

1 **SHB 1001 - H AMD 0005 WITHDRAWN 2/5/03**

2 By Representative McMahan

3 On page 2, line 9, after "purpose" insert ",whether private or
4 commercial,"

5 On page 2, line 16, after "purpose" insert ", whether private or
6 commercial,"

7 On page 2, after line 35, insert the following:

8 "NEW SECTION. Sec. 2. A new section is added to chapter 9A.44
9 RCW to read as follows:

10 (1) A person who distributes, disseminates, or otherwise uses for
11 any commercial purpose any photograph, motion picture film, digital
12 image, video tape, or any other recording that the person knows, or
13 reasonably should know, was made or acquired in violation of RCW
14 9A.44.115(2)(a), is guilty of class C felony.

15 (2) A person who distributes, disseminates, or otherwise uses for
16 any commercial purpose any photograph, motion picture film, digital
17 image, video tape, or any other recording that the person knows, or
18 reasonably should know, was made or acquired in violation of RCW
19 9A.44.115(2)(b), is guilty of a gross misdemeanor, unless the person
20 has previously been convicted under this section, under RCW 9A.44.115
21 or of a sex offense as defined in RCW 9.94A.030, in which case the
22 person is guilty of a class C felony."

23 Renumber the remaining sections consecutively and correct the title.

EFFECT: Amends the crimes of voyeurism in the first and second degree to clarify that the crimes may be committed for either the *private or commercial* purpose of arousing or gratifying anyone's sexual desires.

Makes it a crime to distribute or disseminate pictures or images that a person knows, or reasonably should know, are made in violation of the voyeurism crimes. This crime is a

class C felony if the distributed images were made in violation of voyeurism in the first degree. The crime is a gross misdemeanor if the distributed images were made in violation of voyeurism in the second degree, except it is a class C felony if the person has previously been convicted of voyeurism, distribution of voyeuristic materials or a sex offense.