

HOUSE BILL REPORT

HB 1751

As Reported by House Committee On:
Public Safety & Emergency Preparedness

Title: An act relating to indecent exposure.

Brief Description: Revising the penalty provisions for the crime of indecent exposure.

Sponsors: Representatives Eddy, McDonald, O'Brien, Pearson, Green, Simpson and Ormsby.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 2/15/07 [DPS].

Brief Summary of Substitute Bill

- Increases the punishment for Indecent Exposure when the perpetrator exposes himself or herself to a person under the age of 14 with sexual motivation.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern, Goodman and Lovick.

Staff: Jim Morishima (786-7191).

Background:

A person commits Indecent Exposure if he or she intentionally makes any open and obscene exposure of his or her person, or the person of another, knowing that the conduct is likely to cause reasonable affront or alarm. "Indecent Exposure" is:

- a class C felony if the perpetrator has a prior conviction for Indecent Exposure or a sex offense; The felony is ranked at seriousness level IV if the victim was under 14 and the offense is a "subsequent sex offense." The felony is unranked in all other circumstances.
- a gross misdemeanor on the first offense if the perpetrator exposes himself or herself to a child under 14 years; and
- a misdemeanor in all other circumstances.

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.

Summary of Substitute Bill:

Indecent Exposure is an unranked class C felony on the first offense if the perpetrator exposes himself or herself to a person under the age of 14 with a finding of sexual motivation.

Substitute Bill Compared to Original Bill:

The substitute bill removes the seriousness level ranking for the new felony-level Indecent Exposure.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) We live in crowded communities where we often do not know our neighbors as well as we once did. We must be mindful of keeping our children's world safe. The punishment for exposing one's self to a child with sexual motivation is too lenient. It is shocking that this crime is treated the same as public urination or nude art. This crime can cause severe emotional trauma to its victims. Under the current law, talking about genitalia to a child is a felony while actually showing a child genitalia is a gross misdemeanor. Perpetrators commit this crime partially because they know that the penalty is lenient. Educators need the tools to keep these types of perpetrators out of the schools. This bill is aimed at increasing the punishment for persons who expose themselves to children with sexual motivation.

(Opposed) None.

Persons Testifying: (In support) Representative Eddy, prime sponsor; and Paula Birchler, Kimberly Brown, and Christine Disco, Mothers Against Sexual Predators.

Persons Signed In To Testify But Not Testifying: None.