

FINAL BILL REPORT

SHB 1200

C 292 L 17
Synopsis as Enacted

Brief Description: Concerning the crime of voyeurism.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives McCabe, Goodman, Klippert, Orwall, Hayes, Johnson, Griffey, Caldier, Dye, Sells, McDonald, Kilduff and Smith).

House Committee on Public Safety
Senate Committee on Law & Justice

Background:

Voyeurism. 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 and 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 a class C felony with a seriousness level of II.

Diversion of Juvenile Cases. If a juvenile is alleged to have committed a misdemeanor or gross misdemeanor, and it is his or her first violation, the prosecutor is required to divert the case rather than file a complaint. In some circumstances, the prosecutor has discretion whether to allow the juvenile to enter into a diversion or file the case. A juvenile may have no more than three diversions.

A case is diverted when the juvenile enters into an agreement, which may include, among other things, a requirement that the juvenile attend counseling or educational or informational sessions at a community agency. A diversion agreement may be between a juvenile and a probation counselor, community accountability board, youth court under the supervision of the juvenile court, or other entity. If a juvenile violates his or her diversion agreement, then the case is returned to the prosecuting attorney for the filing of criminal charges in court.

Summary:

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. Voyeurism is renamed Voyeurism in the first degree.

A new crime of Voyeurism in the second degree is created. A person commits the offense if he or she intentionally photographs or films another person for the purpose of photographing or filming the person's intimate areas with the intent to distribute or disseminate the photograph or film, 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.

Voyeurism in the second degree is a gross misdemeanor offense, and it is not a sex offense for the purposes of sentencing and sex offender registration.

Diversion of Juvenile Cases. A prosecutor must divert the case of a juvenile alleged to have committed Voyeurism in the second degree if the juvenile meets all three of the following criteria:

- it is his or her first violation of Voyeurism in the second degree;
- he or she has not received more than one diversion for any offense in the previous two years; and
- he or she is 16 years old or younger.

Votes on Final Passage:

House	97	1	
Senate	49	0	(Senate amended)
House	95	0	(House concurred)

Effective: July 23, 2017