

2 **ESSB 5656** - H COMM AMD
3 By Committee on Law & Justice

4

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** The definitions set forth in this section
8 apply throughout section 2 of this act.

9 (1) "Full or partial nudity" means the showing, with less than a
10 fully opaque covering, of all or any part of the human genitals or
11 pubic area or buttock, or any part of the nipple of the breast of any
12 female person.

13 (2) "Photographs" or "films" means the making of any photograph,
14 motion picture film, videotape, or any other recording or transmission
15 of the image of a person.

16 (3) "Place where he or she would have a reasonable expectation of
17 privacy" means a place where a reasonable person would believe that he
18 or she could disrobe in privacy, without being concerned that his or
19 her undressing was being photographed or filmed by another.

20 (4) "Views" means the looking upon of another person with the
21 unaided eye or with a device designed or intended to improve visual
22 acuity.

23 NEW SECTION. **Sec. 2.** (1) A person commits the crime of voyeurism
24 if, for the purpose of arousing or gratifying the sexual desire of any
25 person, he or she knowingly views, photographs, or films another
26 person, without that person's knowledge and consent, while the person
27 being viewed, photographed, or filmed is in a state of full or partial
28 nudity and is in a place where he or she would have a reasonable
29 expectation of privacy.

30 (2) Voyeurism is a gross misdemeanor if the person viewed,
31 photographed, or filmed is an adult.

32 (3) Voyeurism is a class C felony if the person viewed,
33 photographed, or filmed is a minor.

1 **Sec. 3.** RCW 9A.04.080 and 1995 c 287 s 5 and 1995 c 17 s 1 are
2 each reenacted and amended to read as follows:

3 (1) Prosecutions for criminal offenses shall not be commenced after
4 the periods prescribed in this section.

5 (a) The following offenses may be prosecuted at any time after
6 their commission:

7 (i) Murder;

8 (ii) Homicide by abuse;

9 (iii) Arson if a death results.

10 (b) The following offenses shall not be prosecuted more than ten
11 years after their commission:

12 (i) Any felony committed by a public officer if the commission is
13 in connection with the duties of his or her office or constitutes a
14 breach of his or her public duty or a violation of the oath of office;

15 (ii) Arson if no death results; or

16 (iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is
17 reported to a law enforcement agency within one year of its commission;
18 except that if the victim is under fourteen years of age when the rape
19 is committed and the rape is reported to a law enforcement agency
20 within one year of its commission, the violation may be prosecuted up
21 to three years after the victim's eighteenth birthday or up to ten
22 years after the rape's commission, whichever is later. If a violation
23 of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape
24 may not be prosecuted: (A) More than three years after its commission
25 if the violation was committed against a victim fourteen years of age
26 or older; or (B) more than three years after the victim's eighteenth
27 birthday or more than seven years after the rape's commission,
28 whichever is later, if the violation was committed against a victim
29 under fourteen years of age.

30 (c) Violations of the following statutes shall not be prosecuted
31 more than three years after the victim's eighteenth birthday or more
32 than seven years after their commission, whichever is later: RCW
33 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080,
34 9A.44.100(1)(b), or 9A.64.020.

35 (d) The following offenses shall not be prosecuted more than six
36 years after their commission: Violations of RCW 9A.82.060 or
37 9A.82.080.

1 (e) The following offenses shall not be prosecuted more than five
2 years after their commission: Any class C felony under chapter 74.09,
3 82.36, or 82.38 RCW.

4 (f) Bigamy shall not be prosecuted more than three years after the
5 time specified in RCW 9A.64.010.

6 (g) No other felony may be prosecuted more than three years after
7 its commission; except that in a prosecution under section 2 of this
8 act, if the person who was viewed, photographed, or filmed did not
9 realize at the time that he or she was being viewed, photographed, or
10 filmed, the prosecution must be commenced within two years of the time
11 the person who was viewed or in the photograph or film first learns
12 that he or she was viewed, photographed, or filmed.

13 (h) No gross misdemeanor may be prosecuted more than two years
14 after its commission; except that in a prosecution under section 2 of
15 this act, if the person who was viewed, photographed, or filmed did not
16 realize at the time that he or she was being viewed, photographed, or
17 filmed, the prosecution must be commenced within two years of the time
18 the person who was viewed or in the photograph or film first learns
19 that he or she was viewed, photographed, or filmed.

20 (i) No misdemeanor may be prosecuted more than one year after its
21 commission.

22 (2) The periods of limitation prescribed in subsection (1) of this
23 section do not run during any time when the person charged is not
24 usually and publicly resident within this state.

25 (3) If, before the end of a period of limitation prescribed in
26 subsection (1) of this section, an indictment has been found or a
27 complaint or an information has been filed, and the indictment,
28 complaint, or information is set aside, then the period of limitation
29 is extended by a period equal to the length of time from the finding or
30 filing to the setting aside.

31 NEW SECTION. Sec. 4. Sections 1 and 2 of this act are each added
32 to chapter 9A.44 RCW."

33 Correct the title.

--- END ---