



Legislation Text

File #: CB 118704, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to voyeurism in a public place; amending Section 12A.10.120 of the Seattle Municipal Code.

WHEREAS, Seattle Municipal Code Section 12A.10.120 is intended to protect the privacy of individuals when they are in a public place; and

WHEREAS, amendments to Section 12A.10.120 will provide clarity with regard to prohibited conduct; and

WHEREAS, the terms of Section 12A.10.120 should be similar to RCW 9A.44.115, Washington’s voyeurism statute, in order to ensure consistent application of the law;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.10.120 of the Seattle Municipal Code, last amended by Ordinance 121071, is amended as follows:

12A.10.120 Voyeurism in public places ((-))

A. As used in this ~~((section))~~ Section 12A.10.120:

1. “Intimate areas” means any portion of a person’s body or undergarments that are covered by clothing and intended to be protected from public view.

2. “Photographs” or “films” means the making of a photograph, motion picture film, videotape, digital image, or any other recording or transmission of the image of a person.

~~((1-))~~ 3. “Public place” means an area generally open to the public, regardless of whether

it is privately owned, and includes, but is not limited to, streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, transit stations, monorail trains, buses, commuter trains, shelters, tunnels, and buildings, including stores and restaurants.

~~((2. “Record” means to videotape, film, photograph, or record electronically.~~

~~3. “Transmit” means to send an image electronically.~~

~~4. “Intimate areas that the person has covered with clothing” does not include intimate areas visible through a person’s clothing.~~

~~5. “Intimate areas” means any portion of a person’s undergarments, pubic area, anus, buttocks, vulva, genitals, or female breast.))~~

4. “Circumstances where the person has a reasonable expectation of privacy” includes circumstances where one may reasonably expect to be safe from casual or hostile intrusion or surveillance.

5. “Surveillance” means secret observation of the activities of another person for the purpose of spying upon and invading the privacy of the person.

B. A person is guilty of voyeurism in a public place if he or she intentionally ~~((records or transmits an image of another person’s intimate areas that the person has covered with clothing and the image is taken while that person is in a public place and without that person’s consent))~~ photographs or films the intimate areas of another person without that person’s knowledge and consent and under circumstances where the person has a reasonable expectation of privacy while that person is in a public place.

C. Voyeurism in a public place is a gross misdemeanor. In addition to any penalties the court may impose, the court may order the destruction of any recording made in violation of this ~~((section))~~ Section 12A.10.120.

Section 2. Severability of provisions. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of the terms and

provisions to other persons or circumstances shall not be affected.

Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2016,

and signed by me in open session in authentication of its passage this ____ day of

_____, 2016.

President _____ of the City Council

Approved by me this ____ day of _____, 2016.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2016.

Monica Martinez Simmons, City Clerk

(Seal)