

2 SHB 1441 - S AMD - 1014

3 By Senators Zarelli, Fairley and Roach

4 ADOPTED 3/10/98

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

7 NEW SECTION. Sec. 1. A new section is added to chapter 9A.44 RCW
8 to read as follows:

9 (1) As used in this section:

10 (a) "Photographs" or "films" means the making of a photograph,
11 motion picture film, videotape, or any other recording or transmission
12 of the image of a person;

13 (b) "Place where he or she would have a reasonable expectation of
14 privacy" means:

15 (i) A place where a reasonable person would believe that he or she
16 could disrobe in privacy, without being concerned that his or her
17 undressing was being photographed or filmed by another; or

18 (ii) A place where one may reasonably expect to be safe from casual
19 or hostile intrusion or surveillance;

20 (c) "Surveillance" means secret observation of the activities of
21 another person for the purpose of spying upon and invading the privacy
22 of the person;

23 (d) "Views" means the intentional looking upon of another person
24 for more than a brief period of time, in other than a casual or cursory
25 manner, with the unaided eye or with a device designed or intended to
26 improve visual acuity.

27 (2) A person commits the crime of voyeurism if, for the purpose of
28 arousing or gratifying the sexual desire of any person, he or she
29 knowingly views, photographs, or films another person, without that
30 person's knowledge and consent, while the person being viewed,
31 photographed, or filmed is in a place where he or she would have a
32 reasonable expectation of privacy.

33 (3) Voyeurism is a class C felony.

34 (4) This section does not apply to viewing, photographing, or
35 filming by personnel of the department of corrections or of a local
36 jail or correctional facility for security purposes or during

1 investigation of alleged misconduct by a person in the custody of the
2 department of corrections or the local jail or correctional facility.

3 **Sec. 2.** RCW 9A.04.080 and 1997 c 174 s 1 and 1997 c 97 s 1 are
4 each reenacted and amended to read as follows:

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

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

9 (i) Murder;

10 (ii) Homicide by abuse;

11 (iii) Arson if a death results;

12 (iv) Vehicular homicide;

13 (v) Vehicular assault if a death results;

14 (vi) Hit-and-run injury-accident if a death results (RCW
15 46.52.020(4)).

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

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

21 (ii) Arson if no death results; or

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

36 (c) Violations of the following statutes shall not be prosecuted
37 more than three years after the victim's eighteenth birthday or more
38 than seven years after their commission, whichever is later: RCW

1 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080,
2 9A.44.100(1)(b), or 9A.64.020.

3 (d) The following offenses shall not be prosecuted more than six
4 years after their commission: Violations of RCW 9A.82.060 or
5 9A.82.080.

6 (e) The following offenses shall not be prosecuted more than five
7 years after their commission: Any class C felony under chapter 74.09,
8 82.36, or 82.38 RCW.

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

11 (g) A violation of RCW 9A.56.030 must not be prosecuted more than
12 three years after the discovery of the offense when the victim is a tax
13 exempt corporation under 26 U.S.C. Sec. 501(c)(3).

14 (h) No other felony may be prosecuted more than three years after
15 its commission; except that in a prosecution under section 1 of this
16 act, if the person who was viewed, photographed, or filmed did not
17 realize at the time that he or she was being viewed, photographed, or
18 filmed, the prosecution must be commenced within two years of the time
19 the person who was viewed or in the photograph or film first learns
20 that he or she was viewed, photographed, or filmed.

21 (i) No gross misdemeanor may be prosecuted more than two years
22 after its commission.

23 (j) No misdemeanor may be prosecuted more than one year after its
24 commission.

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

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

1 **SHB 1441** - S AMD - 1014
2 By Senators Zarelli, Fairley and Roach

ADOPTED 3/10/98

3
4
5 On page 1, line 1 of the title, after "voyeurism;" strike the
6 remainder of the title and insert "reenacting and amending RCW
7 9A.04.080; adding a new section to chapter 9A.44 RCW; and prescribing
8 penalties."

--- END ---