

**ASSEMBLY, No. 521**

---

**STATE OF NEW JERSEY**

**217th LEGISLATURE**

---

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**  
**Assemblywoman HOLLY SCHEPISI**  
**District 39 (Bergen and Passaic)**

**SYNOPSIS**

Prohibits the unauthorized photographing or videotaping of a child.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1    **AN ACT** concerning the criminal invasion of privacy of children and  
2       supplementing chapter 14 of Title 2C.

3  
4       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5       *of New Jersey:*

6  
7       1.   a.   An actor commits a crime of the third degree if, knowing  
8       that he is not licensed or privileged to do so, he photographs, films,  
9       videotapes, records, or otherwise reproduces in any manner the  
10      image of a child, without the consent of the child's parent or  
11      guardian and under circumstances in which a reasonable parent or  
12      guardian would not expect his child to be the subject of such  
13      reproduction.

14      As used in this act "child" means any person under 18 years of  
15      age.

16      b.   It is an affirmative defense to a crime under this section that:  
17      (1) the actor posted or otherwise provided prior notice to the  
18      parent or guardian of the child of the actor's intent to engage in the  
19      conduct specified in subsection a. and  
20      (2) the actor acted with a lawful purpose.

21      c.   It shall not be a violation of subsection a. of this section to  
22      observe a child in the common area, access way, foyer or entrance  
23      to a fitting room or dressing room operated by a retail establishment  
24      or to photograph, film, videotape, record or otherwise reproduce the  
25      image of such child, if the actor conspicuously posts at the entrance  
26      to the fitting room or dressing room prior notice of his intent to  
27      make the photographs, films, videotapes, recordings or other  
28      reproductions. It shall be a violation to disclose in any manner any  
29      such photograph, film, videotape or recording of a child using a  
30      fitting room or dressing room except under the following  
31      circumstances:

32      (1) to law enforcement officers in connection with a criminal  
33      prosecution;

34      (2) pursuant to subpoena or court order for use in a legal  
35      proceeding; or

36      (3) to a co-worker, manager or supervisor acting within the  
37      scope of his employment.

38      d.   For purposes of this act, a law enforcement officer who is  
39      engaged in the official performance of his duties shall be deemed  
40      licensed or privileged to make photographs, films, videotapes,  
41      recordings or any other reproductions. A law enforcement officer  
42      may disclose such photographs, films, videotapes, recordings or any  
43      other reproductions only under the following circumstances:

44      (1) to law enforcement officers in connection with a criminal  
45      prosecution;

46      (2) pursuant to subpoena or court order for use in a legal  
47      proceeding; or

1 (3) to a co-worker, manager or supervisor acting within the  
2 scope of his employment.

3  
4 2. This act shall take effect immediately and shall be applicable  
5 to all offenses committed on or after the effective date.

6  
7  
8 STATEMENT

9  
10 This bill supplements the current “video voyeurism” statute,  
11 P.L.2003, c. 206 (N.J.S.A.2C:14-9), to criminalize the unauthorized  
12 photographing or videotaping of a child.

13 Under the provisions of the bill, it is a crime of the third degree  
14 if a person, knowing that he is not licensed or privileged to do so,  
15 photographs, films, videotapes, records or otherwise reproduces in  
16 any manner the image of a child, without the consent of the child's  
17 parent or guardian and under circumstances in which a reasonable  
18 parent or guardian would not expect his child to be the subject of  
19 such reproduction. A “child” is defined as any person under the age  
20 of 18. A crime of the third degree is punishable by a term of  
21 imprisonment of three to five years, a fine of up to \$15,000 or both.

22 Similar to the “video voyeurism” statute, this bill would provide  
23 for an affirmative defense to the crime if the actor posted or  
24 otherwise provided prior notice to the parent or guardian of his  
25 intent to engage in the conduct and he acted with a lawful purpose.  
26 In addition, this bill would provide an exception for retail  
27 merchants who record the activities of patrons in dressing rooms,  
28 provided that notice is given that persons may be observed while  
29 within the dressing room. An exception is also provided with regard  
30 to a law enforcement officer engaged in the official performance of  
31 his duties. Such photographs may be disclosed to: (1) law  
32 enforcement officers in connection with a criminal prosecution; (2)  
33 pursuant to subpoena or court order for use in a legal proceeding; or  
34 (3) to a co-worker, manager or supervisor acting within the scope of  
35 his employment.

36 The sponsor was prompted to introduce this bill in response to an  
37 incident in Ringwood involving a man videotaping young girls at a  
38 swimming competition.