person means to create a reproducible image of that person by means of:

(A) A photograph;

(B) A motion picture;

(C) A **videotape**;

(D) A digital recording; or

(E) Any other mechanical or electronic recording process or device that can preserve, for later viewing, a visual image of a person; and

(3) "Place where a reasonable person would have an expectation of privacy" means a place where a reasonable person would believe that he or she could, in privacy, be fully or partially nude without expecting that the act of exposing his or her body was being visually portrayed by another person.

(b) It is unlawful for a person to knowingly visually portray another person without that other person's knowledge, while that other person is fully or partially nude and is in a place where a reasonable person would have an expectation of privacy. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, shall be confined in a county or regional jail for not more than one year or fined not more than five thousand dollars, or both.

(c) Any person who displays or distributes visual images of another person with knowledge that said visual images were obtained in violation of subsection (b) of this section is guilty of a misdemeanor and, upon conviction, shall be confined in a county or regional jail for not more than one year or fined not more than five thousand dollars, or both.

...

**W. Va. Code § 62-1D-3 (2017). Interception of communications generally.**

(a) Except as otherwise specifically provided in this article it is unlawful for any person to:

(1) Intentionally intercept, attempt to intercept or procure any other person to intercept or attempt to intercept, any wire, **oral** or electronic communication; or

(2) Intentionally disclose or intentionally attempt to disclose to any other person the contents of any wire, **oral** or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, **oral** or electronic communication in violation of this article; and

(3) Intentionally use or disclose or intentionally attempt to use or disclose the contents of any wire, **oral** or electronic communication or the identity of any party thereto, knowing or having reason to know that such information was obtained through the interception of a wire, **oral** or electronic communication in violation of this article.

...

(e) It is lawful under this article for a person to intercept a wire, **oral** or electronic communication where the person is a party to the communication or where one of the parties to the communication has given prior **consent** to the interception unless the communication is intercepted for the purpose of committing any criminal or tortious act in violation of the constitution or laws of the United States or the constitution or laws of this State:

...

## **WISCONSIN**

### **Wis. Stat. Ann. § 942.08 (2017). Invasion of privacy.**

(1) In this section:

...

(b) "Private place" means a place where a person may reasonably expect to be safe from being observed without his or her knowledge and **consent**.

(c) "**Surveillance** device" means any device, instrument, apparatus, implement, mechanism or contrivance used, designed to be used to observe, or capable of observing, the activities of a person. "**Surveillance** device" includes a peephole.

(2) Except as provided in sub. (4), whoever does any of the following is guilty of a Class A misdemeanor:

(a) Knowingly installs a **surveillance** device in any private place, or uses a **surveillance** device to observe in a private place, with the intent to observe any nude or partially nude person without the **consent** of the person observed.

(b) For the purpose of sexual arousal or gratification and without the **consent** of each person who is present in the private place, looks into a private place that is, or is part of, a public accommodation, as defined in s. 134.48 (1) (b), and in which a person may reasonably be expected to be nude or partially nude.

(c) For the purpose of sexual arousal or gratification, looks into a private place that is, or is part of, a public accommodation, as defined in s. 134.48 (1) (b), and in which a person may reasonably be expected to be nude or partially nude but in which no person is present.

...

### **Wis. Stat. Ann. § 968.31 (2017). Interception and disclosure of wire, electronic or oral communications prohibited.**

(1) Except as otherwise specifically provided in ss. 196.63 or 968.28 to 968.30, whoever commits any of the acts enumerated in this section is guilty of a Class H felony:

(a) Intentionally intercepts, attempts to intercept or procures any other person to intercept or attempt to intercept, any wire, electronic or **oral** communication.

(b) Intentionally uses, attempts to use or procures any other person to use or attempt to use any electronic, mechanical or other device to intercept any **oral** communication.

(c) Discloses, or attempts to disclose, to any other person the contents of any wire, electronic or **oral** communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic or **oral** communication in violation of this section or under circumstances constituting violation of this section.

(d) Uses, or attempts to use, the contents of any wire, electronic or **oral** communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic or **oral** communication in violation of this section or under circumstances constituting violation of this section.

(e) Intentionally discloses the contents of any **oral**, electronic or wire communication obtained by authority of ss. 968.28, 968.29 and 968.30, except as therein provided.

(f) Intentionally alters any wire, electronic or **oral** communication intercepted on tape, wire or other device.

(2) It is not unlawful under ss. 968.28 to 968.37:

...

(b) For a person acting under color of law to intercept a wire, electronic or **oral** communication, where the person is a party to the communication or one of the parties to the communication has given prior **consent** to the interception.

(c) For a person not acting under color of law to intercept a wire, electronic or **oral** communication where the person is a party to the communication or where one of the parties to the communication has given prior **consent** to the interception unless the communication is intercepted for the purpose of committing any criminal or tortious act in violation of the constitution or laws of the United States or of any state or for the purpose of committing any other injurious act.

...

## WYOMING

### Wyo. Stat. Ann. § 6-4-304 (2017). Voyeurism; penalties.

(a) A person is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if he, without the

**consent** of the person being viewed, commits the crime of voyeurism by looking in a clandestine, surreptitious, prying or secretive nature into an enclosed area where the person being viewed has a reasonable expectation of privacy, including, but not limited to:

(i) Restrooms;

(ii) Baths;

(iii) Showers; or

(iv) Dressing or fitting rooms.

(b) A person is guilty of a felony punishable by imprisonment for not more than two (2) years, a fine of not more than five thousand dollars (\$5,000.00), or both, if he:

(i) Commits the offense specified in subsection (a) of this section by knowingly or intentionally capturing an image by means of a camera, a **video** camera or any other image recording device; or

(ii) Uses a camera, **video** camera or any other image recording device for the purpose of observing, viewing, photographing, filming or **videotaping** another person under the clothing being worn by the other person where that other person has not **consented** to the observing, viewing, photographing, filming or **videotaping**.

**Wyo. Stat Ann. § 7-3-702 (2017). Prohibition against interception or disclosure of wire, oral or electronic communications; exceptions; penalties.**

(a) Except as provided in subsection (b) of this section, no person shall intentionally:

(i) Intercept, attempt to intercept, or procure any other person to intercept or attempt to intercept any wire, **oral** or electronic communication;

(ii) Use, attempt to use, or procure any other person to use or attempt to use any electronic, mechanical or other device to intercept any **oral** communication when:

(A) Such device is affixed to, or otherwise transmits a signal through, a wire, cable or other like connection used in wire communication; or

(B) Such device transmits communications by radio or interferes with the transmission of such communication.

(iii) Disclose or attempt to disclose to another person the contents of any wire, oral or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, **oral** or electronic communication in violation of this section;

(iv) Use or attempt to use the contents of any wire, **oral** or electronic communication knowing or having reason to know that the information was obtained through the interception of a wire, **oral** or electronic communication in violation of this section;

(v) Disclose, or attempt to disclose, to any other person the contents of any wire, **oral** or electronic communication, intercepted by means authorized by this act:

(A) Knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation;

(B) Having obtained or received the information in connection with a criminal investigation; and

(C) With intent to improperly obstruct, impede or interfere with a duly authorized criminal investigation.

(b) Nothing in subsection (a) of this section prohibits:

...

(iv) Any person from intercepting an **oral**, wire or electronic communication where the person is a party to the communication or where one (1) of the parties to the communication has given prior **consent** to the interception unless the communication is intercepted for the purpose of committing any criminal or tortious act;

...