
HOUSE BILL 2220

State of Washington

56th Legislature

1999 Regular Session

By Representatives Constantine, Lambert, O'Brien, Keiser, Rockefeller and Ogden

Read first time 02/22/1999. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to unauthorized visual surveillance; adding new
2 sections to chapter 9.73 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.73 RCW
5 to read as follows:

6 (1) A person who with premeditated intent observes the private
7 activity of another, without the consent of the person observed and
8 under circumstances not amounting to a violation of RCW 9A.44.115, is
9 guilty of unauthorized visual surveillance.

10 (2) For purposes of this section:

11 (a) "Observe" means to view, with or without the use of any device
12 or instrument, the private activity of another, or to photograph, film,
13 or otherwise record or transmit a visual record of the private activity
14 of another;

15 (b) "Private activity" means any activity about which a person has
16 a reasonable expectation of privacy.

17 (3) Unauthorized visual surveillance is a gross misdemeanor.

18 (4) This section does not apply to viewing, photographing, or
19 filming by personnel of the department of corrections or of a local

1 jail or correctional facility for security purposes or during
2 investigation of alleged misconduct by a person in the custody of the
3 department of corrections or the local jail or correctional facility.
4 (5) This section is subject to the limitations, exceptions,
5 requirements, penalties, and other provisions incorporated by section
6 2 of this act.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.73 RCW
8 to read as follows:

9 The following sections of this chapter apply to visual surveillance
10 under section 1 of this act to the same extent as they do to the
11 interception, recording, or divulging of private communications or
12 conversations: RCW 9.73.040, 9.73.050, 9.73.060, 9.73.090, 9.73.100,
13 9.73.110, 9.73.120, 9.73.130, 9.73.140, 9.73.200, 9.73.210, 9.73.220,
14 9.73.230, and 9.73.240. A reference to RCW 9.73.030 in any of the
15 sections listed in this section is the equivalent of a reference to
16 section 1 of this act for the purposes of the operation of this
17 section.

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