

SENATE BILL REPORT

HB 2970

As of February 25, 2016

Title: An act relating to voyeurism.

Brief Description: Concerning voyeurism.

Sponsors: Representatives McCabe and Appleton.

Brief History: Passed House: 2/12/16, 93-0.

Committee Activity: Law & Justice: 2/24/16.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Aldo Melchiori (786-7439)

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, a class C felony, and is ranked as seriousness level II on the sentencing grid. The statutory maximum sentence for a class C felony offense is five years in prison and a \$10,000 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.
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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.

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 punishable by a sentence of up to 364 days in jail and/or a maximum fine of \$5,000. 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.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This will help the prosecution of crimes committed by people who film other people under bathroom stalls and up-skirt women, but without adequate proof of their intent to arouse or gratify their sexual desire.

Persons Testifying: PRO: Representative McCabe, prime sponsor

Persons Signed In To Testify But Not Testifying: No one.