

HOUSE BILL REPORT

HB 2970

As Reported by House Committee On:
Public Safety

Title: An act relating to voyeurism.

Brief Description: Concerning voyeurism.

Sponsors: Representatives McCabe and Appleton.

Brief History:

Committee Activity:

Public Safety: 2/5/16 [DP].

Brief Summary of Bill

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

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, 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
- 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.

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 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:

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: Available.

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

Staff Summary of Public Testimony:

(In support) There were some cheerleaders who stated that they did not want to wear skirts anymore because other students were videoing up the girls' skirts (also known as upskirting) with cell phones. Even as recent as June, a teacher was caught committing this crime. There are positive things about technology, but there are also negative things too. This is happening in schools, colleges, and in public bathroom stalls.

(Opposed) None.

Persons Testifying: Representative McCabe, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.