

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 160582)

RESOLUTION

Calling on the Pennsylvania General Assembly to increase the penalty of the state law on Invasion of Privacy for photographing intimate parts of a person in a public place without their knowledge, increasingly known as "upskirt" photography laws.

WHEREAS, In 2004, the United States Congress passed a law making it a crime to photograph people's "private area(s)" on federal properties, including national parks and military bases or to broadcast such images; and

WHEREAS, In 2005 Pennsylvania passed a law that forbids photographing people without their knowledge or consent when they are in a private place, even if the offending photographer is not violating any other law. This law also forbids photographing intimate parts of a person in a public place without their knowledge. Such laws are popularly known as "upskirt" photography laws; and

WHEREAS, In Pennsylvania, Invasion of Privacy is classified as a misdemeanor of the third degree with a penalty of up to one year incarceration and no more than \$2,500 in fines. For more than one violation it becomes a second degree misdemeanor with a penalty of up to two years incarceration and \$5,000 in fines; and

WHEREAS, In other jurisdictions the penalties for such behavior are much stiffer. In New York, for example, offenders face up to four years in prison, and possible sex offender registration; and

WHEREAS, Due to technological advances, everyone is able to take and share photos and videos almost instantaneously. Armed with Smartphones, iPads or other high-tech gadgetry, peeping Toms are snapping pictures of unsuspecting women in public places and sharing the images on the Web; and

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WHEREAS, Upskirting is a crime that disproportionately affects women and children. With the increase in reported instances the fear is escalating because someone could have an “upskirt” photo taken and never realize it; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That it hereby calls on the Pennsylvania General Assembly to increase the penalty of the state law on Invasion of Privacy for photographing intimate parts of a person in a public place without their knowledge, increasingly known as "upskirt" photography laws.

FURTHER RESOLVED, That a copy of this resolution be transmitted to the Members of the Pennsylvania House of Representatives and State Senate, Governor Wolf and the Philadelphia Commission on Women as evidence of the grave concern of this legislative body.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the ninth of June, 2016.

Darrell L. Clarke
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Bass

Sponsored by: Councilmembers Bass, Reynolds Brown, Gym, Green,
Quiñones Sánchez, Parker, Blackwell and Johnson