
Public Safety Committee

HB 1200

Brief Description: Concerning the crime of voyeurism.

Sponsors: Representatives McCabe, Goodman, Klippert, Orwall, Hayes, Johnson, Griffey, Calder, Dye, Sells, McDonald, Kilduff and Smith.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Creates the crime of Voyeurism in the second degree.
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Hearing Date: 1/23/17

Staff: Kelly Leonard (786-7147).

Background:

Voyeurism. A person commits the crime of Voyeurism if, for the purpose of arousing or gratifying the sexual desire of any person, he or she knowingly views, photographs, or films:

- another person without that person's knowledge and consent while the person being viewed, photographed, or filmed is in a place where he or she would have a reasonable expectation of privacy; or
- the intimate areas of another person without that person's knowledge, consent, and under circumstances where the person has a reasonable expectation of privacy, whether in a public or private place.

Voyeurism is a sex offense and is a class C felony with a seriousness level of II.

Sentencing. For felony offenses, judges determine sentences by selecting a determinate sentence from a range provided in the Sentencing Reform Act. Ranges are determined by reference to a sentencing grid. The sentencing grid is based on the defendant's "offender score," derived from the offender's criminal history, and the "seriousness level" classification of the offense. Felonies are assigned seriousness levels in statute. Seriousness levels range from I to XVI, with I being the least serious and XVI being the most serious.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Gross misdemeanors are not sentenced under the Sentencing Reform Act. A gross misdemeanor offense is punishable by a sentence of up to 364 days in jail, up to a \$5,000 fine, or both.

Summary of Bill:

Voyeurism is renamed Voyeurism in the first degree.

A new crime of Voyeurism in the second degree is created. A person commits the crime of Voyeurism in the second degree if he or she knowingly views, photographs, or films:

- another person without that person's knowledge and consent while the person being viewed, photographed, or filmed is in a place where he or she would have a reasonable expectation of privacy; or
- the intimate areas of another person without that person's knowledge and consent and under circumstances where the person has a reasonable expectation of privacy, whether in a public or private place.

The act of committing the crime for the purpose of arousing or gratifying the sexual desire of the perpetrator is not an element of the offense for Voyeurism in the second degree. Voyeurism in the second degree is a gross misdemeanor offense.

It is a defense to Voyeurism that the defendant is a licensed private investigator acting within the capacity of his or her license as a private investigator.

Appropriation: None.

Fiscal Note: Requested on January 20, 2017.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.