

HOUSE BILL REPORT

HB 2042

As Reported by House Committee On: Public Safety

Title: An act relating to establishing the crime of voyeurism in the second degree.

Brief Description: Establishing the crime of voyeurism in the second degree.

Sponsors: Representatives McCabe, Cody, Harris, Dent, Fagan, McBride, Kochmar, Wilson, Johnson, Klippert and Pike.

Brief History:

Committee Activity:

Public Safety: 2/18/15, 2/20/15 [DPS].

Brief Summary of Substitute Bill

- Creates a new crime of Voyeurism in the second degree punishable as a gross misdemeanor offense.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Griffey, Moscoso, Pettigrew and Wilson.

Staff: Yvonne Walker (786-7841).

Background:

A person commits the crime of Voyeurism if, for the purpose of arousing or gratifying the sexual desire of any person, he or she knowingly views, photographs, or films:

- another person without that person's knowledge and consent while the person being viewed, photographed, or filmed is in a place where he or she would have a reasonable expectation of privacy; or

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- the intimate areas of another person without that person's knowledge, consent, and under circumstances where the person has a reasonable expectation of privacy, whether in a public or private place.

Voyeurism is a sex offense and is ranked as seriousness level II, class C felony offense.

The statutory maximum sentence for a class C felony offense is five years in prison and a \$10,000 fine.

A gross misdemeanor offense is punishable by a sentence of up to 364 days in jail or a maximum fine of \$5,000, or both imprisonment and a fine.

Summary of Substitute Bill:

Voyeurism is renamed Voyeurism in the first degree.

A new crime of Voyeurism in the second degree is created. A person commits the crime of Voyeurism in the second degree, if he or she knowingly views, photographs, or films:

- another person without that person's knowledge and consent while the person being viewed, photographed, or filmed is in a place where he or she would have a reasonable expectation of privacy; or
- the intimate areas of another person without that person's knowledge and consent and under circumstances where the person has a reasonable expectation of privacy, whether in a public or private place.

The intent of committing the crime for the purpose of arousing or gratifying the sexual desire of the perpetrator is not an element of the offense for Voyeurism in the second degree.

Voyeurism in the second degree is punishable as a gross misdemeanor offense.

It is a defense to the crime of Voyeurism that the defendant is a licensed private investigator acting within the capacity of his or her license as a private investigator.

Substitute Bill Compared to Original Bill:

The substitute bill exempts licensed investigators from prosecution for a voyeurism offense.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Voyeurism is the act of secretly taking photographs or video of people unknowingly. Technology has good and bad elements. Today, many cheerleaders do not want to wear dresses anymore on game day because technology has advanced so much that other students are able to take pictures up their skirts while they are in crowded hallways or stairwells. This act is often called "up-skirting."

The bill makes the violation of this crime a gross misdemeanor offense. The young ladies need to feel safe. This is a way to stop the embarrassment of young ladies and to stop the offender from possibly becoming a sex offender in the future.

(Opposed) None.

Persons Testifying: Representative McCabe, prime sponsor; and Representative Klippert.

Persons Signed In To Testify But Not Testifying: None.