

609.746 INTERFERENCE WITH PRIVACY.

Subdivision 1. **Surreptitious intrusion; observation device.** (a) A person is guilty of a gross misdemeanor who:

(1) enters upon another's property;

(2) surreptitiously gazes, stares, or peeps in the window or any other aperture of a house or place of dwelling of another; and

(3) does so with intent to intrude upon or interfere with the privacy of a member of the household.

(b) A person is guilty of a gross misdemeanor who:

(1) enters upon another's property;

(2) surreptitiously installs or uses any device for observing, photographing, recording, amplifying, or broadcasting sounds or events through the window or any other aperture of a house or place of dwelling of another; and

(3) does so with intent to intrude upon or interfere with the privacy of a member of the household.

(c) A person is guilty of a gross misdemeanor who:

(1) surreptitiously gazes, stares, or peeps in the window or other aperture of a sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place where a reasonable person would have an expectation of privacy and has exposed or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the clothing covering the immediate area of the intimate parts; and

(2) does so with intent to intrude upon or interfere with the privacy of the occupant.

(d) A person is guilty of a gross misdemeanor who:

(1) surreptitiously installs or uses any device for observing, photographing, recording, amplifying, or broadcasting sounds or events through the window or other aperture of a sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place where a reasonable person would have an expectation of privacy and has exposed or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the clothing covering the immediate area of the intimate parts; and

(2) does so with intent to intrude upon or interfere with the privacy of the occupant.

(e) A person is guilty of a gross misdemeanor who:

(1) uses any device for photographing, recording, or broadcasting an image of an individual in a house or place of dwelling; a sleeping room of a hotel as defined in section 327.70, subdivision 3; a tanning booth; a bathroom; a locker room; a changing room; an indoor shower facility; or any place where a reasonable person would have an expectation of privacy; and

(2) does so with the intent to photograph, record, or broadcast an image of the individual's intimate parts, as defined in section 609.341, subdivision 5, without the consent of the individual.

(f) A person is guilty of a misdemeanor who:

(1) surreptitiously installs or uses any device for observing, photographing, recording, or broadcasting an image of an individual's intimate parts, as defined in section 609.341, subdivision 5, or the clothing covering the immediate area of the intimate parts;

(2) observes, photographs, or records the image under or around the individual's clothing; and

(3) does so with intent to intrude upon or interfere with the privacy of the individual.

(g) A person is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both, if the person:

(1) violates paragraph (a), (b), (c), (d), or (e) after a previous conviction under this subdivision or section 609.749; or

(2) violates paragraph (a), (b), (c), (d), or (e) against a minor under the age of 18, knowing or having reason to know that the minor is present.

(h) A person is guilty of a felony and may be sentenced to imprisonment for not more than four years or to payment of a fine of not more than \$5,000, or both, if: (1) the person violates paragraph (b), (d), or (e) against a minor victim under the age of 18; (2) the person is more than 36 months older than the minor victim; (3) the person knows or has reason to know that the minor victim is present; and (4) the violation is committed with sexual intent.

(i) A person is guilty of a gross misdemeanor if the person:

(1) violates paragraph (f) after a previous conviction under this subdivision or section 609.749; or

(2) violates paragraph (f) against a minor under the age of 18, knowing or having reason to know that the victim is a minor.

(j) A person is guilty of a felony if the person violates paragraph (f) after two or more convictions under this subdivision or section 609.749.

(k) Paragraph (b), (d), or (e) does not apply to law enforcement officers or corrections investigators, or to those acting under their direction, while engaged in the performance of their lawful duties. Paragraphs (c), (d), and (e) do not apply to conduct in: (1) a medical facility; or (2) a commercial establishment if the owner of the establishment has posted conspicuous signs warning that the premises are under surveillance by the owner or the owner's employees.

Subd. 2. [Repealed, 1993 c 326 art 2 s 34]

Subd. 3. [Repealed, 1993 c 326 art 2 s 34]

History: 1979 c 258 s 19; 1987 c 307 s 4; 1989 c 261 s 6; 1992 c 571 art 6 s 14; 1994 c 636 art 2 s 47; 1995 c 226 art 2 s 22; 1997 c 239 art 5 s 11; 2005 c 136 art 17 s 43; 1Sp2019 c 5 art 4 s 11; 2023 c 52 art 4 s 17