

2 SHB 1441 - S COMM AMD
3 By Committee on Law & Justice

4 ADOPTED 3/3/98

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. Sec. 1. A new section is added to chapter 9A.44 RCW
8 to read as follows:

9 (1) As used in this section:

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

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

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

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

20 (c) "Surveillance" means secret observation of the activities of
21 another person for the purpose of spying upon and invading the privacy
22 of the person;

23 (d) "Trespass" means to intentionally enter upon and remain
24 unlawfully in and upon the property of another when not then licensed,
25 invited, or otherwise permitted to so enter or remain;

26 (e) "Views" means the intentional looking upon of another person
27 for more than a brief period of time, in other than a casual or cursory
28 manner, with the unaided eye or with a device designed or intended to
29 improve visual acuity.

30 (2) A person commits the crime of voyeurism if:

31 (a) For the purpose of arousing or gratifying the sexual desire of
32 any person, he or she knowingly views, photographs, or films another
33 person, without that person's knowledge and consent, while the person
34 being viewed, photographed, or filmed is in a place where he or she
35 would have a reasonable expectation of privacy; or

1 (b) While trespassing upon the property of another, the person
2 knowingly views, photographs, or films another person, without that
3 person's knowledge and consent while the person being viewed,
4 photographed, or filmed is inside his or her private residence.

5 (3) Voyeurism is a class C felony.

6 (4) This section does not apply to:

7 Viewing, photographing, or filming by personnel of the department
8 of corrections or of a local jail or correctional facility for security
9 purposes or during investigation of alleged misconduct by a person in
10 the custody of the department of corrections or the local jail or
11 correctional facility.

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

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

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

18 (i) Murder;

19 (ii) Homicide by abuse;

20 (iii) Arson if a death results;

21 (iv) Vehicular homicide;

22 (v) Vehicular assault if a death results;

23 (vi) Hit-and-run injury-accident if a death results (RCW
24 46.52.020(4)).

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

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

30 (ii) Arson if no death results; or

31 (iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is
32 reported to a law enforcement agency within one year of its commission;
33 except that if the victim is under fourteen years of age when the rape
34 is committed and the rape is reported to a law enforcement agency
35 within one year of its commission, the violation may be prosecuted up
36 to three years after the victim's eighteenth birthday or up to ten
37 years after the rape's commission, whichever is later. If a violation
38 of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape

1 may not be prosecuted: (A) More than three years after its commission
2 if the violation was committed against a victim fourteen years of age
3 or older; or (B) more than three years after the victim's eighteenth
4 birthday or more than seven years after the rape's commission,
5 whichever is later, if the violation was committed against a victim
6 under fourteen years of age.

7 (c) Violations of the following statutes shall not be prosecuted
8 more than three years after the victim's eighteenth birthday or more
9 than seven years after their commission, whichever is later: RCW
10 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080,
11 9A.44.100(1)(b), or 9A.64.020.

12 (d) The following offenses shall not be prosecuted more than six
13 years after their commission: Violations of RCW 9A.82.060 or
14 9A.82.080.

15 (e) The following offenses shall not be prosecuted more than five
16 years after their commission: Any class C felony under chapter 74.09,
17 82.36, or 82.38 RCW.

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

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

23 (h) No other felony may be prosecuted more than three years after
24 its commission; except that in a prosecution under section 1 of this
25 act, if the person who was viewed, photographed, or filmed did not
26 realize at the time that he or she was being viewed, photographed, or
27 filmed, the prosecution must be commenced within two years of the time
28 the person who was viewed or in the photograph or film first learns
29 that he or she was viewed, photographed, or filmed.

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

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

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

37 (3) If, before the end of a period of limitation prescribed in
38 subsection (1) of this section, an indictment has been found or a
39 complaint or an information has been filed, and the indictment,

1 complaint, or information is set aside, then the period of limitation
2 is extended by a period equal to the length of time from the finding or
3 filing to the setting aside."

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8 On page 1, line 1 of the title, after "voyeurism;" strike the
9 remainder of the title and insert "reenacting and amending RCW
10 9A.04.080; adding a new section to chapter 9A.44 RCW; and prescribing
11 penalties."

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