

HOUSE BILL ANALYSIS

HB 1441

Title: An act relating to the crime of voyeurism.

Brief Description: Penalizing voyeurism.

Sponsors: Representatives McDonald, Pennington, Ballasiotes, Mielke, Hatfield, Lambert, Doumit, Costa, Bush, Dickerson, O'Brien, Keiser, Kastama and Smith.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Bill Perry (786-7123).

Background: Civil sanctions may under certain circumstances be applicable to what might broadly be called invading someone else's 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 trespass or burglary. Generally, however, criminal sanctions would not come into play in the case of an intrusion— of this kind absent additional circumstances. Surreptitious photography, for instance, might result in the subsequent possession or dissemination of material depicting a minor engaged in sexually explicit conduct.

Summary of Bill: The crime of voyeurism— is created. It is gross misdemeanor to view, photograph, or film a person without his or her consent, if done:

- (1) for the purpose of arousing or gratifying the sexual desire of anyone;
- (2) when the person viewed is fully or partially nude; and
- (3) when the person viewed is in a place where an expectation of privacy is reasonable.

Definitions are provided for full or partial nudity,— photographs,— films,— and views.— 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.

Exceptions are provided for criminal investigations and for security and investigatory 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.

Fiscal Note: Not requested.

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

Office of Program Research