

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1001

Chapter 213, Laws of 2003

58th Legislature
2003 Regular Session

VOYEURISM

EFFECTIVE DATE: 5/12/03

Passed by the House April 22, 2003
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 17, 2003
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved May 12, 2003.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1001** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER

Chief Clerk

FILED

May 12, 2003 - 3:51 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1001

AS AMENDED BY THE SENATE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Lantz, Chase, Ruderman, Fromhold, Dickerson, Conway, Schindler, Veltoria, O'Brien, Kenney, Campbell, Nixon and Darneille)

READ FIRST TIME 01/21/03.

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(~~(τ)~~) without that person's knowledge and
12 consent(~~(τ)~~) 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.

 Passed by the House April 22, 2003.

 Passed by the Senate April 17, 2003.

 Approved by the Governor May 12, 2003.

 Filed in Office of Secretary of State May 12, 2003.