
HOUSE BILL 1200

State of Washington

65th Legislature

2017 Regular Session

By Representatives McCabe, Goodman, Klippert, Orwall, Hayes, Johnson, Griffey, Caldier, Dye, Sells, McDonald, Kilduff, and Smith

Read first time 01/13/17. Referred to Committee on Public Safety.

1 AN ACT Relating to the crime of voyeurism; amending RCW
2 9A.44.115; reenacting and amending RCW 9.94A.515; and prescribing
3 penalties.

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

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

7 (1) As used in this section:

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

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

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

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

19 (ii) A place where one may reasonably expect to be safe from
20 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) A person commits the crime of voyeurism in the first
9 degree if, for the purpose of arousing or gratifying the sexual
10 desire of any person, he or she knowingly views, photographs, or
11 films:

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

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

20 (~~(3)~~) (b) Voyeurism in the first degree is a class C felony.

21 (3)(a) A person commits the crime of voyeurism in the second
22 degree if he or she knowingly views, photographs, or films:

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

26 (ii) The intimate areas of another person without that person's
27 knowledge and consent and under circumstances where the person has a
28 reasonable expectation of privacy, whether in a public or private
29 place.

30 (b) Voyeurism in the second degree is a gross misdemeanor.

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

36 (5) It shall be a defense to the crime of voyeurism that the
37 defendant is a licensed private investigator acting within the
38 capacity of his or her license as provided by chapter 18.165 RCW.

39 (6) If a person is convicted of a violation of this section, the
40 court may order the destruction of any photograph, motion picture

1 film, digital image, videotape, or any other recording of an image
2 that was made by the person in violation of this section.

3 **Sec. 2.** RCW 9.94A.515 and 2016 c 213 s 5, 2016 c 164 s 13, and
4 2016 c 6 s 1 are each reenacted and amended to read as follows:

5 TABLE 2

6 CRIMES INCLUDED WITHIN EACH
7 SERIOUSNESS LEVEL

- 8 XVI Aggravated Murder 1 (RCW 10.95.020)
- 9 XV Homicide by abuse (RCW 9A.32.055)
- 10 Malicious explosion 1 (RCW
11 70.74.280(1))
- 12 Murder 1 (RCW 9A.32.030)
- 13 XIV Murder 2 (RCW 9A.32.050)
- 14 Trafficking 1 (RCW 9A.40.100(1))
- 15 XIII Malicious explosion 2 (RCW
16 70.74.280(2))
- 17 Malicious placement of an explosive 1
18 (RCW 70.74.270(1))
- 19 XII Assault 1 (RCW 9A.36.011)
- 20 Assault of a Child 1 (RCW 9A.36.120)
- 21 Malicious placement of an imitation
22 device 1 (RCW 70.74.272(1)(a))
- 23 Promoting Commercial Sexual Abuse of
24 a Minor (RCW 9.68A.101)
- 25 Rape 1 (RCW 9A.44.040)
- 26 Rape of a Child 1 (RCW 9A.44.073)
- 27 Trafficking 2 (RCW 9A.40.100(3))
- 28 XI Manslaughter 1 (RCW 9A.32.060)
- 29 Rape 2 (RCW 9A.44.050)
- 30 Rape of a Child 2 (RCW 9A.44.076)
- 31 Vehicular Homicide, by being under the
32 influence of intoxicating liquor or
33 any drug (RCW 46.61.520)

1 Vehicular Homicide, by the operation of
2 any vehicle in a reckless manner
3 (RCW 46.61.520)

4 X Child Molestation 1 (RCW 9A.44.083)

5 Criminal Mistreatment 1 (RCW
6 9A.42.020)

7 Indecent Liberties (with forcible
8 compulsion) (RCW
9 9A.44.100(1)(a))

10 Kidnapping 1 (RCW 9A.40.020)

11 Leading Organized Crime (RCW
12 9A.82.060(1)(a))

13 Malicious explosion 3 (RCW
14 70.74.280(3))

15 Sexually Violent Predator Escape (RCW
16 9A.76.115)

17 IX Abandonment of Dependent Person 1
18 (RCW 9A.42.060)

19 Assault of a Child 2 (RCW 9A.36.130)

20 Explosive devices prohibited (RCW
21 70.74.180)

22 Hit and Run—Death (RCW
23 46.52.020(4)(a))

24 Homicide by Watercraft, by being under
25 the influence of intoxicating liquor
26 or any drug (RCW 79A.60.050)

27 Inciting Criminal Profiteering (RCW
28 9A.82.060(1)(b))

29 Malicious placement of an explosive 2
30 (RCW 70.74.270(2))

31 Robbery 1 (RCW 9A.56.200)

32 Sexual Exploitation (RCW 9.68A.040)

33 VIII Arson 1 (RCW 9A.48.020)

34 Commercial Sexual Abuse of a Minor
35 (RCW 9.68A.100)

1 Homicide by Watercraft, by the
2 operation of any vessel in a reckless
3 manner (RCW 79A.60.050)
4 Manslaughter 2 (RCW 9A.32.070)
5 Promoting Prostitution 1 (RCW
6 9A.88.070)
7 Theft of Ammonia (RCW 69.55.010)
8 VII Air bag diagnostic systems (causing
9 bodily injury or death) (RCW
10 46.37.660(2)(b))
11 Air bag replacement requirements
12 (causing bodily injury or death)
13 (RCW 46.37.660(1)(b))
14 Burglary 1 (RCW 9A.52.020)
15 Child Molestation 2 (RCW 9A.44.086)
16 Civil Disorder Training (RCW
17 9A.48.120)
18 Manufacture or import counterfeit,
19 nonfunctional, damaged, or
20 previously deployed air bag
21 (causing bodily injury or death)
22 (RCW 46.37.650(1)(b))
23 Sale, install, (~~for~~) or reinstall
24 counterfeit, nonfunctional,
25 damaged, or previously deployed
26 airbag (RCW 46.37.650(2)(b))
27 Dealing in depictions of minor engaged
28 in sexually explicit conduct 1
29 (RCW 9.68A.050(1))
30 Drive-by Shooting (RCW 9A.36.045)
31 Homicide by Watercraft, by disregard
32 for the safety of others (RCW
33 79A.60.050)
34 Indecent Liberties (without forcible
35 compulsion) (RCW 9A.44.100(1)
36 (b) and (c))

1 Introducing Contraband 1 (RCW
2 9A.76.140)
3 Malicious placement of an explosive 3
4 (RCW 70.74.270(3))
5 Negligently Causing Death By Use of a
6 Signal Preemption Device (RCW
7 46.37.675)
8 Sending, bringing into state depictions
9 of minor engaged in sexually
10 explicit conduct 1 (RCW
11 9.68A.060(1))
12 Unlawful Possession of a Firearm in the
13 first degree (RCW 9.41.040(1))
14 Use of a Machine Gun in Commission
15 of a Felony (RCW 9.41.225)
16 Vehicular Homicide, by disregard for
17 the safety of others (RCW
18 46.61.520)
19 VI Bail Jumping with Murder 1 (RCW
20 9A.76.170(3)(a))
21 Bribery (RCW 9A.68.010)
22 Incest 1 (RCW 9A.64.020(1))
23 Intimidating a Judge (RCW 9A.72.160)
24 Intimidating a Juror/Witness (RCW
25 9A.72.110, 9A.72.130)
26 Malicious placement of an imitation
27 device 2 (RCW 70.74.272(1)(b))
28 Possession of Depictions of a Minor
29 Engaged in Sexually Explicit
30 Conduct 1 (RCW 9.68A.070(1))
31 Rape of a Child 3 (RCW 9A.44.079)
32 Theft of a Firearm (RCW 9A.56.300)
33 Unlawful Storage of Ammonia (RCW
34 69.55.020)
35 V Abandonment of Dependent Person 2
36 (RCW 9A.42.070)

1 Advancing money or property for
2 extortionate extension of credit
3 (RCW 9A.82.030)

4 Air bag diagnostic systems (RCW
5 46.37.660(2)(c))

6 Air bag replacement requirements
7 (RCW 46.37.660(1)(c))

8 Bail Jumping with class A Felony
9 (RCW 9A.76.170(3)(b))

10 Child Molestation 3 (RCW 9A.44.089)

11 Manufacture or import counterfeit,
12 nonfunctional, damaged, or
13 previously deployed air bag (RCW
14 46.37.650(1)(c))

15 Sale, install, ~~((for))~~ or reinstall
16 counterfeit, nonfunctional,
17 damaged, or previously deployed
18 airbag (RCW 46.37.650(2)(c))

19 Criminal Mistreatment 2 (RCW
20 9A.42.030)

21 Custodial Sexual Misconduct 1 (RCW
22 9A.44.160)

23 Dealing in Depictions of Minor
24 Engaged in Sexually Explicit
25 Conduct 2 (RCW 9.68A.050(2))

26 Domestic Violence Court Order
27 Violation (RCW 10.99.040,
28 10.99.050, 26.09.300, 26.10.220,
29 26.26.138, 26.50.110, 26.52.070, or
30 74.34.145)

31 Driving While Under the Influence
32 (RCW 46.61.502(6))

33 Extortion 1 (RCW 9A.56.120)

34 Extortionate Extension of Credit (RCW
35 9A.82.020)

1 Extortionate Means to Collect
2 Extensions of Credit (RCW
3 9A.82.040)
4 Incest 2 (RCW 9A.64.020(2))
5 Kidnapping 2 (RCW 9A.40.030)
6 Perjury 1 (RCW 9A.72.020)
7 Persistent prison misbehavior (RCW
8 9.94.070)
9 Physical Control of a Vehicle While
10 Under the Influence (RCW
11 46.61.504(6))
12 Possession of a Stolen Firearm (RCW
13 9A.56.310)
14 Rape 3 (RCW 9A.44.060)
15 Rendering Criminal Assistance 1 (RCW
16 9A.76.070)
17 Sending, Bringing into State Depictions
18 of Minor Engaged in Sexually
19 Explicit Conduct 2 (RCW
20 9.68A.060(2))
21 Sexual Misconduct with a Minor 1
22 (RCW 9A.44.093)
23 Sexually Violating Human Remains
24 (RCW 9A.44.105)
25 Stalking (RCW 9A.46.110)
26 Taking Motor Vehicle Without
27 Permission 1 (RCW 9A.56.070)
28 IV Arson 2 (RCW 9A.48.030)
29 Assault 2 (RCW 9A.36.021)
30 Assault 3 (of a Peace Officer with a
31 Projectile Stun Gun) (RCW
32 9A.36.031(1)(h))
33 Assault by Watercraft (RCW
34 79A.60.060)

1 Bribing a Witness/Bribe Received by
2 Witness (RCW 9A.72.090,
3 9A.72.100)
4 Cheating 1 (RCW 9.46.1961)
5 Commercial Bribery (RCW 9A.68.060)
6 Counterfeiting (RCW 9.16.035(4))
7 Endangerment with a Controlled
8 Substance (RCW 9A.42.100)
9 Escape 1 (RCW 9A.76.110)
10 Hit and Run—Injury (RCW
11 46.52.020(4)(b))
12 Hit and Run with Vessel—Injury
13 Accident (RCW 79A.60.200(3))
14 Identity Theft 1 (RCW 9.35.020(2))
15 Indecent Exposure to Person Under Age
16 Fourteen (subsequent sex offense)
17 (RCW 9A.88.010)
18 Influencing Outcome of Sporting Event
19 (RCW 9A.82.070)
20 Malicious Harassment (RCW
21 9A.36.080)
22 Possession of Depictions of a Minor
23 Engaged in Sexually Explicit
24 Conduct 2 (RCW 9.68A.070(2))
25 Residential Burglary (RCW 9A.52.025)
26 Robbery 2 (RCW 9A.56.210)
27 Theft of Livestock 1 (RCW 9A.56.080)
28 Threats to Bomb (RCW 9.61.160)
29 Trafficking in Stolen Property 1 (RCW
30 9A.82.050)
31 Unlawful factoring of a credit card or
32 payment card transaction (RCW
33 9A.56.290(4)(b))

1 Unlawful transaction of health coverage
2 as a health care service contractor
3 (RCW 48.44.016(3))
4 Unlawful transaction of health coverage
5 as a health maintenance
6 organization (RCW 48.46.033(3))
7 Unlawful transaction of insurance
8 business (RCW 48.15.023(3))
9 Unlicensed practice as an insurance
10 professional (RCW 48.17.063(2))
11 Use of Proceeds of Criminal
12 Profiteering (RCW 9A.82.080 (1)
13 and (2))
14 Vehicle Prowling 2 (third or subsequent
15 offense) (RCW 9A.52.100(3))
16 Vehicular Assault, by being under the
17 influence of intoxicating liquor or
18 any drug, or by the operation or
19 driving of a vehicle in a reckless
20 manner (RCW 46.61.522)
21 Viewing of Depictions of a Minor
22 Engaged in Sexually Explicit
23 Conduct 1 (RCW 9.68A.075(1))
24 Willful Failure to Return from Furlough
25 (RCW 72.66.060)
26 III Animal Cruelty 1 (Sexual Conduct or
27 Contact) (RCW 16.52.205(3))
28 Assault 3 (Except Assault 3 of a Peace
29 Officer With a Projectile Stun Gun)
30 (RCW 9A.36.031 except subsection
31 (1)(h))
32 Assault of a Child 3 (RCW 9A.36.140)
33 Bail Jumping with class B or C Felony
34 (RCW 9A.76.170(3)(c))
35 Burglary 2 (RCW 9A.52.030)

1 Communication with a Minor for
2 Immoral Purposes (RCW
3 9.68A.090)
4 Criminal Gang Intimidation (RCW
5 9A.46.120)
6 Custodial Assault (RCW 9A.36.100)
7 Cyberstalking (subsequent conviction or
8 threat of death) (RCW 9.61.260(3))
9 Escape 2 (RCW 9A.76.120)
10 Extortion 2 (RCW 9A.56.130)
11 Harassment (RCW 9A.46.020)
12 Intimidating a Public Servant (RCW
13 9A.76.180)
14 Introducing Contraband 2 (RCW
15 9A.76.150)
16 Malicious Injury to Railroad Property
17 (RCW 81.60.070)
18 Mortgage Fraud (RCW 19.144.080)
19 Negligently Causing Substantial Bodily
20 Harm By Use of a Signal
21 Preemption Device (RCW
22 46.37.674)
23 Organized Retail Theft 1 (RCW
24 9A.56.350(2))
25 Perjury 2 (RCW 9A.72.030)
26 Possession of Incendiary Device (RCW
27 9.40.120)
28 Possession of Machine Gun or Short-
29 Barreled Shotgun or Rifle (RCW
30 9.41.190)
31 Promoting Prostitution 2 (RCW
32 9A.88.080)
33 Retail Theft with Special Circumstances
34 1 (RCW 9A.56.360(2))

1 Securities Act violation (RCW
2 21.20.400)
3 Tampering with a Witness (RCW
4 9A.72.120)
5 Telephone Harassment (subsequent
6 conviction or threat of death) (RCW
7 9.61.230(2))
8 Theft of Livestock 2 (RCW 9A.56.083)
9 Theft with the Intent to Resell 1 (RCW
10 9A.56.340(2))
11 Trafficking in Stolen Property 2 (RCW
12 9A.82.055)
13 Unlawful Hunting of Big Game 1 (RCW
14 77.15.410(3)(b))
15 Unlawful Imprisonment (RCW
16 9A.40.040)
17 Unlawful Misbranding of Food Fish or
18 Shellfish 1 (RCW 69.04.938(3))
19 Unlawful possession of firearm in the
20 second degree (RCW 9.41.040(2))
21 Unlawful Taking of Endangered Fish or
22 Wildlife 1 (RCW 77.15.120(3)(b))
23 Unlawful Trafficking in Fish, Shellfish,
24 or Wildlife 1 (RCW
25 77.15.260(3)(b))
26 Unlawful Use of a Nondesignated
27 Vessel (RCW 77.15.530(4))
28 Vehicular Assault, by the operation or
29 driving of a vehicle with disregard
30 for the safety of others (RCW
31 46.61.522)
32 Willful Failure to Return from Work
33 Release (RCW 72.65.070)
34 II Commercial Fishing Without a License
35 1 (RCW 77.15.500(3)(b))
36 Computer Trespass 1 (RCW 9A.90.040)

1 Counterfeiting (RCW 9.16.035(3))
2 Electronic Data Service Interference
3 (RCW 9A.90.060)
4 Electronic Data Tampering 1 (RCW
5 9A.90.080)
6 Electronic Data Theft (RCW 9A.90.100)
7 Engaging in Fish Dealing Activity
8 Unlicensed 1 (RCW 77.15.620(3))
9 Escape from Community Custody
10 (RCW 72.09.310)
11 Failure to Register as a Sex Offender
12 (second or subsequent offense)
13 (RCW 9A.44.130 prior to June 10,
14 2010, and RCW 9A.44.132)
15 Health Care False Claims (RCW
16 48.80.030)
17 Identity Theft 2 (RCW 9.35.020(3))
18 Improperly Obtaining Financial
19 Information (RCW 9.35.010)
20 Malicious Mischief 1 (RCW 9A.48.070)
21 Organized Retail Theft 2 (RCW
22 9A.56.350(3))
23 Possession of Stolen Property 1 (RCW
24 9A.56.150)
25 Possession of a Stolen Vehicle (RCW
26 9A.56.068)
27 Retail Theft with Special Circumstances
28 2 (RCW 9A.56.360(3))
29 Scrap Processing, Recycling, or
30 Supplying Without a License
31 (second or subsequent offense)
32 (RCW 19.290.100)
33 Theft 1 (RCW 9A.56.030)
34 Theft of a Motor Vehicle (RCW
35 9A.56.065)

1 Theft of Rental, Leased, Lease-
2 purchased, or Loaned Property
3 (valued at five thousand dollars or
4 more) (RCW 9A.56.096(5)(a))
5 Theft with the Intent to Resell 2 (RCW
6 9A.56.340(3))
7 Trafficking in Insurance Claims (RCW
8 48.30A.015)
9 Unlawful factoring of a credit card or
10 payment card transaction (RCW
11 9A.56.290(4)(a))
12 Unlawful Participation of Non-Indians
13 in Indian Fishery (RCW
14 77.15.570(2))
15 Unlawful Practice of Law (RCW
16 2.48.180)
17 Unlawful Purchase or Use of a License
18 (RCW 77.15.650(3)(b))
19 Unlawful Trafficking in Fish, Shellfish,
20 or Wildlife 2 (RCW
21 77.15.260(3)(a))
22 Unlicensed Practice of a Profession or
23 Business (RCW 18.130.190(7))
24 Voyeurism 1 (RCW 9A.44.115)
25 I Attempting to Elude a Pursuing Police
26 Vehicle (RCW 46.61.024)
27 False Verification for Welfare (RCW
28 74.08.055)
29 Forgery (RCW 9A.60.020)
30 Fraudulent Creation or Revocation of a
31 Mental Health Advance Directive
32 (RCW 9A.60.060)
33 Malicious Mischief 2 (RCW 9A.48.080)
34 Mineral Trespass (RCW 78.44.330)
35 Possession of Stolen Property 2 (RCW
36 9A.56.160)

1 Reckless Burning 1 (RCW 9A.48.040)
2 Spotlighting Big Game 1 (RCW
3 77.15.450(3)(b))
4 Suspension of Department Privileges 1
5 (RCW 77.15.670(3)(b))
6 Taking Motor Vehicle Without
7 Permission 2 (RCW 9A.56.075)
8 Theft 2 (RCW 9A.56.040)
9 Theft of Rental, Leased, Lease-
10 purchased, or Loaned Property
11 (valued at seven hundred fifty
12 dollars or more but less than five
13 thousand dollars) (RCW
14 9A.56.096(5)(b))
15 Transaction of insurance business
16 beyond the scope of licensure
17 (RCW 48.17.063)
18 Unlawful Fish and Shellfish Catch
19 Accounting (RCW 77.15.630(3)(b))
20 Unlawful Issuance of Checks or Drafts
21 (RCW 9A.56.060)
22 Unlawful Possession of Fictitious
23 Identification (RCW 9A.56.320)
24 Unlawful Possession of Instruments of
25 Financial Fraud (RCW 9A.56.320)
26 Unlawful Possession of Payment
27 Instruments (RCW 9A.56.320)
28 Unlawful Possession of a Personal
29 Identification Device (RCW
30 9A.56.320)
31 Unlawful Production of Payment
32 Instruments (RCW 9A.56.320)
33 Unlawful Releasing, Planting,
34 Possessing, or Placing Deleterious
35 Exotic Wildlife (RCW
36 77.15.250(2)(b))

1 Unlawful Trafficking in Food Stamps
2 (RCW 9.91.142)
3 Unlawful Use of Food Stamps (RCW
4 9.91.144)
5 Unlawful Use of Net to Take Fish 1
6 (RCW 77.15.580(3)(b))
7 Unlawful Use of Prohibited Aquatic
8 Animal Species (RCW
9 77.15.253(3))
10 Vehicle Prowl 1 (RCW 9A.52.095)
11 Violating Commercial Fishing Area or
12 Time 1 (RCW 77.15.550(3)(b))

--- **END** ---