

# SENATE BILL REPORT

## SB 5656

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As Reported By Senate Committee On:  
Law & Justice, February 24, 1998

**Title:** An act relating to the crime of voyeurism.

**Brief Description:** Penalizing voyeurism.

**Sponsors:** Senators Zarelli, Kline, Hargrove, Stevens, McCaslin, Oke and Goings.

**Brief History:**

**Committee Activity:** Law & Justice: 2/18/97, 2/24/97 [DPS].

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### 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 Substitute 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 inside his or her private residence.

Law enforcement officers, Department of Corrections or local jail personnel, and licensed private investigators 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.

**Substitute Bill Compared to Original Bill:** The substitute clarifies the definitions of place where he or she would have a reasonable expectation of privacy— and views,— defines trespass,— and adds a trespass requirement for residential voyeurism. Violation of the act is increased from a gross misdemeanor to a class C felony.

**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.