

CHAPTER 2

Sexual Offenses

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* This offense is included in this chapter because of the alternative element of exposing or administering the HIV virus.

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* Sexual motivation is not a separate offense, but rather a special allegation accompanying a non-sexual offense charge that, if proven, constitutes an aggravating factor that may result in an exceptional sentence. Because the allegation adds a sexual factor to a non-sexual offense, it is listed here and its application is discussed in Chapter 7, Post Conviction and Sentencing, Section X.

II. Offense Information

Crimes (Listed alphabetically)	Definition	Statute of Limitations RCW 9A.04.080
<p>Allowing Minor on Premises of Live Erotic Performance <u>RCW 9.68A.150</u></p> <p><i>Gross Misdemeanor</i></p>	<p>A person knowingly allows a minor to be on the premises of a commercial establishment open to the public if there is a live performance containing erotic material.</p>	<p>2 years after the crime</p>
<p>Assault in the First Degree <u>RCW 9A.36.011</u></p> <p><i>Class A Felony</i></p> <p><i>Three strike offense</i></p>	<p>A person with intent to inflict great bodily harm (a) assaults another with a firearm or any deadly weapon or by any force or means likely to produce great bodily harm or death; or (b) administers, exposes, or transmits to or causes to be taken by another, poison, the HIV virus, or any other destructive or noxious substance; or (c) assaults another and inflicts great bodily harm.</p>	<p>3 years after the crime</p>
<p>Child Molestation in the First Degree <u>RCW 9A.44.083</u></p> <p><i>Class A Felony</i></p> <p><i>Two strike offense</i> [RCW 9.94A.030 (38)(b)] or <i>Three strike offense</i> [RCW 9.94A.030 (38)(a)]</p>	<p>A person has, or knowingly causes another person under age 18 to have, sexual contact with another who is less than 12 years of age and not married to the perpetrator, and the perpetrator is at least 36 months older than the victim.</p>	<p>Up to the victim's 30th birthday</p>

Crimes (Listed alphabetically)	Definition	Statute of Limitations RCW 9A.04.080
Child Molestation in the Second Degree <u>RCW 9A.44.086</u> <i>Class B Felony</i> <i>Three strike offense</i>	A person has, or knowingly causes another person under age 18 to have, sexual contact with another who is 12 or 13 years of age and not married to the perpetrator, and the perpetrator is at least 36 months older than the victim.	Up to the victim's 30 th birthday
Child Molestation in the Third Degree <u>RCW 9A.44.089</u> <i>Class C Felony</i>	A person has, or knowingly causes another person under age 18 to have, sexual contact with another who is 14 or 15 years of age and not married to the perpetrator, and the perpetrator is at least 48 months older than the victim.	Up to the victim's 30 th birthday
Commercial Sexual Abuse of a Minor (formerly Patronizing a Juvenile Prostitute) <u>RCW 9.68A.100</u> <i>Class B Felony</i> Note: RCW 9A.88.130 requires the court to impose specific restrictions and requirements on an offender	A person (a) pays a fee as compensation for a minor having engaged in sexual conduct with him or her; (b) pays or agrees to pay a fee pursuant to an understanding that the minor will engage in sexual conduct with him or her in return; or (c) solicits, offers, or requests to engage in sexual conduct with a minor in return for a fee.	3 years after the crime
Communication with a Minor for Immoral Purposes <u>RCW 9.68A.090</u> <i>Class C Felony</i> [if (a) prior conviction of this offense or felony sex offense or (b) the communication is by electronic means] <i>Gross Misdemeanor</i>	A person communicates with a minor or person he or she believes to be a minor for immoral purposes of a sexual nature.	If felony, 3 years after the crime If gross misdemeanor, 2 years after the crime

Crimes (Listed alphabetically)	Definition	Statute of Limitations RCW 9A.04.080
<p>Criminal Attempt <u>RCW 9A.28.020</u></p> <p><i>Class A Felony</i> [if crime attempted is first degree child molestation, indecent liberties by forcible compulsion, first or second degree rape, first or second degree rape of a child]</p> <p><i>Class B Felony</i> [if crime attempted is any other Class A felony]</p> <p><i>Class C Felony</i> [if crime attempted is a Class B Felony]</p> <p><i>Gross Misdemeanor</i> [if crime attempted is a Class C Felony]</p> <p><i>Misdemeanor</i> [if crime attempted is a gross misdemeanor or misdemeanor]</p> <p><i>Three strike offense</i> [if attempt to commit Class A felony, Class B felony with a finding of sexual motivation, or any felony with a finding of a deadly weapon]</p>	<p>A person, with intent to commit a specific crime, does any act which is a substantial step toward commission of that crime.</p>	<p>If felony, 3 years after the crime</p> <p>If gross misdemeanor, 2 years after the crime</p> <p>If misdemeanor, 1 year after the crime</p>

Crimes (Listed alphabetically)	Definition	Statute of Limitations RCW 9A.04.080
<p style="text-align: center;"> Custodial Sexual Misconduct in the First Degree <u>RCW9A.44.160</u> <i>Class C Felony</i> </p>	<p> A person has sexual intercourse with a victim who (a) is a resident of an adult or juvenile correctional facility, the perpetrator is an employee or contract personnel of a correctional agency, and the perpetrator has, or the victim reasonably believes the perpetrator has the ability to influence the terms, conditions, length or fact of incarceration, or (b) is being detained, under arrest or in custody of a law enforcement officer and the perpetrator is a law enforcement officer. </p>	<p style="text-align: center;">3 years after the crime</p>
<p style="text-align: center;"> Custodial Sexual Misconduct in the Second Degree <u>RCW9A.44.170</u> <i>Gross Misdemeanor</i> </p>	<p> A person has sexual contact with a victim who (a) is a resident of an adult or juvenile correctional facility, the perpetrator is an employee or contract personnel of a correctional agency, and the perpetrator has, or the victim reasonably believes the perpetrator has the ability to influence the terms, conditions, length or fact of incarceration, or (b) is being detained, under arrest or in the custody of a law enforcement officer and the perpetrator is a law enforcement officer. </p>	<p style="text-align: center;">2 years after the crime</p>
<p style="text-align: center;"> Dealing in Depictions of Minors Engaged in Sexually Explicit Conduct in the First Degree <u>RCW9.68A.050(1)(a)</u> <i>Class B Felony</i> </p>	<p> A person (a) knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells visual or printed matter depicting a minor engaging in sexually explicit conduct defined in RCW 9.68A.011(4) (a) through (e), or (b) possesses with intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter depicting a minor engaging in sexually explicit conduct defined in RCW 9.68A.110 (4) (a) through (e). </p>	<p style="text-align: center;">3 years after the crime</p>

Crimes (Listed alphabetically)	Definition	Statute of Limitations RCW 9A.04.080
<p>Dealing in Depictions of Minors Engaged in Sexually Explicit Conduct in the Second Degree <u>RCW 9.68A.050(2)(a)</u></p> <p><i>Class C Felony</i></p>	<p>A person (a) knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances or attempts to finance, or sells visual or printed matter depicting a minor engaging in sexually explicit conduct defined in RCW 9.68A.110 (4) (f) or (g),</p> <p>or (b) possesses with intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter depicting a minor engaging in sexually explicit conduct defined in RCW 9.68A.110 (4) (f) or (g).</p>	<p>3 years after the crime</p>
<p>Failure to Report Depictions of Minors Engaged in Sexually Explicit Conduct Submitted for Processing or Producing <u>RCW 9.68A.080(1)</u></p> <p><i>Gross Misdemeanor</i></p>	<p>A person fails to immediately report to law enforcement visual or printed matter submitted for processing or producing that the person has reasonable cause to believe depicts a minor engaged in sexually explicit conduct.</p>	<p>2 years after the crime</p>
<p>Incest in the First Degree <u>RCW 9A.64.020</u></p> <p><i>Class B Felony</i></p> <p><i>Three strike offense</i> [if committed against a child under 14 years]</p>	<p>A perpetrator has sexual intercourse with a person known to the perpetrator to be related to him or her as an ancestor, descendant (including minor step and adopted children), or sibling (including half siblings).</p>	<p>3 years after the crime if the victim is 18 or over at the time of the offense</p> <p>Up to the victim's 30th birthday if the victim is younger than 18 at the time of the offense</p>
<p>Incest in the Second Degree <u>RCW 9A.64.020</u></p> <p><i>Class C Felony</i></p> <p><i>Three strike offense</i> [if committed against a child under 14 years]</p>	<p>A perpetrator has sexual contact with a person known to the perpetrator to be related to him or her as an ancestor, descendant (including minor step and adopted children), or sibling (including half siblings).</p>	<p>3 years after the crime if the victim is 18 or over at the time of the offense</p> <p>Up to the victim's 30th birthday if the victim is younger than 18 at the time of the offense</p>

Crimes (Listed alphabetically)	Definition	Statute of Limitations RCW 9A.04.080
<p>Indecent Exposure <u>RCW 9A.88.010</u></p> <p><i>Class C Felony</i> [if prior conviction of indecent exposure or a sex offense under RCW 9.94A.030]</p> <p><i>Gross Misdemeanor</i> [if first offense and the victim is under the age of 14]</p> <p><i>Misdemeanor</i> [if first offense and victim is 14 or older]</p>	<p>A person intentionally makes an open and obscene physical exposure of one's own body or that of another, knowing that it is likely to cause reasonable affront or alarm.</p>	<p>If Class C felony, 3 years after the crime</p> <p>If gross misdemeanor, 2 years after the crime</p> <p>If misdemeanor, 1 year after the crime</p>

Crimes (Listed alphabetically)	Definition	Statute of Limitations RCW 9A.04.080
<p> Indecent Liberties <u>RCW 9A.44.100</u> </p> <p> <i>Class A Felony</i> [if by forcible compulsion] </p> <p> <i>Class B Felony</i> [if not by forcible compulsion] </p> <p> <i>Two strike offense</i> [if by forcible compulsion] </p> <p> <i>Three strike offense</i> [if not by forcible compulsion] </p>	<p> A person knowingly causes another person to have sexual contact by (a) forcible compulsion, or (b) when the victim is incapable of consent by reason of being mentally defective, mentally incapacitated or physically helpless, or (c) when the victim is developmentally disabled, the perpetrator is not married to the victim and has supervisory authority over the victim or was providing transportation to the victim within the course of the perpetrator's employment, or (d) when the perpetrator is a health care provider, the victim is a client or patient, and the contact occurs during treatment or services, or (e) when the victim is a resident of a facility for mentally disordered or chemically dependent persons and the perpetrator has supervisory authority over the victim, or (f) when the victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the victim and has a significant relationship to the victim or was providing transportation to the victim within the course of the perpetrator's employment. </p>	<p> Up to the victim's 30th birthday if incapable of consent by reason of being mentally defective, mentally incapacitated or physically helpless and the victim was under 18 at the time of the offense </p> <p> 10 years after the crime if the victim was incapable of consent by reason of being mentally defective, mentally incapacitated or physically helpless and the victim was over 18 at the time of the offense </p> <p> Otherwise, 3 years after the crime </p>
<p> Luring <u>RCW 9A.40.090</u> </p> <p> <i>Class C Felony</i> </p>	<p> A person orders, lures, or attempts to lure a person under the age of 16 or a person with a developmental disability into any area or structure that is obscured from or inaccessible to the public or into a motor vehicle or away from a transportation terminal; does not have the consent of the minor's parent or guardian or of the guardian of the person with a developmental disability; and is unknown to the child or developmentally disabled person. </p>	<p> 3 years after the crime </p>

Crimes (Listed alphabetically)	Definition	Statute of Limitations RCW 9A.04.080
<p style="text-align: center;"> Patronizing a Prostitute <u>RCW 9A.88.110</u> <i>Misdemeanor</i> </p>	<p style="text-align: center;"> A perpetrator (a) pays another person as compensation for such person or a third person having engaged in sexual conduct with the perpetrator; or (b) pays or agrees to pay another person pursuant to an understanding that in return such person will engage in sexual conduct with the perpetrator; or (c) solicits or requests another person to engage in sexual conduct with the perpetrator in return for a fee. </p>	<p style="text-align: center;">1 year after the crime</p>
<p style="text-align: center;"> Permitting Commercial Sexual Abuse of a Minor <u>RCW 9.68A.103</u> <i>Gross Misdemeanor</i> </p>	<p style="text-align: center;"> A person, having possession or control of premises he or she knows are being used for commercial sexual abuse of a minor, fails to make reasonable effort to halt or abate such use and to make reasonable effort to notify law enforcement. </p>	<p style="text-align: center;">2 years after the crime</p>
<p style="text-align: center;"> Permitting Prostitution <u>RCW 9A.88.090</u> <i>Misdemeanor</i> </p>	<p style="text-align: center;"> A person, having possession or control of premises he or she knows are being used for prostitution, fails to make reasonable effort to halt or abate such use. </p>	<p style="text-align: center;">1 year after the crime</p>
<p style="text-align: center;"> Possession of Depictions of Minors Engaged in Sexually Explicit Conduct in the First Degree <u>RCW 9.68A.070(1)</u> <i>Class B Felony</i> </p>	<p style="text-align: center;"> A person knowingly possesses visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011 (4)(a) through (e). </p>	<p style="text-align: center;">3 years after the crime</p>
<p style="text-align: center;"> Possession of Depictions of Minors Engaged in Sexually Explicit Conduct in the Second Degree <u>RCW 9.68A.070(2)</u> <i>Class C Felony</i> </p>	<p style="text-align: center;"> A person knowingly possesses visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011 (4)(f) or (g). </p>	<p style="text-align: center;">3 years after the crime</p>

Crimes (Listed alphabetically)	Definition	Statute of Limitations RCW 9A.04.080
<p>Promoting Commercial Sexual Abuse of a Minor <u>RCW 9.68A.101</u></p> <p><i>Class A Felony</i></p> <p><i>Three strike offense</i></p>	<p>A person knowingly (a) advances commercial sexual abuse or a sexually explicit act of a minor or (b) profits from a minor engaged in sexual conduct or a sexually explicit act.</p>	<p>3 years after the crime</p>
<p>Promoting Prostitution in the First Degree <u>RCW 9A.88.070</u></p> <p><i>Class B Felony</i></p>	<p>A person knowingly advances prostitution by (a) compelling a person by threat or force to engage in prostitution, or profits from prostitution resulting from threat or force; or (b) compelling a person, with a mental incapacity or developmental disability rendering the person incapable of consent, to engage in prostitution, or profits from prostitution resulting from the compulsion.</p>	<p>3 years after the crime</p>
<p>Promoting Prostitution in the Second Degree <u>RCW 9A.88.080</u></p> <p><i>Class C Felony</i></p>	<p>A person knowingly (a) profits from prostitution or (b) advances prostitution.</p>	<p>3 years after the crime</p>
<p>Promoting Travel for Commercial Sexual Abuse of a Minor <u>RCW 9.68A.102</u></p> <p><i>Class C Felony</i></p>	<p>A person knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in or promoting commercial sexual abuse of a minor if occurring in Washington.</p>	<p>3 years after the crime</p>
<p>Promoting Travel for Prostitution <u>RCW 9A.88.085</u></p> <p><i>Class C Felony</i></p>	<p>A person knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of patronizing a prostitute or promoting prostitution occurring in Washington.</p>	<p>3 years after the crime</p>
<p>Prostitution <u>RCW 9A.88.030</u></p> <p><i>Misdemeanor</i></p>	<p>A person engages in or agrees or offers to engage in sexual conduct with another person in return for a fee.</p>	<p>1 year after the crime</p>

Crimes (Listed alphabetically)	Definition	Statute of Limitations RCW 9A.04.080
<p> Rape in the First Degree <u>RCW 9A.44.040</u> <i>Class A Felony</i> <i>Two strike offense</i> <i>Three strike offense</i> </p>	<p> A person has sexual intercourse with another person by forcible compulsion where the perpetrator or accessory (a) uses or threatens to use a deadly weapon; (b) kidnaps the victim; (c) inflicts serious physical injury; or (d) feloniously enters into the building or vehicle where the victim is situated. </p>	<p> Up to the victim's 30th birthday if victim was younger than 18 at time of the rape 10 years if reported to law enforcement within 1 year and the victim was 18 or older at time of the rape 3 years if not reported to law enforcement within 1 year and the victim was 18 or older at time of the rape </p>

Crimes (Listed alphabetically)	Definition	Statute of Limitations RCW 9A.04.080
<p>Rape in the Second Degree <u>RCW 9A.44.050</u></p> <p><i>Class A Felony</i></p> <p><i>Two strike offense</i> <i>Three strike offense</i></p>	<p>A person has sexual intercourse with another person under circumstances not constituting first degree rape (a) by forcible compulsion; or (b) when the victim is incapable of consent by reason of being physically helpless or mentally incapacitated; or (c) when the victim is developmentally disabled and the perpetrator is not married to the victim and has supervisory authority over the victim or was providing transportation to the victim in the course of employment; or (d) when the perpetrator is a health care provider and the intercourse occurs during a treatment session, consultation, interview, or examination; or (e) when the victim is a resident of a facility for mentally disordered or chemically dependent persons and the perpetrator is not married to the victim and has supervisory authority over the victim; or (f) when the victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the victim and has a significant relationship with or was providing transportation to the victim in the course of employment.</p>	<p>Up to the victim's 30th birthday if victim was younger than 18 at time of the rape.</p> <p>10 years if reported to law enforcement within 1 year and the victim was 18 or older at time of the rape.</p> <p>3 years if not reported to law enforcement within 1 year and the victim was 18 or older at time of the rape.</p>
<p>Rape in the Third Degree <u>RCW 9A.44.060</u></p> <p><i>Class C Felony</i></p> <p><i>Three strike offense</i></p>	<p>A person has sexual intercourse with another person under circumstances not constituting first or second degree rape (a) where the victim did not consent to sexual intercourse and such lack of consent was clearly expressed by the victim's words or conduct, or (b) where there is threat of substantial unlawful harm to property rights of the victim.</p>	<p>3 years after the crime</p>

Crimes (Listed alphabetically)	Definition	Statute of Limitations RCW 9A.04.080
<p>Rape of a Child in the First Degree <u>RCW 9A.44.073</u></p> <p><i>Class A Felony</i></p> <p><i>Two strike offense</i> <i>Three strike offense</i></p>	<p>A person has sexual intercourse with another person who is less than 12 years of age and not married to the perpetrator, and the perpetrator is at least 24 months older than the victim.</p>	<p>Up to the victim's 30th birthday</p>
<p>Rape of a Child in the Second Degree <u>RCW 9A.44.076</u></p> <p><i>Class A Felony</i></p> <p><i>Two strike offense</i> <i>Three strike offense</i></p>	<p>A person has sexual intercourse with another person who is 12 or 13 years of age and not married to the perpetrator, and the perpetrator is at least 36 months older than the victim.</p>	<p>Up to the victim's 30th birthday</p>
<p>Rape of a Child in the Third Degree <u>RCW 9A.44.079</u></p> <p><i>Class C Felony</i></p>	<p>A person has sexual intercourse with another person who is 14 or 15 years of age and not married to the perpetrator, and the perpetrator is at least 48 months older than the victim.</p>	<p>Up to the victim's 30th birthday</p>
<p>Sending, Bringing into the State Depictions of Minors Engaged in Sexually Explicit Conduct in the First Degree <u>RCW 9.68A.060(1)</u></p> <p><i>Class B Felony</i></p>	<p>A person knowingly sends or brings, or causes to be sent or brought, into the state for sale or distribution, visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in 9.68A.011(4) (a) through (e).</p>	<p>3 years after the crime</p>
<p>Sending, Bringing into the State Depictions of Minors Engaged in Sexually Explicit Conduct in the Second Degree <u>RCW 9.68A.060(2)</u></p> <p><i>Class C Felony</i></p>	<p>A person knowingly sends or brings, or causes to be sent or brought, into the state for sale or distribution, visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in 9.68A.011(4) (f) or (g).</p>	<p>3 years after the crime</p>

Crimes (Listed alphabetically)	Definition	Statute of Limitations RCW 9A.04.080
<p>Sexual Exploitation of a Minor <u>RCW 9.68A.040</u></p> <p><i>Class B Felony</i></p> <p><i>Three strike offense</i></p>	<p>A person (a) compels a minor by threat or force to engage in sexually explicit conduct, knowing that it will be photographed or part of a live performance, or (b) aids, invites, employs, authorizes or causes a minor to engage in sexually explicit conduct, knowing that it will be photographed or part of a live performance, or (c) is the parent, legal guardian, or custodian of a minor, and permits the minor to engage in sexually explicit conduct, knowing that it will be photographed or part of a live performance.</p>	<p>Up to the victim's 30th birthday</p>
<p>Sexual Misconduct with a Minor in the First Degree <u>RCW 9A.44.093</u></p> <p><i>Class C Felony</i></p>	<p>A perpetrator (a) has, or knowingly causes a minor to have, sexual intercourse with a victim who is at least 16 years old but less than 18, is at least 60 months younger than and not married to the perpetrator, and the perpetrator abuses a supervisory position within a significant relationship with the victim; or (b) has, or knowingly causes a minor to have, sexual intercourse with a victim who is at least 16 years old and not more than 21 years old, is at least 60 months younger than and not married to the perpetrator, and the perpetrator is a school employee at the school in which the victim is enrolled; or (c) has, or knowingly causes a minor to have, sexual intercourse with a minor who is at least 16 years old and is a foster child of the perpetrator.</p>	<p>3 years after the crime</p>

Crimes (Listed alphabetically)	Definition	Statute of Limitations RCW 9A.04.080
<p> Sexual Misconduct with a Minor in the Second Degree <u>RCW 9A.44.096</u> <i>Gross Misdemeanor</i> </p>	<p> A perpetrator (a) has, or knowingly causes a minor to have, sexual contact with a victim who is at least 16 years old but less than 18, is at least 60 months younger than and not married to the perpetrator, and the perpetrator abuses a supervisory position within a significant relationship with the victim; or (b) has, or knowingly causes a minor to have, sexual contact with a victim who is at least 16 years old and not more than 21 years old, is at least 60 months younger than and not married to the perpetrator, and the perpetrator is a school employee at the school in which the victim is enrolled; or (c) has, or knowingly causes a minor to have, sexual contact with a minor who is at least 16 years old and is a foster child of the perpetrator. </p>	<p>2 years after the crime</p>
<p> Sexual Motivation <u>RCW 9.94A.835</u> <i>Special Allegation</i> <i>Two strike offense</i> [if a finding in convictions of Assault in 1st or 2nd degree, Assault of a Child in the 1st Degree, Burglary in the 1st Degree, Homicide by Abuse, Kidnapping in the 1st or 2nd Degree, Murder in the 1st or 2nd Degree, or conviction for attempt of any of the foregoing] <i>Three strike offense</i> [if a finding in any other Class B felony] </p>	<p>A person commits a crime other than a sex offense with a sexual motivation.</p>	

Crimes (Listed alphabetically)	Definition	Statute of Limitations RCW 9A.04.080
Sexually Violating Human Remains <u>RCW 9A.44.105</u> <i>Class C Felony</i>	A person has sexual intercourse or sexual contact with a dead human body.	3 years after the crime
Viewing Depictions of a Minor Engaged in Sexually Explicit Conduct in the First Degree <u>RCW 9.68A.075(1)</u> <i>Class B Felony</i>	A person intentionally views over the internet visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (e).	3 years after the crime
Viewing Depictions of a Minor Engaged in Sexually Explicit Conduct in the Second Degree <u>RCW 9.68A.075(2)</u> <i>Class C Felony</i>	A person intentionally views over the internet visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g).	3 years after the crime
Voyeurism <u>RCW 9A.44.115</u> <i>Class C Felony</i>	A person, for the purpose of arousing or gratifying the sexual desire of any person, knowingly views, photographs or films (a) another person without that person's knowledge and consent while that person is in a public or private place where he or she has a reasonable expectation of privacy; or (b) the intimate areas of another person without that person's knowledge and consent under circumstances where that person has a reasonable expectation of privacy, whether in a public or private place.	The later of: 3 years after the crime or 2 years after the victim first discovers he or she was being viewed, photographed, or filmed if the victim was not aware of such act or acts at the time they occurred.