

SENATE BILL REPORT

SHB 1441

As Reported By Senate Committee On:
Law & Justice, January 16, 1998

Title: An act relating to the crime of voyeurism.

Brief Description: Penalizing voyeurism.

Sponsors: House Committee on Law & Justice (originally sponsored by Representatives McDonald, Pennington, Ballasiotes, Mielke, Hatfield, Lambert, Doumit, Costa, Bush, Dickerson, O'Brien, Keiser, Kastama and Smith).

Brief History:

Committee Activity: Law & Justice: 4/3/97; 1/16/98 [DPA, DNPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, McCaslin, Stevens and Zarelli.

Minority Report: Do not pass as amended.

Signed by Senators Fairley and Thibaudeau.

Staff: Harry S. Steinmetz (786-7421)

Background: Civil sanctions may under certain circumstances be applicable to what might broadly be called invading someone else's privacy.

For instance, surreptitiously viewing or photographing someone may amount to the tort of intrusion on a person's privacy. Generally, this tort is committed by one who intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another, or his or her private affairs or concerns, if the intrusion would be highly offensive to a reasonable person.

It is not a crime, however, to view, photograph or film someone, even though that person is in a place where he or she has a reasonable expectation of privacy. In some instances, an invasion of this sort may involve some other criminal act such as trespassing or burglary. Surreptitious photography, for instance, might result in the subsequent possession or dissemination of material depicting a minor engaged in sexually explicit conduct.

Summary of Amended Bill: A person commits the crime of voyeurism when, for the purpose of arousing or gratifying the sexual desire of any person, he or she views, photographs or films another without the other's knowledge and consent, when the person being viewed is in a place where he or she would have a reasonable expectation of privacy.

It is also a crime to view, photograph or film another without knowledge and consent when that person is on his or her property when the perpetrator is trespassing.

The Department of Corrections or local jail personnel are exempt when acting in the course of lawful investigations or for security purposes.

Violation of the act is a class C felony.

There is a three-year statute of limitations unless the offense is not discovered at the time of the act. A subsequent two-year statute of limitations does not begin to run until the person first learns that he or she was unlawfully viewed, photographed or filmed.

Amended Bill Compared to Original Bill: The amended bill is the language of ESSB 5656 from last session. It clarifies the definitions of place where he or she would have a reasonable expectation of privacy,– views,– trespass– and adds a trespass requirements for residential voyeurism.

Violation of the act is a class C felony making no distinction as to the age of the victim. The requirement that the victim be nude or partially nude is eliminated.

An alternative method is created of proving the crime when the perpetrator is trespassing, and viewing the victims in their residences without the victim's knowledge and consent.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Testified: No one.