

# SENATE BILL REPORT

## SB 5351

---

As Reported By Senate Committee On:  
Judiciary, March 3, 1999

**Title:** An act relating to indecent exposure.

**Brief Description:** Increasing penalties for indecent exposure.

**Sponsors:** Senator Zarelli.

**Brief History:**

**Committee Activity:** Judiciary: 2/22/99, 3/3/99 [DPS, DNPS].

---

### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 5351 be substituted therefor, and the substitute bill do pass.

Signed by Senators Heavey, Chair; Goings, Hargrove, Johnson, Long, McCaslin, Roach and Zarelli.

**Minority Report:** Do not pass substitute.

Signed by Senators Kline, Vice Chair; Haugen and Thibaudeau.

**Staff:** Aldo Melchiori (786-7439)

**Background:** Indecent exposure is intentionally making any open and obscene exposure of his person or other person, knowing that will cause reasonable affront or alarm. The crime is a misdemeanor punishable by up to 90 days in county jail. If exposure is made to a person under the age of 14, it a gross misdemeanor punishable by up to one year in county jail. If the offender has a prior conviction for indecent exposure or a sex offense, it is an unranked class C felony punishable by up to five years in state prison.

**Summary of Substitute Bill:** Indecent exposure is made a gross misdemeanor for all first time violations. Subsequent offenses remain a class C felony. A felony conviction for indecent exposure is added to the list of sex offenses requiring registration with local law enforcement.

**Substitute Bill Compared to Original Bill:** The substitute bill limited sex offender registration to those convicted of a felony violation of indecent exposure.

**Appropriation:** None.

**Fiscal Note:** Requested on February 16, 1999.

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

**Testimony For:** There is no reason why you should be charged with a misdemeanor for flashing a 15 year old girl and a gross misdemeanor for flashing a 14 year old girl. It is the same act either way. This bill does not change the crime, it simply makes the penalties for first time offenders even across the board. It is a matter of common sense. The crime of indecent exposure is often a precursor to more serious sex crimes. Requiring registration will help law enforcement keep track of these offenders.

**Testimony Against:** None.

**Testified:** PRO: Kathy Goater, King County Deputy Prosecuting Attorney, WAPA; Ione George, Kitsap County Deputy Prosecuting Attorney, WAPA.