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**SUBSTITUTE SENATE BILL 5018**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senators Roach, Winsley, Zarelli, Honeyford, Johnson, Carlson, Schmidt, Mulliken, Esser, T. Sheldon, Franklin, Fraser, McCaslin, Kastama, Keiser, Kline, Regala, Sheahan and Kohl-Welles)

READ FIRST TIME 01/30/03.

1 AN ACT Relating to voyeurism; amending RCW 9A.44.115; and declaring  
2 an emergency.

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) "Intimate areas" means any portion of a person's body or  
8 undergarments that is covered by clothing and intended to be protected  
9 from public view;

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

13 ((+b+)) (c) "Place where he or she would have a reasonable  
14 expectation of privacy" means:

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

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

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

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

8       (2) A person commits the crime of voyeurism if, for the purpose of  
9 arousing or gratifying the sexual desire of any person, he or she  
10 knowingly views, photographs, or films:

11       (a) Another person(~~(7)~~) without that person's knowledge and  
12 consent(~~(7)~~) while the person being viewed, photographed, or filmed is  
13 in a place where he or she would have a reasonable expectation of  
14 privacy; or

15       (b) The intimate areas of another person without that person's  
16 knowledge and consent and under circumstances where the person has a  
17 reasonable expectation of privacy, whether in a public or private  
18 place.

19       (3) Voyeurism is a class C felony.

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

25       (5) If a person is convicted of a violation of this section, the  
26 court may order the destruction of any photograph, motion picture film,  
27 digital image, videotape, or any other recording of an image that was  
28 made by the person in violation of this section.

29       NEW SECTION. Sec. 2. This act is necessary for the immediate  
30 preservation of the public peace, health, or safety, or support of the  
31 state government and its existing public institutions, and takes effect  
32 immediately.

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