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## Public Safety Committee

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### HB 2970

**Brief Description:** Concerning voyeurism.

**Sponsors:** Representatives McCabe and Appleton.

Brief Summary of Bill
<ul style="list-style-type: none"><li>Creates a new crime of Voyeurism in the second degree punishable as a gross misdemeanor offense.</li></ul>



**Hearing Date:** 2/5/16

**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
- 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 Bill:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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 act 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. A prosecutor must divert the case of a juvenile alleged to have committed voyeurism in the second degree if the defendant was under the age of 18 years at the time of the offense (unless the juvenile has prior adjudications or diversions).

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.

**Appropriation:** None.

**Fiscal Note:** Requested on February 4, 2016.

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