



# State of Tennessee

## PUBLIC CHAPTER NO. 474

### HOUSE BILL NO. 99

**By Representatives Bulso, Moody, Hardaway, McCalmon, Crawford, Cepicky, Todd, Alexander, Powell, Helton-Haynes, Chism, Terry, Howell**

**Substituted for: Senate Bill No. 685**

**By Senators White, Bailey, Bowling, Gardenhire, Jackson, Rose**

AN ACT to amend Tennessee Code Annotated, Section 39-13-605 and Title 40, Chapter 39, Part 2, relative to unlawful photography.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-605(a), is amended by deleting the subsection and substituting:

(1) It is an offense for a person knowingly to 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 legal guardian, if the photograph:

(A)

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

(ii) Was taken for the purpose of sexual arousal or gratification of the defendant; or

(B) Includes the unclothed intimate area of the individual or the individual engaged in sexual activity, as defined in § 39-17-1002, and the person knew that the photograph would include such content.

(2) It is an offense for a person knowingly to 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 legal guardian, if the photograph:

(A) Includes the unclothed intimate area of the individual and would be considered offensive or embarrassing by the individual;

(B) Was taken for the purpose of offending, intimidating, embarrassing, ridiculing, or harassing the victim; and

(C) Was disseminated by the defendant, the defendant threatened to disseminate the photograph, or the defendant permitted the dissemination of the photograph to another person.

(3) It is an offense for a person knowingly to photograph, or cause to be photographed, an individual 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 legal guardian, if the photograph:

(A) Is focused on the intimate area of the individual and would be considered offensive or embarrassing by the individual; and

## HB99

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

SECTION 2. Tennessee Code Annotated, Section 39-13-605(b), is amended by redesignating the subsection as subdivision (b)(1) and adding the following new subdivision:

(2) As used in this section, an individual has a reasonable expectation of privacy, regardless of the location where a photograph is taken, if:

(A) The photograph is taken in a manner that would offend or embarrass a reasonable person; and

(B) The photograph depicts areas of the individual's body, clothed or unclothed, that would not be visible to ordinary observation but for the offensive or embarrassing manner of photography.

SECTION 3. Tennessee Code Annotated, Section 39-13-605(c), is amended by deleting "destroyed" and substituting "disposed of in accordance with § 18-1-206".

SECTION 4. Tennessee Code Annotated, Section 39-13-605(d)(1)(A), is amended by deleting the subdivision and substituting:

(A) A violation of subdivision (a)(1) or (a)(3) is a Class E felony.

SECTION 5. Tennessee Code Annotated, Section 39-13-605(d)(2), is amended by deleting the language "A violation of subdivision (a)(1) is a Class E felony if:" and substituting:

A violation of subdivision (a)(1) or (a)(3) is a Class D felony if:

SECTION 6. Tennessee Code Annotated, Section 39-13-605(d)(2), is amended by adding the following as a new subdivision:

(C) A minor under thirteen (13) years of age was used by the defendant to facilitate a violation of subdivision (a)(1) or (a)(3).

SECTION 7. Tennessee Code Annotated, Section 39-13-605(d)(3), is amended by deleting the language "A violation of subdivision (a)(1) is a Class D felony if:" and substituting:

A violation of subdivision (a)(1) or (a)(3) is a Class C felony.

SECTION 8. Tennessee Code Annotated, Section 39-13-605, is amended by deleting subdivision (d)(3)(B) and substituting:

(B)

(i) The victim of the offense is under thirteen (13) years of age at the time of the offense; or

(ii) The defendant was, at the time of the offense, in a position of trust, or had supervisory or disciplinary power over the victim by virtue of the defendant's legal, professional, or occupational status and used the position of trust or power to accomplish the unlawful photography.

SECTION 9. Tennessee Code Annotated, Section 39-13-605, is amended by deleting subsection (f) and substituting:

In addition to the punishment provided for a person who commits unlawful photography pursuant to subdivision (a)(1) or (a)(3), the trial judge shall order that the person be required to register as a sexual offender pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004, compiled in title 40, chapter 39, part 2.

SECTION 10. Tennessee Code Annotated, Section 40-39-202(20), is amended by adding the following as a new subdivision:

**HB99**

(C) The commission of an act that, on or after July 1, 2025, constitutes the criminal offense of unlawful photography, under § 39-13-605(a)(1) or (a)(3).

SECTION 11. This act takes effect July 1, 2025, the public welfare requiring it, and applies to acts committed on or after that date.

HOUSE BILL NO. 99

PASSED: April 22, 2025



CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES



RANDY MCNALLY  
SPEAKER OF THE SENATE

APPROVED this 21<sup>st</sup> day of May 2025



BILL LEE, GOVERNOR