

SENATE BILL REPORT

ESSB 5656

As Passed Senate, March 12, 1997

Title: An act relating to the crime of voyeurism.

Brief Description: Penalizing voyeurism.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Zarelli, Kline, Hargrove, Stevens, McCaslin, Oke and Goings).

Brief History:

Committee Activity: Law & Justice: 2/18/97, 2/24/97 [DPS].
Passed Senate, 3/12/97, 36-13.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5656 be substituted therefor, and the substitute bill do pass.

Signed by Senators Goings, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Staff: Mal Murphy (786 -7412)

Background: It is not unlawful to view, photograph or film another person, even though that person is in a place where he or she might have a reasonable expectation of privacy.

Summary of 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 while trespassing to view, photograph or film another without knowledge and consent when that person is inside his or her private residence.

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.

The three-year statute of limitations does not begin to run until a person first learns that he or she was unlawfully viewed, photographed or filmed.

Appropriation: None.

Fiscal Note: Requested on February 18, 1997.

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

Testimony For: As an example of why the bill is needed, a man who viewed Ms. Bishop through a hole he cut in her bedroom wall could not be prosecuted for that. Another who filmed small children, including one girl in her own bathtub, had the conviction overturned. We need this bill to give a strong tool to law enforcement and prosecutors. It is also a good way to get sex offenders, including predators, early, without subjecting children to physical abuse. It is currently illegal to record your voice, but not to videotape you in your own home.

Testimony Against: None.

Testified: PRO: Amber Bishop, victim; Helen Harlow, Tennis Shoe Brigade; Debbie Ruggles, Washington Coalition of Sex Offenders Programs; Mike Bagdley, Aberdeen Police Department; Jim Stonier, Cowlitz County Prosecutor.