

HOUSE BILL ANALYSIS

ESSB 5656

Title: An act relating to the crime of voyeurism.

Brief Description: Penalizing voyeurism.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Zarelli, Kline, Hargrove, Stevens, McCaslin, Oke and Goings).

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Edie Adams (786-7180).

Background: It is generally not a crime for a person to surreptitiously view, photograph, or film another person without that person's consent. However, surreptitious viewing or photographing of another person could lead to civil sanctions for invasion of the person's privacy under the tort of intrusion on a person's affairs or seclusion.

The tort of intrusion is committed when a person intentionally intrudes, physically or otherwise, upon another person's solitude, seclusion, or private affairs or concerns, if the intrusion would be highly offensive to a reasonable person. The interference with a person's seclusion must be a substantial one resulting from conduct of a kind that would be offensive and objectionable to the ordinary person.

Summary of Bill: A new crime of "voyeurism" is created and classified as a class C felony. A person commits the crime of voyeurism in either of two ways:

- For the purpose of arousing or gratifying the sexual desire of any person, the person knowingly views, photographs, or films another person, without that person's knowledge and consent, while that person is in a place where he or she would have a reasonable expectation of privacy; or
- While trespassing, the person knowingly views, photographs, or films another person, without that person's knowledge and consent while that person is inside his or her private residence.

Definitions are provided for "photographs," "films," "views," and "surveillance." "Trespass" means to intentionally enter upon and remain unlawfully in and upon the property of another when not then licensed, invited, or permitted to so enter or

remain. A place where a person has a reasonable expectation of privacy is defined to mean: (1) a place where a reasonable person would believe that he or she could disrobe without being photographed or filmed; or (2) a place where a person may reasonably expect to be safe from casual or hostile intrusion or surveillance.

A prosecution for the crime of voyeurism must be commenced within two years of the date the victim learns that he or she was viewed, filmed, or photographed.

Exceptions are provided for law enforcement officers and personnel of the Department of Corrections or a local jail for security purposes or investigations of alleged misconduct by an inmate.

Fiscal Note: Not requested.

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

Office of Program Research