

FINAL BILL REPORT

SHB 1441

C 221 L 98

Synopsis as Enacted

Brief Description: Penalizing voyeurism.

Sponsors: By House Committee on Law & Justice (originally sponsored by Representatives McDonald, Pennington, Ballasiotes, Mielke, Hatfield, Lambert, Doumit, Costa, Bush, Dickerson, O'Brien, Keiser, Kastama and Smith).

House Committee on Law & Justice
Senate Committee on Law & Justice

Background: Civil damages may under certain circumstances be recoverable for what might broadly be called invasion of privacy.

For instance, surreptitiously viewing or photographing someone may amount to the tort of "intrusion" on a person's privacy, for which damages are recoverable. Generally, this tort is committed by one who intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another, or his or her private affairs or concerns, if the intrusion would be highly offensive to a reasonable person. The interference with seclusion must be a substantial one resulting from conduct of a kind that would be offensive and objectionable to the ordinary person.

In some instances, an invasion of this sort may involve a criminal act such as trespassing or burglary. In addition, surreptitious photography, for instance, might result in the subsequent possession or dissemination of material depicting a minor engaged in sexually explicit conduct.

Summary: The crime of "voyeurism" is created.

It is a class C felony for anyone to view, photograph, or film a person without his or her consent, if done:

- for the purpose of arousing or gratifying the sexual desire of anyone; and
- when the person viewed is in a place where an expectation of privacy is reasonable.

A place of reasonable expectation of privacy is defined to mean a place where a reasonable person would believe he or she could disrobe without being photographed or filmed, or could be safe from intrusion or surveillance.

An exception is provided for criminal investigations and security measures in correctional facilities.

The statute of limitations for prosecuting the crime of voyeurism is two years from the date a person first learns that he or she was viewed, photographed, or filmed.

Votes on Final Passage:

House 93 0
Senate 34 14 (Senate amended)
House (House refused to concur)
Senate 43 5 (Senate amended)
House 98 0 (House concurred)

Effective: June 11, 1998