
HOUSE BILL 2304

State of Washington

58th Legislature

2004 Regular Session

By Representatives McMahan, Lantz, Carrell, McDonald, Orcutt, Bush, Newhouse, Clements, Nixon, Ahern, Talcott, Mielke, Flannigan, Boldt, Hinkle, McMorris, Pearson, Moeller, Lovick, Shabro, Benson and Kristiansen

Prefiled 12/23/2003. Read first time 01/12/2004. Referred to Committee on Judiciary.

1 AN ACT Relating to voyeurism; amending RCW 9A.44.115; adding a new
2 section to chapter 9A.44 RCW; prescribing penalties; and declaring an
3 emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9A.44.115 and 2003 c ... (ESHB 1001) s 1 are each
6 amended to read as follows:

7 (1) As used in this section:

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

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

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

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

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

3 (d) "Surveillance" means secret observation of the activities of
4 another person for the purpose of spying upon and invading the privacy
5 of the person;

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

10 (2) A person commits the crime of voyeurism if, for the purpose,
11 whether private or commercial, of arousing or gratifying the sexual
12 desire of any person, he or she knowingly views, photographs, or films:

13 (a) Another person without that person's knowledge and consent
14 while the person being viewed, photographed, or filmed is in a place
15 where he or she would have a reasonable expectation of privacy; or

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

20 (3) Voyeurism is a class C felony.

21 (4) This section does not apply to viewing, photographing, or
22 filming by personnel of the department of corrections or of a local
23 jail or correctional facility for security purposes or during
24 investigation of alleged misconduct by a person in the custody of the
25 department of corrections or the local jail or correctional facility.

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

30 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.44 RCW
31 to read as follows:

32 A person who distributes, disseminates, or otherwise discloses any
33 photograph, motion picture film, digital image, videotape, or any other
34 recording that the person knows was made or acquired in violation of
35 RCW 9A.44.115 is guilty of a class C felony.

1 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

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