

HB 2970 - S COMM AMD

By Committee on Law & Justice

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9A.44.115 and 2003 c 213 s 1 are each amended to
4 read as follows:

5 (1) As used in this section:

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

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

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

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

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

19 (d) "Surveillance" means secret observation of the activities of
20 another person for the purpose of spying upon and invading the
21 privacy of the person;

22 (e) "Views" means the intentional looking upon of another person
23 for more than a brief period of time, in other than a casual or
24 cursory manner, with the unaided eye or with a device designed or
25 intended to improve visual acuity.

26 (2)(a) A person commits the crime of voyeurism in the first
27 degree if, for the purpose of arousing or gratifying the sexual
28 desire of any person, he or she knowingly views, photographs, or
29 films:

30 ((+a)) (i) Another person without that person's knowledge and
31 consent while the person being viewed, photographed, or filmed is in

1 a place where he or she would have a reasonable expectation of
2 privacy; or

3 ~~((b))~~ (ii) The intimate areas of another person without that
4 person's knowledge and consent and under circumstances where the
5 person has a reasonable expectation of privacy, whether in a public
6 or private place.

7 ~~((3))~~ (b) Voyeurism in the first degree is a class C felony.

8 (3)(a) A person commits the crime of voyeurism in the second
9 degree if he or she knowingly views, photographs, or films:

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

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

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

18 (c) For the purposes of this section, the offense shall include a
19 person who enters a gender segregated facility and exposes himself or
20 herself to a child of the opposite biological gender in a locker room
21 or bathroom.

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

27 (5) It shall be a defense to the crime of voyeurism that the
28 defendant is a licensed private investigator acting within the
29 capacity of his or her license as provided by chapter 18.165 RCW.

30 (6) If a person is convicted of a violation of this section, the
31 court may order the destruction of any photograph, motion picture
32 film, digital image, videotape, or any other recording of an image
33 that was made by the person in violation of this section.

34 **Sec. 2.** RCW 9.94A.515 and 2015 c 261 s 11 are each amended to
35 read as follows:

36 TABLE 2
37 CRIMES INCLUDED WITHIN
38 EACH SERIOUSNESS LEVEL

1 XVI Aggravated Murder 1 (RCW
2 10.95.020)

3 XV Homicide by abuse (RCW 9A.32.055)
4 Malicious explosion 1 (RCW
5 70.74.280(1))
6 Murder 1 (RCW 9A.32.030)

7 XIV Murder 2 (RCW 9A.32.050)
8 Trafficking 1 (RCW 9A.40.100(1))

9 XIII Malicious explosion 2 (RCW
10 70.74.280(2))
11 Malicious placement of an explosive 1
12 (RCW 70.74.270(1))

13 XII Assault 1 (RCW 9A.36.011)
14 Assault of a Child 1 (RCW 9A.36.120)
15 Malicious placement of an imitation
16 device 1 (RCW 70.74.272(1)(a))
17 Promoting Commercial Sexual Abuse
18 of a Minor (RCW 9.68A.101)
19 Rape 1 (RCW 9A.44.040)
20 Rape of a Child 1 (RCW 9A.44.073)
21 Trafficking 2 (RCW 9A.40.100(3))

22 XI Manslaughter 1 (RCW 9A.32.060)
23 Rape 2 (RCW 9A.44.050)
24 Rape of a Child 2 (RCW 9A.44.076)
25 Vehicular Homicide, by being under
26 the influence of intoxicating liquor
27 or any drug (RCW 46.61.520)

28 X Child Molestation 1 (RCW 9A.44.083)
29 Criminal Mistreatment 1 (RCW
30 9A.42.020)
31 Indecent Liberties (with forcible
32 compulsion) (RCW
33 9A.44.100(1)(a))
34 Kidnapping 1 (RCW 9A.40.020)

1 Leading Organized Crime (RCW
2 9A.82.060(1)(a))
3 Malicious explosion 3 (RCW
4 70.74.280(3))
5 Sexually Violent Predator Escape
6 (RCW 9A.76.115)
7 IX Abandonment of Dependent Person 1
8 (RCW 9A.42.060)
9 Assault of a Child 2 (RCW 9A.36.130)
10 Explosive devices prohibited (RCW
11 70.74.180)
12 Hit and Run—Death (RCW
13 46.52.020(4)(a))
14 Homicide by Watercraft, by being
15 under the influence of intoxicating
16 liquor or any drug (RCW
17 79A.60.050)
18 Inciting Criminal Profiteering (RCW
19 9A.82.060(1)(b))
20 Malicious placement of an explosive 2
21 (RCW 70.74.270(2))
22 Robbery 1 (RCW 9A.56.200)
23 Sexual Exploitation (RCW 9.68A.040)
24 VIII Arson 1 (RCW 9A.48.020)
25 Commercial Sexual Abuse of a Minor
26 (RCW 9.68A.100)
27 Homicide by Watercraft, by the
28 operation of any vessel in a
29 reckless manner (RCW
30 79A.60.050)
31 Manslaughter 2 (RCW 9A.32.070)
32 Promoting Prostitution 1 (RCW
33 9A.88.070)
34 Theft of Ammonia (RCW 69.55.010)

1 Vehicular Homicide, by the operation
2 of any vehicle in a reckless
3 manner (RCW 46.61.520)

4 VII Burglary 1 (RCW 9A.52.020)

5 Child Molestation 2 (RCW 9A.44.086)

6 Civil Disorder Training (RCW
7 9A.48.120)

8 Dealing in depictions of minor engaged
9 in sexually explicit conduct 1
10 (RCW 9.68A.050(1))

11 Drive-by Shooting (RCW 9A.36.045)

12 Homicide by Watercraft, by disregard
13 for the safety of others (RCW
14 79A.60.050)

15 Indecent Liberties (without forcible
16 compulsion) (RCW 9A.44.100(1)
17 (b) and (c))

18 Introducing Contraband 1 (RCW
19 9A.76.140)

20 Malicious placement of an explosive 3
21 (RCW 70.74.270(3))

22 Negligently Causing Death By Use of a
23 Signal Preemption Device (RCW
24 46.37.675)

25 Sending, bringing into state depictions
26 of minor engaged in sexually
27 explicit conduct 1 (RCW
28 9.68A.060(1))

29 Unlawful Possession of a Firearm in
30 the first degree (RCW
31 9.41.040(1))

32 Use of a Machine Gun in Commission
33 of a Felony (RCW 9.41.225)

34 Vehicular Homicide, by disregard for
35 the safety of others (RCW
36 46.61.520)

1 VI Bail Jumping with Murder 1 (RCW
2 9A.76.170(3)(a))
3 Bribery (RCW 9A.68.010)
4 Incest 1 (RCW 9A.64.020(1))
5 Intimidating a Judge (RCW 9A.72.160)
6 Intimidating a Juror/Witness (RCW
7 9A.72.110, 9A.72.130)
8 Malicious placement of an imitation
9 device 2 (RCW 70.74.272(1)(b))
10 Possession of Depictions of a Minor
11 Engaged in Sexually Explicit
12 Conduct 1 (RCW 9.68A.070(1))
13 Rape of a Child 3 (RCW 9A.44.079)
14 Theft of a Firearm (RCW 9A.56.300)
15 Unlawful Storage of Ammonia (RCW
16 69.55.020)
17 V Abandonment of Dependent Person 2
18 (RCW 9A.42.070)
19 Advancing money or property for
20 extortionate extension of credit
21 (RCW 9A.82.030)
22 Bail Jumping with class A Felony
23 (RCW 9A.76.170(3)(b))
24 Child Molestation 3 (RCW 9A.44.089)
25 Criminal Mistreatment 2 (RCW
26 9A.42.030)
27 Custodial Sexual Misconduct 1 (RCW
28 9A.44.160)
29 Dealing in Depictions of Minor
30 Engaged in Sexually Explicit
31 Conduct 2 (RCW 9.68A.050(2))
32 Domestic Violence Court Order
33 Violation (RCW 10.99.040,
34 10.99.050, 26.09.300, 26.10.220,
35 26.26.138, 26.50.110, 26.52.070,
36 or 74.34.145)

1 Driving While Under the Influence
2 (RCW 46.61.502(6))
3 Extortion 1 (RCW 9A.56.120)
4 Extortionate Extension of Credit (RCW
5 9A.82.020)
6 Extortionate Means to Collect
7 Extensions of Credit (RCW
8 9A.82.040)
9 Incest 2 (RCW 9A.64.020(2))
10 Kidnapping 2 (RCW 9A.40.030)
11 Perjury 1 (RCW 9A.72.020)
12 Persistent prison misbehavior (RCW
13 9.94.070)
14 Physical Control of a Vehicle While
15 Under the Influence (RCW
16 46.61.504(6))
17 Possession of a Stolen Firearm (RCW
18 9A.56.310)
19 Rape 3 (RCW 9A.44.060)
20 Rendering Criminal Assistance 1
21 (RCW 9A.76.070)
22 Sending, Bringing into State
23 Depictions of Minor Engaged in
24 Sexually Explicit Conduct 2
25 (RCW 9.68A.060(2))
26 Sexual Misconduct with a Minor 1
27 (RCW 9A.44.093)
28 Sexually Violating Human Remains
29 (RCW 9A.44.105)
30 Stalking (RCW 9A.46.110)
31 Taking Motor Vehicle Without
32 Permission 1 (RCW 9A.56.070)
33 IV Arson 2 (RCW 9A.48.030)
34 Assault 2 (RCW 9A.36.021)

1 Assault 3 (of a Peace Officer with a
2 Projectile Stun Gun) (RCW
3 9A.36.031(1)(h))
4 Assault by Watercraft (RCW
5 79A.60.060)
6 Bribing a Witness/Bribe Received by
7 Witness (RCW 9A.72.090,
8 9A.72.100)
9 Cheating 1 (RCW 9.46.1961)
10 Commercial Bribery (RCW
11 9A.68.060)
12 Counterfeiting (RCW 9.16.035(4))
13 Endangerment with a Controlled
14 Substance (RCW 9A.42.100)
15 Escape 1 (RCW 9A.76.110)
16 Hit and Run—Injury (RCW
17 46.52.020(4)(b))
18 Hit and Run with Vessel—Injury
19 Accident (RCW 79A.60.200(3))
20 Identity Theft 1 (RCW 9.35.020(2))
21 Indecent Exposure to Person Under
22 Age Fourteen (subsequent sex
23 offense) (RCW 9A.88.010)
24 Influencing Outcome of Sporting Event
25 (RCW 9A.82.070)
26 Malicious Harassment (RCW
27 9A.36.080)
28 Possession of Depictions of a Minor
29 Engaged in Sexually Explicit
30 Conduct 2 (RCW 9.68A.070(2))
31 Residential Burglary (RCW
32 9A.52.025)
33 Robbery 2 (RCW 9A.56.210)
34 Theft of Livestock 1 (RCW 9A.56.080)
35 Threats to Bomb (RCW 9.61.160)

1 Trafficking in Stolen Property 1 (RCW
2 9A.82.050)
3 Unlawful factoring of a credit card or
4 payment card transaction (RCW
5 9A.56.290(4)(b))
6 Unlawful transaction of health
7 coverage as a health care service
8 contractor (RCW 48.44.016(3))
9 Unlawful transaction of health
10 coverage as a health maintenance
11 organization (RCW 48.46.033(3))
12 Unlawful transaction of insurance
13 business (RCW 48.15.023(3))
14 Unlicensed practice as an insurance
15 professional (RCW 48.17.063(2))
16 Use of Proceeds of Criminal
17 Profiteering (RCW 9A.82.080 (1)
18 and (2))
19 Vehicle Prowling 2 (third or
20 subsequent offense) (RCW
21 9A.52.100(3))
22 Vehicular Assault, by being under the
23 influence of intoxicating liquor or
24 any drug, or by the operation or
25 driving of a vehicle in a reckless
26 manner (RCW 46.61.522)
27 Viewing of Depictions of a Minor
28 Engaged in Sexually Explicit
29 Conduct 1 (RCW 9.68A.075(1))
30 Willful Failure to Return from
31 Furlough (RCW 72.66.060)
32 III Animal Cruelty 1 (Sexual Conduct or
33 Contact) (RCW 16.52.205(3))
34 Assault 3 (Except Assault 3 of a Peace
35 Officer With a Projectile Stun
36 Gun) (RCW 9A.36.031 except
37 subsection (1)(h))

1 Assault of a Child 3 (RCW 9A.36.140)
2 Bail Jumping with class B or C Felony
3 (RCW 9A.76.170(3)(c))
4 Burglary 2 (RCW 9A.52.030)
5 Communication with a Minor for
6 Immoral Purposes (RCW
7 9.68A.090)
8 Criminal Gang Intimidation (RCW
9 9A.46.120)
10 Custodial Assault (RCW 9A.36.100)
11 Cyberstalking (subsequent conviction
12 or threat of death) (RCW
13 9.61.260(3))
14 Escape 2 (RCW 9A.76.120)
15 Extortion 2 (RCW 9A.56.130)
16 Harassment (RCW 9A.46.020)
17 Intimidating a Public Servant (RCW
18 9A.76.180)
19 Introducing Contraband 2 (RCW
20 9A.76.150)
21 Malicious Injury to Railroad Property
22 (RCW 81.60.070)
23 Mortgage Fraud (RCW 19.144.080)
24 Negligently Causing Substantial
25 Bodily Harm By Use of a Signal
26 Preemption Device (RCW
27 46.37.674)
28 Organized Retail Theft 1 (RCW
29 9A.56.350(2))
30 Perjury 2 (RCW 9A.72.030)
31 Possession of Incendiary Device (RCW
32 9.40.120)
33 Possession of Machine Gun or Short-
34 Barreled Shotgun or Rifle (RCW
35 9.41.190)

1 Promoting Prostitution 2 (RCW
2 9A.88.080)
3 Retail Theft with Special
4 Circumstances 1 (RCW
5 9A.56.360(2))
6 Securities Act violation (RCW
7 21.20.400)
8 Tampering with a Witness (RCW
9 9A.72.120)
10 Telephone Harassment (subsequent
11 conviction or threat of death)
12 (RCW 9.61.230(2))
13 Theft of Livestock 2 (RCW 9A.56.083)
14 Theft with the Intent to Resell 1 (RCW
15 9A.56.340(2))
16 Trafficking in Stolen Property 2 (RCW
17 9A.82.055)
18 Unlawful Hunting of Big Game 1
19 (RCW 77.15.410(3)(b))
20 Unlawful Imprisonment (RCW
21 9A.40.040)
22 Unlawful Misbranding of Food Fish or
23 Shellfish 1 (RCW 69.04.938(3))
24 Unlawful possession of firearm in the
25 second degree (RCW 9.41.040(2))
26 Unlawful Taking of Endangered Fish
27 or Wildlife 1 (RCW
28 77.15.120(3)(b))
29 Unlawful Trafficking in Fish, Shellfish,
30 or Wildlife 1 (RCW
31 77.15.260(3)(b))
32 Unlawful Use of a Nondesignated
33 Vessel (RCW 77.15.530(4))

1 Vehicular Assault, by the operation or
2 driving of a vehicle with disregard
3 for the safety of others (RCW
4 46.61.522)

5 Willful Failure to Return from Work
6 Release (RCW 72.65.070)

7 II Commercial Fishing Without a License
8 1 (RCW 77.15.500(3)(b))

9 Computer Trespass 1 (RCW
10 9A.52.110)

11 Counterfeiting (RCW 9.16.035(3))

12 Engaging in Fish Dealing Activity
13 Unlicensed 1 (RCW 77.15.620(3))

14 Escape from Community Custody
15 (RCW 72.09.310)

16 Failure to Register as a Sex Offender
17 (second or subsequent offense)
18 (RCW 9A.44.130 prior to June 10,
19 2010, and RCW 9A.44.132)

20 Health Care False Claims (RCW
21 48.80.030)

22 Identity Theft 2 (RCW 9.35.020(3))

23 Improperly Obtaining Financial
24 Information (RCW 9.35.010)

25 Malicious Mischief 1 (RCW
26 9A.48.070)

27 Organized Retail Theft 2 (RCW
28 9A.56.350(3))

29 Possession of Stolen Property 1 (RCW
30 9A.56.150)

31 Possession of a Stolen Vehicle (RCW
32 9A.56.068)

33 Retail Theft with Special
34 Circumstances 2 (RCW
35 9A.56.360(3))

1 Scrap Processing, Recycling, or
2 Supplying Without a License
3 (second or subsequent offense)
4 (RCW 19.290.100)

5 Theft 1 (RCW 9A.56.030)

6 Theft of a Motor Vehicle (RCW
7 9A.56.065)

8 Theft of Rental, Leased, ~~((or))~~ Lease-
9 purchased, or Loaned Property
10 (valued at ~~((one))~~ five thousand
11 ~~((five hundred))~~ dollars or more)
12 (RCW 9A.56.096(5)(a))

13 Theft with the Intent to Resell 2 (RCW
14 9A.56.340(3))

15 Trafficking in Insurance Claims (RCW
16 48.30A.015)

17 Unlawful factoring of a credit card or
18 payment card transaction (RCW
19 9A.56.290(4)(a))

20 Unlawful Participation of Non-Indians
21 in Indian Fishery (RCW
22 77.15.570(2))

23 Unlawful Practice of Law (RCW
24 2.48.180)

25 Unlawful Purchase or Use of a License
26 (RCW 77.15.650(3)(b))

27 Unlawful Trafficking in Fish, Shellfish,
28 or Wildlife 2 (RCW
29 77.15.260(3)(a))

30 Unlicensed Practice of a Profession or
31 Business (RCW 18.130.190(7))

32 Voyeurism 1 (RCW 9A.44.115)

33 I Attempting to Elude a Pursuing Police
34 Vehicle (RCW 46.61.024)

35 False Verification for Welfare (RCW
36 74.08.055)

1 Forgery (RCW 9A.60.020)
2 Fraudulent Creation or Revocation of a
3 Mental Health Advance Directive
4 (RCW 9A.60.060)
5 Malicious Mischief 2 (RCW
6 9A.48.080)
7 Mineral Trespass (RCW 78.44.330)
8 Possession of Stolen Property 2 (RCW
9 9A.56.160)
10 Reckless Burning 1 (RCW 9A.48.040)
11 Spotlighting Big Game 1 (RCW
12 77.15.450(3)(b))
13 Suspension of Department Privileges 1
14 (RCW 77.15.670(3)(b))
15 Taking Motor Vehicle Without
16 Permission 2 (RCW 9A.56.075)
17 Theft 2 (RCW 9A.56.040)
18 Theft of Rental, Leased, ~~((or))~~ Lease-
19 purchased, or Loaned Property
20 (valued at ~~((two))~~ seven hundred
21 fifty dollars or more but less than
22 ~~((one))~~ five thousand ~~((five~~
23 ~~hundred))~~ dollars) (RCW
24 9A.56.096(5)(b))
25 Transaction of insurance business
26 beyond the scope of licensure
27 (RCW 48.17.063)
28 Unlawful Fish and Shellfish Catch
29 Accounting (RCW
30 77.15.630(3)(b))
31 Unlawful Issuance of Checks or Drafts
32 (RCW 9A.56.060)
33 Unlawful Possession of Fictitious
34 Identification (RCW 9A.56.320)
35 Unlawful Possession of Instruments of
36 Financial Fraud (RCW 9A.56.320)

1 Unlawful Possession of Payment
2 Instruments (RCW 9A.56.320)
3 Unlawful Possession of a Personal
4 Identification Device (RCW
5 9A.56.320)
6 Unlawful Production of Payment
7 Instruments (RCW 9A.56.320)
8 Unlawful Releasing, Planting,
9 Possessing, or Placing Deleterious
10 Exotic Wildlife (RCW
11 77.15.250(2)(b))
12 Unlawful Trafficking in Food Stamps
13 (RCW 9.91.142)
14 Unlawful Use of Food Stamps (RCW
15 9.91.144)
16 Unlawful Use of Net to Take Fish 1
17 (RCW 77.15.580(3)(b))
18 Unlawful Use of Prohibited Aquatic
19 Animal Species (RCW
20 77.15.253(3))
21 Vehicle Prowl 1 (RCW 9A.52.095)
22 Violating Commercial Fishing Area or
23 Time 1 (RCW 77.15.550(3)(b))

24 **Sec. 3.** RCW 13.40.070 and 2013 c 179 s 3 are each amended to
25 read as follows:

26 (1) Complaints referred to the juvenile court alleging the
27 commission of an offense shall be referred directly to the
28 prosecutor. The prosecutor, upon receipt of a complaint, shall screen
29 the complaint to determine whether:

30 (a) The alleged facts bring the case within the jurisdiction of
31 the court; and

32 (b) On a basis of available evidence there is probable cause to
33 believe that the juvenile did commit the offense.

34 (2) If the identical alleged acts constitute an offense under
35 both the law of this state and an ordinance of any city or county of

1 this state, state law shall govern the prosecutor's screening and
2 charging decision for both filed and diverted cases.

3 (3) If the requirements of subsections (1)(a) and (b) of this
4 section are met, the prosecutor shall either file an information in
5 juvenile court or divert the case, as set forth in subsections (5),
6 (6), and (8) of this section. If the prosecutor finds that the
7 requirements of subsection (1)(a) and (b) of this section are not
8 met, the prosecutor shall maintain a record, for one year, of such
9 decision and the reasons therefor. In lieu of filing an information
10 or diverting an offense a prosecutor may file a motion to modify
11 community supervision where such offense constitutes a violation of
12 community supervision.

13 (4) An information shall be a plain, concise, and definite
14 written statement of the essential facts constituting the offense
15 charged. It shall be signed by the prosecuting attorney and conform
16 to chapter 10.37 RCW.

17 (5) Except as provided in RCW 13.40.213 and subsection (7) of
18 this section, where a case is legally sufficient, the prosecutor
19 shall file an information with the juvenile court if:

20 (a) An alleged offender is accused of a class A felony, a class B
21 felony, an attempt to commit a class B felony, a class C felony
22 listed in RCW 9.94A.411(2) as a crime against persons or listed in
23 RCW 9A.46.060 as a crime of harassment, or a class C felony that is a
24 violation of RCW 9.41.080 or 9.41.040(2)(a)(~~(iii)~~) (iv); or

25 (b) An alleged offender is accused of a felony and has a criminal
26 history of any felony, or at least two gross misdemeanors, or at
27 least two misdemeanors; or

28 (c) An alleged offender has previously been committed to the
29 department; or

30 (d) An alleged offender has been referred by a diversion unit for
31 prosecution or desires prosecution instead of diversion; or

32 (e) An alleged offender has three or more diversion agreements on
33 the alleged offender's criminal history; or

34 (f) A special allegation has been filed that the offender or an
35 accomplice was armed with a firearm when the offense was committed.

36 (6) Where a case is legally sufficient the prosecutor shall
37 divert the case if the alleged offense is a misdemeanor or gross
38 misdemeanor or violation and the alleged offense is the offender's
39 first offense or violation. If the alleged offender is charged with a

1 related offense that must or may be filed under subsections (5) and
2 (8) of this section, a case under this subsection may also be filed.

3 (7) Where a case is legally sufficient to charge an alleged
4 offender with:

5 (a) Either prostitution or prostitution loitering and the alleged
6 offense is the offender's first prostitution or prostitution
7 loitering offense, the prosecutor shall divert the case; or

8 (b) Voyeurism in the second degree and the alleged offense is the
9 offender's first offense or violation, the prosecutor shall divert
10 the case unless the juvenile has prior adjudications or diversions.

11 (8) Where a case is legally sufficient and falls into neither
12 subsection (5) nor (6) of this section, it may be filed or diverted.
13 In deciding whether to file or divert an offense under this section
14 the prosecutor shall be guided only by the length, seriousness, and
15 recency of the alleged offender's criminal history and the
16 circumstances surrounding the commission of the alleged offense.

17 (9) Whenever a juvenile is placed in custody or, where not placed
18 in custody, referred to a diversion interview, the parent or legal
19 guardian of the juvenile shall be notified as soon as possible
20 concerning the allegation made against the juvenile and the current
21 status of the juvenile. Where a case involves victims of crimes
22 against persons or victims whose property has not been recovered at
23 the time a juvenile is referred to a diversion unit, the victim shall
24 be notified of the referral and informed how to contact the unit.

25 (10) The responsibilities of the prosecutor under subsections (1)
26 through (9) of this section may be performed by a juvenile court
27 probation counselor for any complaint referred to the court alleging
28 the commission of an offense which would not be a felony if committed
29 by an adult, if the prosecutor has given sufficient written notice to
30 the juvenile court that the prosecutor will not review such
31 complaints.

32 (11) The prosecutor, juvenile court probation counselor, or
33 diversion unit may, in exercising their authority under this section
34 or RCW 13.40.080, refer juveniles to mediation or victim offender
35 reconciliation programs. Such mediation or victim offender
36 reconciliation programs shall be voluntary for victims."

HB 2970 - S COMM AMD

By Committee on Law & Justice

1 On page 1, line 1 of the title, after "voyeurism;" strike the
2 remainder of the title and insert "amending RCW 9A.44.115, 9.94A.515,
3 and 13.40.070; and prescribing penalties."

EFFECT: The offense of voyeurism in the second degree includes entering a gender segregated facility and exposing oneself to a child of the opposite biological gender in a locker room or bathroom.

--- END ---