
HOUSE BILL 2257

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Buys, Orwall, Hayes, Dahlquist, Manweller,
Klippert, Fagan, and Smith

Read first time 01/15/14. Referred to Committee on Public Safety.

1 AN ACT Relating to the distribution of intimate images; amending
2 RCW 9A.44.115; reenacting and amending RCW 9.94A.515; and prescribing
3 penalties.

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

5 **Sec. 1.** RCW 9A.44.115 and 2003 c 213 s 1 are each amended to read
6 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 of
11 arousing or gratifying the sexual desire of any person, he or she
12 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) A person commits the crime of distributing intimate images if,
22 with intent to cause emotional distress, he or she discloses a
23 photograph or film of the intimate areas of another person, under
24 circumstances where the person knew or reasonably should have known
25 that the depicted person understood that the image would remain private
26 and the depicted person suffers emotional distress.

27 (5) Distributing intimate images is a class C felony.

28 (6) This section does not apply to viewing, photographing, or
29 filming by personnel of the department of corrections or of a local
30 jail or correctional facility for security purposes or during
31 investigation of alleged misconduct by a person in the custody of the
32 department of corrections or the local jail or correctional facility.

33 ~~((+5))~~ (7) If a person is convicted of a violation of this
34 section, the court may order the destruction of any photograph, motion
35 picture film, digital image, videotape, or any other recording of an
36 image that was made by the person in violation of this section.

1 **Sec. 2.** RCW 9.94A.515 and 2013 c 322 s 26, 2013 c 290 s 8, 2013 c
2 267 s 2, and 2013 c 153 s 2 are each reenacted and amended to read as
3 follows:

TABLE 2	
CRIMES INCLUDED WITHIN	
EACH SERIOUSNESS LEVEL	
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) Trafficking 2 (RCW 9A.40.100(2))
XI	Manslaughter 1 (RCW 9A.32.060) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076) Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
X	Child Molestation 1 (RCW 9A.44.083) Criminal Mistreatment 1 (RCW 9A.42.020)

1 Indecent Liberties (with forcible
2 compulsion) (RCW
3 9A.44.100(1)(a))
4 Kidnapping 1 (RCW 9A.40.020)
5 Leading Organized Crime (RCW
6 9A.82.060(1)(a))
7 Malicious explosion 3 (RCW
8 70.74.280(3))
9 Sexually Violent Predator Escape
10 (RCW 9A.76.115)
11 IX Abandonment of Dependent Person 1
12 (RCW 9A.42.060)
13 Assault of a Child 2 (RCW 9A.36.130)
14 Explosive devices prohibited (RCW
15 70.74.180)
16 Hit and Run--Death (RCW
17 46.52.020(4)(a))
18 Homicide by Watercraft, by being
19 under the influence of intoxicating
20 liquor or any drug (RCW
21 79A.60.050)
22 Inciting Criminal Profiteering (RCW
23 9A.82.060(1)(b))
24 Malicious placement of an explosive 2
25 (RCW 70.74.270(2))
26 Robbery 1 (RCW 9A.56.200)
27 Sexual Exploitation (RCW 9.68A.040)
28 VIII Arson 1 (RCW 9A.48.020)
29 Commercial Sexual Abuse of a Minor
30 (RCW 9.68A.100)
31 Homicide by Watercraft, by the
32 operation of any vessel in a
33 reckless manner (RCW
34 79A.60.050)
35 Manslaughter 2 (RCW 9A.32.070)
36 Promoting Prostitution 1 (RCW
37 9A.88.070)

1 Theft of Ammonia (RCW 69.55.010)
2 Vehicular Homicide, by the operation
3 of any vehicle in a reckless manner
4 (RCW 46.61.520)
5 VII Burglary 1 (RCW 9A.52.020)
6 Child Molestation 2 (RCW 9A.44.086)
7 Civil Disorder Training (RCW
8 9A.48.120)
9 Dealing in depictions of minor engaged
10 in sexually explicit conduct 1
11 (RCW 9.68A.050(1))
12 Drive-by Shooting (RCW 9A.36.045)
13 Homicide by Watercraft, by disregard
14 for the safety of others (RCW
15 79A.60.050)
16 Indecent Liberties (without forcible
17 compulsion) (RCW 9A.44.100(1)
18 (b) and (c))
19 Introducing Contraband 1 (RCW
20 9A.76.140)
21 Malicious placement of an explosive 3
22 (RCW 70.74.270(3))
23 Negligently Causing Death By Use of a
24 Signal Preemption Device (RCW
25 46.37.675)
26 Sending, bringing into state depictions
27 of minor engaged in sexually
28 explicit conduct 1 (RCW
29 9.68A.060(1))
30 Unlawful Possession of a Firearm in
31 the first degree (RCW 9.41.040(1))
32 Use of a Machine Gun in Commission
33 of a Felony (RCW 9.41.225)
34 Vehicular Homicide, by disregard for
35 the safety of others (RCW
36 46.61.520)

1 VI Bail Jumping with Murder 1 (RCW
2 9A.76.170(3)(a))
3 Bribery (RCW 9A.68.010)
4 Incest 1 (RCW 9A.64.020(1))
5 Intimidating a Judge (RCW 9A.72.160)
6 Intimidating a Juror/Witness (RCW
7 9A.72.110, 9A.72.130)
8 Malicious placement of an imitation
9 device 2 (RCW 70.74.272(1)(b))
10 Possession of Depictions of a Minor
11 Engaged in Sexually Explicit
12 Conduct 1 (RCW 9.68A.070(1))
13 Rape of a Child 3 (RCW 9A.44.079)
14 Theft of a Firearm (RCW 9A.56.300)
15 Unlawful Storage of Ammonia (RCW
16 69.55.020)

17 V Abandonment of Dependent Person 2
18 (RCW 9A.42.070)
19 Advancing money or property for
20 extortionate extension of credit
21 (RCW 9A.82.030)
22 Bail Jumping with class A Felony
23 (RCW 9A.76.170(3)(b))
24 Child Molestation 3 (RCW 9A.44.089)
25 Criminal Mistreatment 2 (RCW
26 9A.42.030)
27 Custodial Sexual Misconduct 1 (RCW
28 9A.44.160)
29 Dealing in Depictions of Minor
30 Engaged in Sexually Explicit
31 Conduct 2 (RCW 9.68A.050(2))
32 Domestic Violence Court Order
33 Violation (RCW 10.99.040,
34 10.99.050, 26.09.300, 26.10.220,
35 26.26.138, 26.50.110, 26.52.070,
36 or 74.34.145)

1 Driving While Under the Influence
2 (RCW 46.61.502(6))
3 Extortion 1 (RCW 9A.56.120)
4 Extortionate Extension of Credit (RCW
5 9A.82.020)
6 Extortionate Means to Collect
7 Extensions of Credit (RCW
8 9A.82.040)
9 Incest 2 (RCW 9A.64.020(2))
10 Kidnapping 2 (RCW 9A.40.030)
11 Perjury 1 (RCW 9A.72.020)
12 Persistent prison misbehavior (RCW
13 9.94.070)
14 Physical Control of a Vehicle While
15 Under the Influence (RCW
16 46.61.504(6))
17 Possession of a Stolen Firearm (RCW
18 9A.56.310)
19 Rape 3 (RCW 9A.44.060)
20 Rendering Criminal Assistance 1
21 (RCW 9A.76.070)
22 Sending, Bringing into State Depictions
23 of Minor Engaged in Sexually
24 Explicit Conduct 2 (RCW
25 9.68A.060(2))
26 Sexual Misconduct with a Minor 1
27 (RCW 9A.44.093)
28 Sexually Violating Human Remains
29 (RCW 9A.44.105)
30 Stalking (RCW 9A.46.110)
31 Taking Motor Vehicle Without
32 Permission 1 (RCW 9A.56.070)
33 IV Arson 2 (RCW 9A.48.030)
34 Assault 2 (RCW 9A.36.021)
35 Assault 3 (of a Peace Officer with a
36 Projectile Stun Gun) (RCW
37 9A.36.031(1)(h))

1 Assault by Watercraft (RCW
2 79A.60.060)
3 Bribing a Witness/Bribe Received by
4 Witness (RCW 9A.72.090,
5 9A.72.100)
6 Cheating 1 (RCW 9.46.1961)
7 Commercial Bribery (RCW 9A.68.060)
8 Counterfeiting (RCW 9.16.035(4))
9 Endangerment with a Controlled
10 Substance (RCW 9A.42.100)
11 Escape 1 (RCW 9A.76.110)
12 Hit and Run--Injury (RCW
13 46.52.020(4)(b))
14 Hit and Run with Vessel--Injury
15 Accident (RCW 79A.60.200(3))
16 Identity Theft 1 (RCW 9.35.020(2))
17 Indecent Exposure to Person Under
18 Age Fourteen (subsequent sex
19 offense) (RCW 9A.88.010)
20 Influencing Outcome of Sporting Event
21 (RCW 9A.82.070)
22 Malicious Harassment (RCW
23 9A.36.080)
24 Possession of Depictions of a Minor
25 Engaged in Sexually Explicit
26 Conduct 2 (RCW 9.68A.070(2))
27 Residential Burglary (RCW
28 9A.52.025)
29 Robbery 2 (RCW 9A.56.210)
30 Theft of Livestock 1 (RCW 9A.56.080)
31 Threats to Bomb (RCW 9.61.160)
32 Trafficking in Stolen Property 1 (RCW
33 9A.82.050)
34 Unlawful factoring of a credit card or
35 payment card transaction (RCW
36 9A.56.290(4)(b))

1 Unlawful transaction of health
2 coverage as a health care service
3 contractor (RCW 48.44.016(3))
4 Unlawful transaction of health
5 coverage as a health maintenance
6 organization (RCW 48.46.033(3))
7 Unlawful transaction of insurance
8 business (RCW 48.15.023(3))
9 Unlicensed practice as an insurance
10 professional (RCW 48.17.063(2))
11 Use of Proceeds of Criminal
12 Profiteering (RCW 9A.82.080 (1)
13 and (2))
14 Vehicle Prowling 2 (third or
15 subsequent offense) (RCW
16 9A.52.100(3))
17 Vehicular Assault, by being under the
18 influence of intoxicating liquor or
19 any drug, or by the operation or
20 driving of a vehicle in a reckless
21 manner (RCW 46.61.522)
22 Viewing of Depictions of a Minor
23 Engaged in Sexually Explicit
24 Conduct 1 (RCW 9.68A.075(1))
25 Willful Failure to Return from
26 Furlough (RCW 72.66.060)
27 III Animal Cruelty 1 (Sexual Conduct or
28 Contact) (RCW 16.52.205(3))
29 Assault 3 (Except Assault 3 of a Peace
30 Officer With a Projectile Stun
31 Gun) (RCW 9A.36.031 except
32 subsection (1)(h))
33 Assault of a Child 3 (RCW 9A.36.140)
34 Bail Jumping with class B or C Felony
35 (RCW 9A.76.170(3)(c))
36 Burglary 2 (RCW 9A.52.030)

1 Communication with a Minor for
2 Immoral Purposes (RCW
3 9.68A.090)
4 Criminal Gang Intimidation (RCW
5 9A.46.120)
6 Custodial Assault (RCW 9A.36.100)
7 Cyberstalking (subsequent conviction
8 or threat of death) (RCW
9 9.61.260(3))
10 Escape 2 (RCW 9A.76.120)
11 Extortion 2 (RCW 9A.56.130)
12 Harassment (RCW 9A.46.020)
13 Intimidating a Public Servant (RCW
14 9A.76.180)
15 Introducing Contraband 2 (RCW
16 9A.76.150)
17 Malicious Injury to Railroad Property
18 (RCW 81.60.070)
19 Mortgage Fraud (RCW 19.144.080)
20 Negligently Causing Substantial Bodily
21 Harm By Use of a Signal
22 Preemption Device (RCW
23 46.37.674)
24 Organized Retail Theft 1 (RCW
25 9A.56.350(2))
26 Perjury 2 (RCW 9A.72.030)
27 Possession of Incendiary Device (RCW
28 9.40.120)
29 Possession of Machine Gun or Short-
30 Barreled Shotgun or Rifle (RCW
31 9.41.190)
32 Promoting Prostitution 2 (RCW
33 9A.88.080)
34 Retail Theft with Special
35 Circumstances 1 (RCW
36 9A.56.360(2))

1 Securities Act violation (RCW
2 21.20.400)
3 Tampering with a Witness (RCW
4 9A.72.120)
5 Telephone Harassment (subsequent
6 conviction or threat of death)
7 (RCW 9.61.230(2))
8 Theft of Livestock 2 (RCW 9A.56.083)
9 Theft with the Intent to Resell 1 (RCW
10 9A.56.340(2))
11 Trafficking in Stolen Property 2 (RCW
12 9A.82.055)
13 Unlawful Hunting of Big Game 1
14 (RCW 77.15.410(3)(b))
15 Unlawful Imprisonment (RCW
16 9A.40.040)
17 Unlawful Misbranding of Food Fish or
18 Shellfish 1 (RCW 69.04.938(3))
19 Unlawful possession of firearm in the
20 second degree (RCW 9.41.040(2))
21 Unlawful Taking of Endangered Fish
22 or Wildlife 1 (RCW
23 77.15.120(3)(b))
24 Unlawful Trafficking in Fish, Shellfish,
25 or Wildlife 1 (RCW
26 77.15.260(3)(b))
27 Unlawful Use of a Nondesignated
28 Vessel (RCW 77.15.530(4))
29 Vehicular Assault, by the operation or
30 driving of a vehicle with disregard
31 for the safety of others (RCW
32 46.61.522)
33 Willful Failure to Return from Work
34 Release (RCW 72.65.070)
35 II Commercial Fishing Without a License
36 1 (RCW 77.15.500(3)(b))

1 Computer Trespass 1 (RCW
2 9A.52.110)
3 Counterfeiting (RCW 9.16.035(3))
4 Distribution of Intimate Images (RCW
5 9A.44.115(4))
6 Engaging in Fish Dealing Activity
7 Unlicensed 1 (RCW 77.15.620(3))
8 Escape from Community Custody
9 (RCW 72.09.310)
10 Failure to Register as a Sex Offender
11 (second or subsequent offense)
12 (RCW 9A.44.132)
13 Health Care False Claims (RCW
14 48.80.030)
15 Identity Theft 2 (RCW 9.35.020(3))
16 Improperly Obtaining Financial
17 Information (RCW 9.35.010)
18 Malicious Mischief 1 (RCW
19 9A.48.070)
20 Organized Retail Theft 2 (RCW
21 9A.56.350(3))
22 Possession of Stolen Property 1 (RCW
23 9A.56.150)
24 Possession of a Stolen Vehicle (RCW
25 9A.56.068)
26 Retail Theft with Special
27 Circumstances 2 (RCW
28 9A.56.360(3))
29 Scrap Processing, Recycling, or
30 Supplying Without a License
31 (second or subsequent offense)
32 (RCW 19.290.100)
33 Theft 1 (RCW 9A.56.030)
34 Theft of a Motor Vehicle (RCW
35 9A.56.065)

1 Theft of Rental, Leased, or Lease-
2 purchased Property (valued at one
3 thousand five hundred dollars or
4 more) (RCW 9A.56.096(5)(a))
5 Theft with the Intent to Resell 2 (RCW
6 9A.56.340(3))
7 Trafficking in Insurance Claims (RCW
8 48.30A.015)
9 Unlawful factoring of a credit card or
10 payment card transaction (RCW
11 9A.56.290(4)(a))
12 Unlawful Participation of Non-Indians
13 in Indian Fishery (RCW
14 77.15.570(2))
15 Unlawful Practice of Law (RCW
16 2.48.180)
17 Unlawful Purchase or Use of a License
18 (RCW 77.15.650(3)(b))
19 Unlawful Trafficking in Fish, Shellfish,
20 or Wildlife 2 (RCW
21 77.15.260(3)(a))
22 Unlicensed Practice of a Profession or
23 Business (RCW 18.130.190(7))
24 Voyeurism (RCW 9A.44.115(2))
25 I Attempting to Elude a Pursuing Police
26 Vehicle (RCW 46.61.024)
27 False Verification for Welfare (RCW
28 74.08.055)
29 Forgery (RCW 9A.60.020)
30 Fraudulent Creation or Revocation of a
31 Mental Health Advance Directive
32 (RCW 9A.60.060)
33 Malicious Mischief 2 (RCW
34 9A.48.080)
35 Mineral Trespass (RCW 78.44.330)
36 Possession of Stolen Property 2 (RCW
37 9A.56.160)

1 Reckless Burning 1 (RCW 9A.48.040)
2 Spotlighting Big Game 1 (RCW
3 77.15.450(3)(b))
4 Suspension of Department Privileges 1
5 (RCW 77.15.670(3)(b))
6 Taking Motor Vehicle Without
7 Permission 2 (RCW 9A.56.075)
8 Theft 2 (RCW 9A.56.040)
9 Theft of Rental, Leased, or Lease-
10 purchased Property (valued at two
11 hundred fifty dollars or more but
12 less than one thousand five
13 hundred dollars) (RCW
14 9A.56.096(5)(b))
15 Transaction of insurance business
16 beyond the scope of licensure
17 (RCW 48.17.063)
18 Unlawful Fish and Shellfish Catch
19 Accounting (RCW
20 77.15.630(3)(b))
21 Unlawful Issuance of Checks or Drafts
22 (RCW 9A.56.060)
23 Unlawful Possession of Fictitious
24 Identification (RCW 9A.56.320)
25 Unlawful Possession of Instruments of
26 Financial Fraud (RCW 9A.56.320)
27 Unlawful Possession of Payment
28 Instruments (RCW 9A.56.320)
29 Unlawful Possession of a Personal
30 Identification Device (RCW
31 9A.56.320)
32 Unlawful Production of Payment
33 Instruments (RCW 9A.56.320)
34 Unlawful Release of Deleterious Exotic
35 Wildlife (RCW 77.15.250(2)(b))
36 Unlawful Trafficking in Food Stamps
37 (RCW 9.91.142)

1 Unlawful Use of Food Stamps (RCW
2 9.91.144)
3 Unlawful Use of Net to Take Fish 1
4 (RCW 77.15.580(3)(b))
5 Unlawful Use of Prohibited Aquatic
6 Animal Species (RCW
7 77.15.253(3))
8 Vehicle Prowl 1 (RCW 9A.52.095)
9 Violating Commercial Fishing Area or
10 Time 1 (RCW 77.15.550(3)(b))

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