

RCW 10.112.010 Special inquiry judge process—Subpoena for records. (1) In a criminal investigation of an offense involving the sexual exploitation of children under chapter 9.68A RCW, the prosecuting attorney shall use the special inquiry judge process established under chapter 10.27 RCW when the prosecuting attorney determines it is necessary to the investigation to subpoena a provider of electronic communication services or remote computing services to obtain records relevant to the investigation, including, but not limited to, records or information that provide the following subscriber or customer information: (a) Name and address; (b) local and long distance telephone connection records, or records of session times and durations; (c) length of service and types of service utilized; (d) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and (e) means and source of payment for such service, including any credit card or bank account number.

(2) A provider who receives a subpoena for records as provided under subsection (1) of this section may not disclose the existence of the subpoena to the subscribers or customers whose records or information are requested or released under the subpoena.

(3) For the purposes of this section:

(a) "Electronic communication service" means any service that provides to users the ability to send or receive wire or electronic communications.

(b) "Provider" means a provider of electronic communication services or remote computing services.

(c) "Remote computing service" means the provision to the public of computer storage or processing services by means of an electronic communications system. [2017 c 114 s 2.]

Findings—2017 c 114: "The legislature must continue to act to aid law enforcement in their efforts to prevent the unthinkable acts of sexual abuse of children and the horrendous social and emotional trauma experienced by victims of child pornography by expanding the tools available for law enforcement. The legislature finds that the expansion of the internet and computer-related technologies have led to a dramatic increase in the production and availability of child pornography by simplifying how it can be created, distributed, and collected. Between 2005 and 2009, the national center for missing and exploited children's child victim identification program has seen a four hundred thirty-two percent increase in child pornography films and files submitted for identification of the children depicted. The United States department of justice estimates that pornographers have recorded the abuse of more than one million children in the United States alone. Furthermore, there is a direct correlation between individuals who possess, download, and trade graphic images of child pornography and those who molest children. A well-known study conducted by crimes against children research center for the national center for missing and exploited children concluded that an estimated forty percent of those who possess child pornography have also directly victimized a child and fifteen percent have attempted to entice a child over the internet.

Victims of child pornography often experience severe and lasting harm from the permanent memorialization of the crimes committed against them. Child victims endure depression, withdrawal, anger, and other psychological disorders. Each and every time such an image is

viewed, traded, printed, or downloaded, the child in that image is victimized again.

Investigators and prosecutors report serious challenges with combating child pornography because offenders can act anonymously on the internet. Investigators track the trading of child pornography by using internet protocol addresses, which are unique identifiers that each computer is assigned when it accesses the internet. Under federal law, if an internet service provider is presented with a subpoena and an internet protocol address by law enforcement, the provider must turn over the names and addresses of account holders matched to it. Access to such information allows investigators to efficiently evaluate investigative leads and determine whether to request a warrant for a specific internet user. The legislature finds that in investigations of child exploitation, the use of a special inquiry judge is the appropriate process for obtaining subpoenas for the production of records from electronic communications providers under a less than probable cause standard while maintaining judicial oversight." [2017 c 114 s 1.]