

West's Idaho Code Annotated  
Title 18. Crimes and Punishments  
Chapter 66. Sex Crimes

I.C. § 18-6605

Formerly cited as ID ST § 18-6609

§ 18-6605. Video voyeurism

Currentness

(1) As used in this section:

- (a) "Broadcast" means the electronic transmittal of a visual image with the intent that it be viewed by a person or persons.
- (b) "Disseminate" means to make available by any means to any person.
- (c) "Imaging device" means any instrument capable of recording, storing, viewing or transmitting visual images.
- (d) "Intimate areas" means the nude genitals, nude pubic area, nude buttocks or nude female nipple.
- (e) "Person" means any natural person, corporation, partnership, firm, association, joint venture or any other recognized legal entity or any agent or servant thereof.
- (f) "Place where a person has a reasonable expectation of privacy" means:
  - (i) A place where a reasonable person would believe that he could undress, be undressed or engage in sexual activity in privacy, without concern that he is being viewed, photographed, filmed or otherwise recorded by an imaging device; or
  - (ii) A place where a person might reasonably expect to be safe from casual or hostile surveillance by an imaging device; or
  - (iii) Any public place where a person, by taking reasonable steps to conceal intimate areas, should be free from the viewing, recording, storing or transmitting of images obtained by imaging devices designed to overcome the barriers created by a person's covering of intimate areas.
- (g) "Publish" means to:
  - (i) Disseminate with the intent that such image or images be made available by any means to any person; or

(ii) Disseminate with the intent that such images be sold by another person; or

(iii) Post, present, display, exhibit, circulate, advertise or allow access by any means so as to make an image or images available to the public; or

(iv) Disseminate with the intent that an image or images be posted, presented, displayed, exhibited, circulated, advertised or made accessible by any means and to make such image or images available to the public.

(h) "Sell" means to disseminate to another person, or to publish, in exchange for something of value.

(i) "Sexual act" includes, but is not limited to, masturbation; genital, anal or oral sex; sexual penetration with an object; or the transfer or transmission of semen upon any part of the depicted person's body.

(2) A person is guilty of video voyeurism when, 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.

(3) A person is guilty of video voyeurism when:

(a) With the intent to annoy, terrify, threaten, intimidate, harass, offend, humiliate or degrade, he intentionally disseminates, publishes or sells or conspires to disseminate, publish or sell any image of another person who is identifiable from the image itself or information displayed in connection with the image and whose intimate areas are exposed, in whole or in part, or who is engaged in a sexual act;

(b) He knew or reasonably should have known that the person depicted in the image understood that the image should remain private; and

(c) He knew or reasonably should have known that the person depicted in the image did not consent to the dissemination, publication or sale of the image.

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

(5) This section does not apply to:

(a) An interactive computer service, as defined in [47 U.S.C. 230\(f\)\(2\)](#), an information service, as defined in [47 U.S.C. 153](#) or a telecommunication service, as defined in [section 61-121\(2\)](#) or [62-603\(13\)](#), [Idaho Code](#), for content provided by another person, unless the provider intentionally aids or abets video voyeurism;

(b) Images involving voluntary exposure in public or commercial settings; or

(c) Disclosures made in the public interest including, but not limited to, the reporting of unlawful conduct or the lawful and common practices of law enforcement, criminal reporting, legal proceedings or medical treatment.

#### **Credits**

Added by [S.L. 2004, ch. 122, § 1](#). Amended by [S.L. 2014, ch. 173, § 1](#), eff. July 1, 2014; [S.L. 2018, ch. 256, § 1](#), eff. July 1, 2018. Redesignated from § 18-6609 and amended by [S.L. 2022, ch. 124, § 9](#), eff. July 1, 2022.

#### [Notes of Decisions \(2\)](#)

I.C. § 18-6605, ID ST § 18-6605

Statutes and Constitution are current with effective legislation through the First Regular Session of the Sixty-Eighth Idaho Legislature, which convened on January 6, 2025 and adjourned sine die on April 4, 2025. Some sections may be more current; see credits for details.

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