

118TH CONGRESS
2D SESSION

H. R. 8027

To authorize a civil right of action for individuals affected by video voyeurism,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 2024

Ms. MACE (for herself and Mr. GREEN of Texas) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To authorize a civil right of action for individuals affected
by video voyeurism, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sue Victimizers and
5 Offenders who Yield Explicit Unconsented Recordings
6 Surreptitiously Act” or the “Sue VOYEURS Act”.

7 **SEC. 2. INTIMATE VISUAL DEPICTIONS.**

8 Title XIII of division W of the Consolidated Appro-
9 priations Act, 2022, is amended by inserting after section
10 1309 the following:

1 **“SEC. 1309A. CIVIL ACTION RELATING TO CAPTURE OF IN-**
2 **TIMATE IMAGES.**

3 “(a) CIVIL ACTION.—

4 “(1) RIGHT OF ACTION.—

5 “(A) IN GENERAL.—Except as provided in
6 paragraph (3), an individual whose intimate vis-
7 ual depiction is captured, in a circumstance de-
8 scribed in paragraph (4), without the consent of
9 the individual, where such capture is done by a
10 person who knows that, or recklessly disregards
11 whether, the individual has not consented to the
12 capture, and does so under circumstances in
13 which the individual has a reasonable expecta-
14 tion of privacy, may bring a civil action against
15 that person in an appropriate district court of
16 the United States for relief as set forth in para-
17 graph (2).

18 “(B) RIGHTS ON BEHALF OF CERTAIN IN-
19 DIVIDUALS.—In the case of an individual who is
20 under 18 years of age, incompetent, incapacitated,
21 or deceased, the legal guardian of the in-
22 dividual or representative of the individual’s es-
23 tate, another family member, or any other per-
24 son appointed as suitable by the court, may as-
25 sume the individual’s rights under this section,

1 but in no event shall the defendant be named
2 as such representative or guardian.

3 “(2) RELIEF.—

4 “(A) IN GENERAL.—In a civil action filed
5 under this section—

6 “(i) an individual may recover the ac-
7 tual damages sustained by the individual
8 or liquidated damages in the amount of
9 \$150,000 for each intimate visual depiction
10 captured of the individual, and the cost of
11 the action, including reasonable attorney’s
12 fees and other litigation costs reasonably
13 incurred; and

14 “(ii) the court may, in addition to any
15 other relief available at law, order equi-
16 table relief, including a temporary restrain-
17 ing order, a preliminary injunction, or a
18 permanent injunction ordering the defend-
19 ant to cease display or disclosure of the
20 visual depiction.

21 “(B) PRESERVATION OF ANONYMITY.—In
22 ordering relief under subparagraph (A), the
23 court may grant injunctive relief maintaining
24 the confidentiality of a plaintiff using a pseu-
25 donym.

1 “(3) EXCEPTION.—An individual may not bring
2 an action for relief under this section relating to the
3 actions of a law enforcement officer or agency, con-
4 ducting surveillance pursuant to a lawfully issued
5 warrant.

6 “(4) CIRCUMSTANCE DESCRIBED.—For the
7 purposes of paragraph (1), the circumstances de-
8 scribed in this paragraph are that—

9 “(A) the individual traveled in interstate or
10 foreign commerce, or traveled using a means,
11 channel, facility, or instrumentality of interstate
12 or foreign commerce, in furtherance of or in
13 connection with the conduct described in para-
14 graph (1);

15 “(B) the individual used a means, channel,
16 facility, or instrumentality of interstate or for-
17 eign commerce in furtherance of or in connec-
18 tion with the conduct described in paragraph
19 (1);

20 “(C) any payment of any kind was made,
21 directly or indirectly, in furtherance of or in
22 connection with the conduct described in para-
23 graph (1) using any means, channel, facility, or
24 instrumentality of interstate or foreign com-

merce or in or affecting interstate or foreign commerce;

“(D) the individual transmitted in interstate or foreign commerce any communication relating to or in furtherance of the conduct described in paragraph (1) using any means, channel, facility, or instrumentality of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means or in manner, including by computer, mail, wire, or electromagnetic transmission;

“(E) any equipment, item, or other object that has traveled in interstate or foreign commerce was used to perform the conduct described in paragraph (1);

“(F) the conduct described in paragraph (1) occurred within the special maritime and territorial jurisdiction of the United States, or any territory or possession of the United States; or

“(G) the conduct described in paragraph (1) otherwise occurred in or affected interstate or foreign commerce.

“(b) DEFINITIONS.—In this section:

1 “(1) BROADCAST.—The term ‘broadcast’ means
2 to electronically transmit a visual image with the in-
3 tent that it be viewed by a person or persons.

4 “(2) CAPTURE.—The term ‘capture’, with re-
5 spect to an image, means to videotape, photograph,
6 film, record by any means, or broadcast.

7 “(3) CONSENT.—The term ‘consent’ means an
8 affirmative, conscious, competent, and voluntary au-
9 thorization made by the individual free from force,
10 fraud, misrepresentation, or coercion.

11 “(4) INTIMATE VISUAL DEPICTION.—The term
12 ‘intimate visual depiction’—

13 “(A) means a visual depiction, as that
14 term is defined in section 2256(5) of title 18,
15 United States Code, that depicts—

16 “(i) the naked or undergarment clad
17 private area of an individual; or

18 “(ii) the display or transfer of bodily
19 sexual fluids—

20 “(I) on to any part of the body
21 of an individual;

22 “(II) from the body of an indi-
23 vidual; or

24 “(iii) an individual engaging in sexu-
25 ally explicit conduct; and

1 “(B) includes any visual depictions de-
2 scribed in subparagraph (A) produced while the
3 individual was in a public place only if the indi-
4 vidual did not—

5 “(i) voluntarily display the content de-
6 picted; or

7 “(ii) consent to the sexual conduct de-
8 picted;

9 “(5) PRIVATE AREA.—The term ‘private area’
10 means, with respect to an individual, the genitals,
11 pubic area, anus, buttocks, or female nipple of that
12 individual.

13 “(6) SEXUALLY EXPLICIT CONDUCT.—The term
14 ‘sexually explicit conduct’ has the meaning given to
15 the term in subparagraph (A) of section 2256(2) of
16 title 18, United States Code.

17 “(7) UNDER CIRCUMSTANCES IN WHICH THAT
18 INDIVIDUAL HAS A REASONABLE EXPECTATION OF
19 PRIVACY.—The term ‘under circumstances in which
20 that individual has a reasonable expectation of pri-
21 vacy’ means—

22 “(A) circumstances in which a reasonable
23 person would believe that he or she could dis-
24 robe in privacy, without being concerned that

1 an image of a private area of the individual was
2 being captured; or

3 “(B) circumstances in which a reasonable
4 person would believe that a private area of the
5 individual would not be visible to the public, re-
6 gardless of whether that person is in a public
7 or private place.”.

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