
HOUSE BILL 1441

State of Washington

55th Legislature

1997 Regular Session

By Representatives McDonald, Pennington, Ballasiotes, Mielke, Hatfield, Lambert, Doumit, Costa, Bush, Dickerson, O'Brien, Keiser, Kastama and Smith

Read first time 01/27/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to the crime of voyeurism; reenacting and amending
2 RCW 9A.04.080; adding new sections to chapter 9A.44 RCW; and
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions set forth in this section
6 apply throughout sections 2 and 3 of this act.

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

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

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

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

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

11 (2) Voyeurism is a gross misdemeanor.

12 NEW SECTION. **Sec. 3.** Section 2 of this act does not apply to:

13 (1) Viewing, photographing, or filming by law enforcement officers
14 during a lawful criminal investigation;

15 (2) Viewing, photographing, or filming by law enforcement officers
16 or by personnel of the department of corrections or of a local jail or
17 correctional facility for security purposes or during investigation of
18 alleged misconduct by a person in the custody of the department of
19 corrections or the local jail or correctional facility.

20 **Sec. 4.** RCW 9A.04.080 and 1995 c 287 s 5 and 1995 c 17 s 1 are
21 each reenacted and amended to read as follows:

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

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

26 (i) Murder;

27 (ii) Homicide by abuse;

28 (iii) Arson if a death results.

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

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

34 (ii) Arson if no death results; or

35 (iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is
36 reported to a law enforcement agency within one year of its commission;

1 except that if the victim is under fourteen years of age when the rape
2 is committed and the rape is reported to a law enforcement agency
3 within one year of its commission, the violation may be prosecuted up
4 to three years after the victim's eighteenth birthday or up to ten
5 years after the rape's commission, whichever is later. If a violation
6 of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape
7 may not be prosecuted: (A) More than three years after its commission
8 if the violation was committed against a victim fourteen years of age
9 or older; or (B) more than three years after the victim's eighteenth
10 birthday or more than seven years after the rape's commission,
11 whichever is later, if the violation was committed against a victim
12 under fourteen years of age.

13 (c) Violations of the following statutes shall not be prosecuted
14 more than three years after the victim's eighteenth birthday or more
15 than seven years after their commission, whichever is later: RCW
16 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080,
17 9A.44.100(1)(b), or 9A.64.020.

18 (d) The following offenses shall not be prosecuted more than six
19 years after their commission: Violations of RCW 9A.82.060 or
20 9A.82.080.

21 (e) The following offenses shall not be prosecuted more than five
22 years after their commission: Any class C felony under chapter 74.09,
23 82.36, or 82.38 RCW.

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

26 (g) No other felony may be prosecuted more than three years after
27 its commission.

28 (h) No gross misdemeanor may be prosecuted more than two years
29 after its commission; except that in a prosecution under section 2 of
30 this act, if the person who was viewed, photographed, or filmed did not
31 realize at the time that he or she was being viewed, photographed, or
32 filmed, the prosecution must be commenced within two years of the time
33 the person who was viewed or in the photograph or film first learns
34 that he or she was viewed, photographed, or filmed.

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

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

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

7 NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act are added
8 to chapter 9A.44 RCW.

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