

ESHB 1001 - S COMM AMD  
By Committee on Judiciary

ADOPTED 04/17/2003

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 9A.44.115 and 1998 c 221 s 1 are each amended to read  
4 as follows:

5 (1) As used in this section:

6 (a) "Intimate areas" means any portion of a person's body or  
7 undergarments that is covered by clothing and intended to be protected  
8 from public view;

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

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

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

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

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

22 (~~(d)~~) (e) "Views" means the intentional looking upon of another  
23 person for more than a brief period of time, in other than a casual or  
24 cursory manner, with the unaided eye or with a device designed or  
25 intended to improve visual acuity.

26 (2) A person commits the crime of voyeurism if, for the purpose of  
27 arousing or gratifying the sexual desire of any person, he or she  
28 knowingly views, photographs, or films:

29 (a) Another person(~~(7)~~) without that person's knowledge and

1 consent((τ)) while the person being viewed, photographed, or filmed is  
2 in a place where he or she would have a reasonable expectation of  
3 privacy; or

4 (b) The intimate areas of another person without that person's  
5 knowledge and consent and under circumstances where the person has a  
6 reasonable expectation of privacy, whether in a public or private  
7 place.

8 (3) Voyeurism is a class C felony.

9 (4) This section does not apply to viewing, photographing, or  
10 filming by personnel of the department of corrections or of a local  
11 jail or correctional facility for security purposes or during  
12 investigation of alleged misconduct by a person in the custody of the  
13 department of corrections or the local jail or correctional facility.

14 (5) If a person is convicted of a violation of this section, the  
15 court may order the destruction of any photograph, motion picture film,  
16 digital image, videotape, or any other recording of an image that was  
17 made by the person in violation of this section.

18 NEW SECTION. Sec. 2. This act is necessary for the immediate  
19 preservation of the public peace, health, or safety, or support of the  
20 state government and its existing public institutions, and takes effect  
21 immediately."

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22 On page 1, line 1 of the title, after "voyeurism;" strike the  
23 remainder of the title and insert "amending RCW 9A.44.115; and  
24 declaring an emergency."

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