
HOUSE BILL 1272

State of Washington 64th Legislature 2015 Regular Session

By Representatives Buys, Orwall, and Pollet

Read first time 01/16/15. Referred to Committee on Public Safety.

1 AN ACT Relating to the wrongful distribution of intimate images;
2 amending RCW 9A.44.115; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

6 (1) As used in this section:

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

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

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

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

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

1 (d) "Surveillance" means secret observation of the activities of
2 another person for the purpose of spying upon and invading the
3 privacy of the person;

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

8 (2) A person commits the crime of voyeurism if, for the purpose
9 of arousing or gratifying the sexual desire of any person, he or she
10 knowingly views, photographs, or films:

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

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

18 (3) Voyeurism is a class C felony.

19 (4) A person commits the crime of wrongfully distributing
20 intimate images if, with the intent to cause emotional distress, he
21 or she distributes, divulges, or otherwise discloses, a photograph,
22 film, or other visual image of the intimate areas of another person,
23 under circumstances where the person agreed, understood, or otherwise
24 knew or reasonably should have known, that the person depicted
25 believed that the image would remain private and the person depicted
26 suffers emotional distress.

27 (5) Wrongfully distributing intimate images is a misdemeanor on
28 the first conviction, a gross misdemeanor on the second conviction,
29 and a class C felony on the third and subsequent convictions.

30 (6) This section does not apply to viewing, photographing, or
31 filming by personnel of the department of corrections or of a local
32 jail or correctional facility for security purposes or during
33 investigation of alleged misconduct by a person in the custody of the
34 department of corrections or the local jail or correctional facility.

35 ((+5)) (7) If a person is convicted of a violation of this
36 section, the court may order the destruction of any photograph,
37 motion picture film, digital image, videotape, or any other recording
38 of an image that was made by the person in violation of this section.

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