

(2) "Camera" includes any electronic device that can be used surreptitiously to observe an individual.

(3) "FEMALE BREAST" MEANS A PORTION OF THE FEMALE BREAST BELOW THE TOP OF THE AREOLA.

(4) "PRIVATE AREA OF AN INDIVIDUAL" MEANS THE NAKED OR UNDERGARMENT-CLAD GENITALS, PUBIC AREA, BUTTOCKS, OR FEMALE BREAST OF AN INDIVIDUAL.

[(3)] (5) (i) "Private place" means a room in which a person can reasonably be expected to fully or partially disrobe and has a reasonable expectation of privacy, in:

1. an office, business, or store;
2. a recreational facility;
3. a restaurant or tavern;
4. a hotel, motel, or other lodging facility;
5. a theater or sports arena;
6. a school or other educational institution;
7. a bank or other financial institution;
8. any part of a day care home used for the care and custody of a child; or
9. another place of public use or accommodation.

(ii) "Private place" includes a tanning room, dressing room, bedroom, or restroom.

[(4)] (6) (i) "Visual surveillance" means the deliberate, surreptitious observation of an individual by any means.

(ii) "Visual surveillance" includes surveillance by:

1. direct sight;
2. the use of mirrors; or
3. the use of cameras.

(iii) "Visual surveillance" does not include a casual, momentary, or unintentional observation of an individual.

(b) This section does not apply to a person who without prurient intent:

- (1) conducts filming by or for the print or broadcast media;
- (2) conducts or procures another to conduct visual surveillance of an individual to protect property or public safety or prevent crime; or