

FINAL BILL REPORT

ESHB 1001

C 213 L 03

Synopsis as Enacted

Brief Description: Revising voyeurism laws.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Lantz, Chase, Ruderman, Fromhold, Dickerson, Conway, Schindler, Veloria, O'Brien, Kenney, Campbell, Nixon and Darneille).

House Committee on Judiciary
Senate Committee on Judiciary

Background:

In 1998 the Legislature created the new crime of voyeurism. A person commits voyeurism if the person views, photographs, or films a person without his or her consent, if done for the purpose of arousing or gratifying the sexual desire of anyone and when the person viewed is in a place where he or she would have a reasonable expectation of privacy.

The definition of a place of reasonable expectation of privacy has two components:

- a place where a reasonable person would believe he or she could disrobe without being photographed or filmed; or
- a place where a person can reasonably expect to be safe from casual or hostile intrusion or surveillance.

The voyeurism statute was recently interpreted by the Washington Supreme Court (Court) in the case State v. Glas. The Glas case involved the consolidation of two cases, both of which involved the conviction of men who photographed or videotaped under the skirts of unsuspecting women in public places.

The Court in Glas ruled that the voyeurism statute, as written, does not cover voyeuristic acts that take place in a public place. The Court noted that the statute's definition of a place of reasonable expectation of privacy focuses entirely on the location of the person, not a part of the person's body or the nature of the conduct. The second part of the definition of place of reasonable expectation of privacy is any place where a person can reasonably expect to be free of casual or hostile intrusion or surveillance. The Court held that since casual intrusions and surveillance happen all the time when people go into public places, public places cannot fit into the statute's definition of a place where a person can have a reasonable expectation of privacy.

Summary:

The crime of voyeurism is amended to apply to a person who, for the purpose of arousing or gratifying the sexual desires of anyone, knowingly views, photographs or films the intimate areas of another person, without that person's knowledge and consent and under circumstances where that person has a reasonable expectation of privacy, whether in a public or private place. "Intimate areas" means the portion of a person's body or undergarments that is covered by clothing and intended to be protected from public view.

The Court may order the destruction of any photographs, films, digital images, videotapes or other images that were taken by a person convicted of voyeurism.

Votes on Final Passage:

House 96 0

Senate 48 0 (Senate amended)

House 97 0 (House concurred)

Effective: May 12, 2003