

**ARTICLE 250**  
**OFFENSES AGAINST THE RIGHT TO PRIVACY**

**Subsection 250.50 Crime Footage Definition of terms:**

The following definitions are applicable to this article:

1. The term "unlawfully" means that any possession or use by any law enforcement agency for any legitimate law enforcement purposes is specifically exempted from this Article.
2. "Crime Footage" means any photographic, video- or audio-taping or other recording or preservation of any offense against a person other than:
  - a. any misconduct by a law enforcement officer
  - b. any bombing or other act of terrorism against the government.
3. "Express written permission" means a knowing waiver of rights by any person who is a victim of the offense depicted in the crime footage.
  - a. Any such waiver must specifically identify the signatory *as a victim* of the crime depicted in the footage.
  - b. Minors are not competent to execute such a waiver.
  - c. where the crime footage depicts a homicide, a validly authorized legal representative of the deceased may execute such a waiver.
4. "Victim" has its ordinary meaning and requires neither a prior conviction nor arrest. Absent a prior conviction, however, the elements of the offense against the person preserved on crime footage are elements of any crime under this Article, except that if an individual reasonably appears in crime footage to be a child, it is an affirmative defense under this Article that said individual had reached the age of majority at the time the crime footage was created.
5. "Produce" means preserve by any means, whether photographically, electronically or otherwise.
6. "Sell" means to sell, distribute, exchange, give or dispose of to another or to offer or agree to do same.

**Subsection 250.53 Criminal Possession of Crime Footage in the Second Degree.**

A person is guilty of criminal possession of crime footage in the second degree when he knowingly and unlawfully possesses

1. crime footage,
2. without the express, written permission of the victim, and
3. said possession occurs more than 48 hours after the crime depicted.

Criminal Possession of Crime Footage in the Second Degree is a class A misdemeanor.

**ARTICLE 250**  
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**Subsection 250.56 Criminal Possession of Crime Footage in the First Degree.**

A person is guilty of criminal possession of crime footage in the first degree when he knowingly and unlawfully possesses

1. crime footage,
2. without the express, written permission of the victim,
3. more than 48 hours after the crime,
4. with the intent to sell

Criminal Possession of Crime Footage in the First Degree is a class E felony.

**Subsection 250.59 Criminal Possession of Crime Footage; presumption**

Possession of four or more duplicates of the same crime footage is presumptive evidence of an intent to sell.

**Subsection 250.62 Criminal Production of Crime Footage**

A person is guilty of criminal production of crime footage when he knowingly and unlawfully produces crime footage

1. with the intent to sell; or
2. the crime depicted is a felony sex offense as defined by Article 130 of this chapter.

Criminal Production of Crime Footage is a class D felony.

**Subsection 250.65 Criminal Sale of Crime Footage in the Second Degree**

A person is guilty of criminal sale of crime footage in the second degree when he knowingly and unlawfully sells crime footage without the express, written permission of the victim.

Criminal Sale of Crime Footage in the Second Degree is a class D felony.

**Subsection 250.68 Criminal Sale of Crime Footage in the First Degree**

A person is guilty of criminal sale of crime footage in the first degree when he knowingly and unlawfully sells crime footage without the express, written permission of the victim and

1. he has previously been convicted of an offense under this Article; or
2. he sells three or more items of crime footage without express, written permission; or
3. the victim is a child.

Criminal Sale of Crime Footage in the First Degree is a class C felony.