
SENATE BILL 5116

State of Washington 57th Legislature 2001 Regular Session

By Senators Costa, Long, Kastama, Hargrove, Gardner, Eide and McCaslin

Read first time 01/11/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to voyeurism; amending RCW 9A.44.115 and 9A.04.080;
2 and prescribing penalties.

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

4 **Sec. 1.** RCW 9A.44.115 and 1998 c 221 s 1 are each amended to read
5 as follows:

6 (1) As used in this section:

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

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

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

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

17 (c) "Surveillance" means secret observation of the activities of
18 another person for the purpose of spying upon and invading the privacy
19 of the person;

1 (d) "Views" means the intentional looking upon of another person
2 for more than a brief period of time, in other than a casual or cursory
3 manner, with the unaided eye or with a device designed or intended to
4 improve visual acuity.

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

11 (b) A person commits the crime of voyeurism in the second degree
12 if, under circumstances not constituting voyeurism in the first degree,
13 for the purpose of arousing or gratifying the sexual desire of any
14 person, he or she knowingly views, photographs, or films another person
15 under or through the clothing being worn by that other person, for the
16 purpose of viewing, photographing, or filming the body of, or the
17 undergarments worn by, the other person, without that person's
18 knowledge and consent.

19 (3)(a) Voyeurism in the first degree is a class C felony.

20 (b) Voyeurism in the second degree is a gross misdemeanor.

21 (4) This section does not apply to viewing, photographing, or
22 filming by personnel of the department of corrections or of a local
23 jail or correctional facility for security purposes or during
24 investigation of alleged misconduct by a person in the custody of the
25 department of corrections or the local jail or correctional facility.

26 **Sec. 2.** RCW 9A.04.080 and 1998 c 221 s 2 are each amended to read
27 as follows:

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

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

32 (i) Murder;

33 (ii) Homicide by abuse;

34 (iii) Arson if a death results;

35 (iv) Vehicular homicide;

36 (v) Vehicular assault if a death results;

37 (vi) Hit-and-run injury-accident if a death results (RCW
38 46.52.020(4)).

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

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

6 (ii) Arson if no death results; or

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

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

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

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

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

34 (g) A violation of RCW 9A.56.030 must not be prosecuted more than
35 three years after the discovery of the offense when the victim is a tax
36 exempt corporation under 26 U.S.C. Sec. 501(c)(3).

37 (h) No other felony may be prosecuted more than three years after
38 its commission; except that in a prosecution under RCW 9A.44.115(2)(a),
39 if the person who was viewed, photographed, or filmed did not realize

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

5 (i) No gross misdemeanor may be prosecuted more than two years
6 after its commission; except that in a prosecution under RCW
7 9A.44.115(2)(b), if the person who was viewed, photographed, or filmed
8 did not realize at the time that he or she was being viewed,
9 photographed, or filmed, the prosecution must be commenced within one
10 year of the time the person who was viewed or in the photograph or film
11 first learns that he or she was viewed, photographed, or filmed.

12 (j) No misdemeanor may be prosecuted more than one year after its
13 commission.

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

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

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