

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1441

55th Legislature
1998 Regular Session

Passed by the House March 11, 1998
Yeas 98 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate March 10, 1998
Yeas 43 Nays 5

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1441** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1441

AS AMENDED BY THE SENATE

Passed Legislature - 1998 Regular Session

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 a new section 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.** A new section is added to chapter 9A.44 RCW
6 to read as follows:

7 (1) As used in this section:

8 (a) "Photographs" or "films" means the making of a photograph,
9 motion picture film, videotape, or any other recording or transmission
10 of the image of a person;

11 (b) "Place where he or she would have a reasonable expectation of
12 privacy" means:

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

16 (ii) A place where one may reasonably expect to be safe from casual
17 or hostile intrusion or surveillance;

1 (c) "Surveillance" means secret observation of the activities of
2 another person for the purpose of spying upon and invading the privacy
3 of the person;

4 (d) "Views" means the intentional looking upon of another person
5 for more than a brief period of time, in other than a casual or cursory
6 manner, with the unaided eye or with a device designed or intended to
7 improve visual acuity.

8 (2) A person commits the crime of voyeurism if, for the purpose of
9 arousing or gratifying the sexual desire of any person, he or she
10 knowingly views, photographs, or films another person, without that
11 person's knowledge and consent, while the person being viewed,
12 photographed, or filmed is in a place where he or she would have a
13 reasonable expectation of privacy.

14 (3) Voyeurism is a class C felony.

15 (4) This section does not apply to viewing, photographing, or
16 filming by personnel of the department of corrections or of a local
17 jail or correctional facility for security purposes or during
18 investigation of alleged misconduct by a person in the custody of the
19 department of corrections or the local jail or correctional facility.

20 **Sec. 2.** RCW 9A.04.080 and 1997 c 174 s 1 and 1997 c 97 s 1 are
21 each reenacted and amended to read as follows:

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

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

26 (i) Murder;

27 (ii) Homicide by abuse;

28 (iii) Arson if a death results;

29 (iv) Vehicular homicide;

30 (v) Vehicular assault if a death results;

31 (vi) Hit-and-run injury-accident if a death results (RCW
32 46.52.020(4)).

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

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

38 (ii) Arson if no death results; or

1 (iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is
2 reported to a law enforcement agency within one year of its commission;
3 except that if the victim is under fourteen years of age when the rape
4 is committed and the rape is reported to a law enforcement agency
5 within one year of its commission, the violation may be prosecuted up
6 to three years after the victim's eighteenth birthday or up to ten
7 years after the rape's commission, whichever is later. If a violation
8 of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape
9 may not be prosecuted: (A) More than three years after its commission
10 if the violation was committed against a victim fourteen years of age
11 or older; or (B) more than three years after the victim's eighteenth
12 birthday or more than seven years after the rape's commission,
13 whichever is later, if the violation was committed against a victim
14 under fourteen years of age.

15 (c) Violations of the following statutes shall not be prosecuted
16 more than three years after the victim's eighteenth birthday or more
17 than seven years after their commission, whichever is later: RCW
18 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080,
19 9A.44.100(1)(b), or 9A.64.020.

20 (d) The following offenses shall not be prosecuted more than six
21 years after their commission: Violations of RCW 9A.82.060 or
22 9A.82.080.

23 (e) The following offenses shall not be prosecuted more than five
24 years after their commission: Any class C felony under chapter 74.09,
25 82.36, or 82.38 RCW.

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

28 (g) A violation of RCW 9A.56.030 must not be prosecuted more than
29 three years after the discovery of the offense when the victim is a tax
30 exempt corporation under 26 U.S.C. Sec. 501(c)(3).

31 (h) No other felony may be prosecuted more than three years after
32 its commission; except that in a prosecution under section 1 of this
33 act, if the person who was viewed, photographed, or filmed did not
34 realize at the time that he or she was being viewed, photographed, or
35 filmed, the prosecution must be commenced within two years of the time
36 the person who was viewed or in the photograph or film first learns
37 that he or she was viewed, photographed, or filmed.

38 (i) No gross misdemeanor may be prosecuted more than two years
39 after its commission.

1 (j) No misdemeanor may be prosecuted more than one year after its
2 commission.

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

6 (3) If, before the end of a period of limitation prescribed in
7 subsection (1) of this section, an indictment has been found or a
8 complaint or an information has been filed, and the indictment,
9 complaint, or information is set aside, then the period of limitation
10 is extended by a period equal to the length of time from the finding or
11 filing to the setting aside.

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