
SUBSTITUTE SENATE BILL 5656

State of Washington

55th Legislature

1997 Regular Session

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

Read first time 02/25/97.

1 AN ACT Relating to the crime of voyeurism; reenacting and amending
2 RCW 9A.04.080; adding a new section 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.** A new section is added to chapter 9A.44 RCW
6 to read as follows:

7 (1) As used in this section:

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

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

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

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

1 (c) "Surveillance" means secret observation of the activities of
2 another person for the purpose of spying upon and invading the privacy
3 of the person;

4 (d) "Trespass" means to intentionally enter upon and remain
5 unlawfully in and upon the property of another when not then licensed,
6 invited, or otherwise permitted to so enter or remain;

7 (e) "Views" means the intentional looking upon of another person
8 for more than a brief period of time, in other than a casual or cursory
9 manner, with the unaided eye or with a device designed or intended to
10 improve visual acuity.

11 (2) A person commits the crime of voyeurism if:

12 (a) For the purpose of arousing or gratifying the sexual desire of
13 any person, he or she knowingly views, photographs, or films another
14 person, without that person's knowledge and consent, while the person
15 being viewed, photographed, or filmed is in a place where he or she
16 would have a reasonable expectation of privacy; or

17 (b) While trespassing upon the property of another, the person
18 knowingly views, photographs, or films another person, without that
19 person's knowledge and consent while the person being viewed,
20 photographed, or filmed is inside his or her private residence.

21 (3) Voyeurism is a class C felony.

22 (4) This section does not apply to:

23 (a) Viewing, photographing, or filming by law enforcement officers
24 during a lawful criminal investigation;

25 (b) Viewing, photographing, or filming by law enforcement officers
26 or by personnel of the department of corrections or of a local jail or
27 correctional facility for security purposes or during investigation of
28 alleged misconduct by a person in the custody of the department of
29 corrections or the local jail or correctional facility; or

30 (c) Viewing, photographing, or filming by a licensed private
31 investigator during a lawful investigation.

32 **Sec. 2.** RCW 9A.04.080 and 1995 c 287 s 5 and 1995 c 17 s 1 are
33 each reenacted and amended to read as follows:

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

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

38 (i) Murder;

1 (ii) Homicide by abuse;
2 (iii) Arson if a death results.

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

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

8 (ii) Arson if no death results; or

9 (iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is
10 reported to a law enforcement agency within one year of its commission;
11 except that if the victim is under fourteen years of age when the rape
12 is committed and the rape is reported to a law enforcement agency
13 within one year of its commission, the violation may be prosecuted up
14 to three years after the victim's eighteenth birthday or up to ten
15 years after the rape's commission, whichever is later. If a violation
16 of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape
17 may not be prosecuted: (A) More than three years after its commission
18 if the violation was committed against a victim fourteen years of age
19 or older; or (B) more than three years after the victim's eighteenth
20 birthday or more than seven years after the rape's commission,
21 whichever is later, if the violation was committed against a victim
22 under fourteen years of age.

23 (c) Violations of the following statutes shall not be prosecuted
24 more than three years after the victim's eighteenth birthday or more
25 than seven years after their commission, whichever is later: RCW
26 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080,
27 9A.44.100(1)(b), or 9A.64.020.

28 (d) The following offenses shall not be prosecuted more than six
29 years after their commission: Violations of RCW 9A.82.060 or
30 9A.82.080.

31 (e) The following offenses shall not be prosecuted more than five
32 years after their commission: Any class C felony under chapter 74.09,
33 82.36, or 82.38 RCW.

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

36 (g) No other felony may be prosecuted more than three years after
37 its commission; except that in a prosecution under section 1 of this
38 act, if the person who was viewed, photographed, or filmed did not
39 realize at the time that he or she was being viewed, photographed, or

1 filmed, the prosecution must be commenced within two years of the time
2 the person who was viewed or in the photograph or film first learns
3 that he or she was viewed, photographed, or filmed.

4 (h) No gross misdemeanor may be prosecuted more than two years
5 after its commission.

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

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

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

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