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**SUBSTITUTE HOUSE BILL 1441**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**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)

Read first time 02/20/97.

1 AN ACT Relating to the crime of voyeurism; reenacting and amending  
2 RCW 9A.04.080; adding new sections to chapter 9A.44 RCW; and  
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The definitions set forth in this section  
6 apply throughout sections 2 and 3 of this act.

7 (1) "Full or partial nudity" means the showing, with less than a  
8 fully opaque covering, of all or any part of the human genitals or  
9 pubic area or buttock, or any part of the nipple of the breast of any  
10 female person.

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

14 (3) "Place where he or she would have a reasonable expectation of  
15 privacy" means a place where a reasonable person would believe that he  
16 or she could disrobe in privacy, without being concerned that his or  
17 her undressing was being photographed or filmed by another.

1 (4) "Views" means the looking upon of another person with the  
2 unaided eye or with a device designed or intended to improve visual  
3 acuity.

4 NEW SECTION. **Sec. 2.** (1) A person commits the crime of voyeurism  
5 if, for the purpose of arousing or gratifying the sexual desire of any  
6 person, he or she knowingly views, photographs, or films another  
7 person, without that person's knowledge and consent, while the person  
8 being viewed, photographed, or filmed is in a state of full or partial  
9 nudity and is in a place where he or she would have a reasonable  
10 expectation of privacy.

11 (2) A retail merchant, or the employee of a retail merchant, who is  
12 in the business of selling apparel, and who provides dressing rooms for  
13 patrons, commits the crime of voyeurism when that individual knowingly  
14 views, photographs, or films a patron in a dressing room, regardless of  
15 the state of dress or undress of the patron, unless the viewing,  
16 photographing, or filming is for a legitimate business purpose related  
17 to the prevention of theft, and the merchant has posted a sign in a  
18 conspicuous place within the dressing room that gives notice that  
19 viewing, photographing, or filming may occur.

20 (3) Voyeurism is a gross misdemeanor if the person viewed,  
21 photographed, or filmed is an adult.

22 (4) Voyeurism is a class C felony if the person viewed,  
23 photographed, or filmed is a minor.

24 NEW SECTION. **Sec. 3.** Section 2 of this act does not apply to:

25 (1) Viewing, photographing, or filming by law enforcement officers  
26 during a lawful criminal investigation;

27 (2) Viewing, photographing, or filming by law enforcement officers  
28 or by personnel of the department of corrections or of a local jail or  
29 correctional facility for security purposes or during investigation of  
30 alleged misconduct by a person in the custody of the department of  
31 corrections or the local jail or correctional facility.

32 **Sec. 4.** RCW 9A.04.080 and 1995 c 287 s 5 and 1995 c 17 s 1 are  
33 each reenacted and amended to read as follows:

34 (1) Prosecutions for criminal offenses shall not be commenced after  
35 the periods prescribed in this section.

1 (a) The following offenses may be prosecuted at any time after  
2 their commission:

- 3 (i) Murder;
- 4 (ii) Homicide by abuse;
- 5 (iii) Arson if a death results.

6 (b) The following offenses shall not be prosecuted more than ten  
7 years after their commission:

8 (i) Any felony committed by a public officer if the commission is  
9 in connection with the duties of his or her office or constitutes a  
10 breach of his or her public duty or a violation of the oath of office;

11 (ii) Arson if no death results; or

12 (iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is  
13 reported to a law enforcement agency within one year of its commission;  
14 except that if the victim is under fourteen years of age when the rape  
15 is committed and the rape is reported to a law enforcement agency  
16 within one year of its commission, the violation may be prosecuted up  
17 to three years after the victim's eighteenth birthday or up to ten  
18 years after the rape's commission, whichever is later. If a violation  
19 of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape  
20 may not be prosecuted: (A) More than three years after its commission  
21 if the violation was committed against a victim fourteen years of age  
22 or older; or (B) more than three years after the victim's eighteenth  
23 birthday or more than seven years after the rape's commission,  
24 whichever is later, if the violation was committed against a victim  
25 under fourteen years of age.

26 (c) Violations of the following statutes shall not be prosecuted  
27 more than three years after the victim's eighteenth birthday or more  
28 than seven years after their commission, whichever is later: RCW  
29 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080,  
30 9A.44.100(1)(b), or 9A.64.020.

31 (d) The following offenses shall not be prosecuted more than six  
32 years after their commission: Violations of RCW 9A.82.060 or  
33 9A.82.080.

34 (e) The following offenses shall not be prosecuted more than five  
35 years after their commission: Any class C felony under chapter 74.09,  
36 82.36, or 82.38 RCW.

37 (f) Bigamy shall not be prosecuted more than three years after the  
38 time specified in RCW 9A.64.010.

1 (g) No other felony may be prosecuted more than three years after  
2 its commission; except that in a prosecution under section 2 of this  
3 act, if the person who was viewed, photographed, or filmed did not  
4 realize at the time that he or she was being viewed, photographed, or  
5 filmed, the prosecution must be commenced within two years of the time  
6 the person who was viewed or in the photograph or film first learns  
7 that he or she was viewed, photographed, or filmed.

8 (h) No gross misdemeanor may be prosecuted more than two years  
9 after its commission; except that in a prosecution under section 2 of  
10 this act, if the person who was viewed, photographed, or filmed did not  
11 realize at the time that he or she was being viewed, photographed, or  
12 filmed, the prosecution must be commenced within two years of the time  
13 the person who was viewed or in the photograph or film first learns  
14 that he or she was viewed, photographed, or filmed.

15 (i) No misdemeanor may be prosecuted more than one year after its  
16 commission.

17 (2) The periods of limitation prescribed in subsection (1) of this  
18 section do not run during any time when the person charged is not  
19 usually and publicly resident within this state.

20 (3) If, before the end of a period of limitation prescribed in  
21 subsection (1) of this section, an indictment has been found or a  
22 complaint or an information has been filed, and the indictment,  
23 complaint, or information is set aside, then the period of limitation  
24 is extended by a period equal to the length of time from the finding or  
25 filing to the setting aside.

26 NEW SECTION. Sec. 5. Sections 1 through 3 of this act are added  
27 to chapter 9A.44 RCW.

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