HOUSE DOCKET, NO. 1231 FILED ON: 1/16/2013

HOUSE . . . . . No. 1231

The Commonwealth of Massachusetts

PRESENTED BY:

Paul Brodeur

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

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

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Paul Brodeur	*32nd Middlesex*
Cory Atkins	*14th Middlesex*
Danielle W. Gregoire	*4th Middlesex*
David Paul Linsky	*5th Middlesex*
Denise Andrews	*2nd Franklin*
Marcos A. Devers	*16th Essex*
Carolyn C. Dykema	*8th Middlesex*
Colleen M. Garry	*36th Middlesex*
Kay Khan	*11th Middlesex*
John W. Scibak	*2nd Hampshire*
Daniel B. Winslow	*9th Norfolk*

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By Mr. Brodeur of Melrose, a petition (accompanied by bill, House, No. 1231) of Paul Brodeur and others relative to providing further protection from photographing, videotaping or electronically surveilling a partially nude or nude child. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *2153* OF 2011-2012.]

The Commonwealth of Massachusetts

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

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

SECTION 1. Section 105 of chapter 272 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking the definition of "partially nude" from subsection (a) and inserting the following:

"intimate area" – human genitals, buttocks, pubic area, or female breast below a point immediately above the tip of the areola, whether naked or covered by undergarments.

SECTION 2. Section 105 of chapter 272 of the General Laws, as so appearing, is hereby amended by striking from subsection (b) "another person who is nude or partially nude" and inserting in its place the following:

an intimate area of another person

SECTION 3. Section 105 of chapter 272 of the General Laws, as so appearing, is hereby amended by adding after subsection (b) the following new subsection:

(b½) Whoever willfully photographs, videotapes or electronically surveils an intimate area of a child under eighteen years of age, with the intent to secretly conduct or hide such activity, when the other person in such place and circumstance would have a reasonable expectation of privacy in not being so photographed, videotaped or electronically surveilled, and

without that person's knowledge and consent, shall be punished by imprisonment in the state prison for not more than 5 years or in a jail or house of correction for not more than 2½ years or by a fine of not more than $10,000, or by both such fine and imprisonment.

SECTION 4. Section 105 of chapter 272 of the General Laws, as so appearing, is hereby amended by striking from subsection (c) “another person who is nude or partially nude” and inserting in its place the following:

an intimate area of another person

SECTION 5. Section 105 of chapter 272, as so appearing, is hereby further amended by adding at the end of subsection (c) the following new subsection:

(c½) Whoever willfully disseminates the visual image of an intimate area of a child under eighteen years of age with knowledge that such visual image was unlawfully obtained in violation of subsection (b), shall be punished by imprisonment in the state prison for not more than 10 years or in a jail or house of correction for not more than 2½ years or by a fine of not more than $50,000, or by both such fine and imprisonment.

SECTION 6. Section 105 of chapter 272, as so appearing, is hereby further amended by striking from subsection (g) “a person who is nude or partially nude” and inserting in its place the following:

an intimate area of another person