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SENATE BILL 5018

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State of Washington

58th Legislature

2003 Regular Session

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 01/13/2003. Referred to Committee on Judiciary.

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) "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

1 another person for the purpose of spying upon and invading the privacy  
2 of the person;

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

7 (2) A person commits the crime of voyeurism if, for the purpose of  
8 arousing or gratifying the sexual desire of any person, he or she  
9 knowingly views, photographs, or films another person, without that  
10 person's knowledge and consent((τ)):

11 (a) While the person being viewed, photographed, or filmed is in a  
12 place where he or she would have a reasonable expectation of privacy;  
13 or

14 (b) Under or through the other person's clothing for the purpose of  
15 viewing the other person's body or undergarments and under  
16 circumstances in which the other person would have a reasonable  
17 expectation of privacy.

18 (3) Voyeurism is a class C felony.

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

24 NEW SECTION. Sec. 2. This act is necessary for the immediate  
25 preservation of the public peace, health, or safety, or support of the  
26 state government and its existing public institutions, and takes effect  
27 immediately.

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