

ESSB 6476 - H COMM AMD
By Committee on Ways & Means

ADOPTED 03/03/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 13.32A.030 and 2000 c 123 s 2 are each amended to
4 read as follows:

5 As used in this chapter the following terms have the meanings
6 indicated unless the context clearly requires otherwise:

7 (1) "Abuse or neglect" means the injury, sexual abuse, sexual
8 exploitation, negligent treatment, or maltreatment of a child by any
9 person under circumstances which indicate that the child's health,
10 welfare, and safety is harmed, excluding conduct permitted under RCW
11 9A.16.100. An abused child is a child who has been subjected to child
12 abuse or neglect as defined in this section.

13 (2) "Administrator" means the individual who has the daily
14 administrative responsibility of a crisis residential center, or his or
15 her designee.

16 (3) "At-risk youth" means a juvenile:

17 (a) Who is absent from home for at least seventy-two consecutive
18 hours without consent of his or her parent;

19 (b) Who is beyond the control of his or her parent such that the
20 child's behavior endangers the health, safety, or welfare of the child
21 or any other person; or

22 (c) Who has a substance abuse problem for which there are no
23 pending criminal charges related to the substance abuse.

24 (4) "Child," "juvenile," and "youth" mean any unemancipated
25 individual who is under the chronological age of eighteen years.

26 (5) "Child in need of services" means a juvenile:

27 (a) Who is beyond the control of his or her parent such that the
28 child's behavior endangers the health, safety, or welfare of the child
29 or other person;

1 (b) Who has been reported to law enforcement as absent without
2 consent for at least twenty-four consecutive hours on two or more
3 separate occasions from the home of either parent, a crisis residential
4 center, an out-of-home placement, or a court-ordered placement; and

5 (i) Has exhibited a serious substance abuse problem; or

6 (ii) Has exhibited behaviors that create a serious risk of harm to
7 the health, safety, or welfare of the child or any other person; ((or))

8 (c)(i) Who is in need of: (A) Necessary services, including food,
9 shelter, health care, clothing, or education; or (B) services designed
10 to maintain or reunite the family;

11 (ii) Who lacks access to, or has declined to utilize, these
12 services; and

13 (iii) Whose parents have evidenced continuing but unsuccessful
14 efforts to maintain the family structure or are unable or unwilling to
15 continue efforts to maintain the family structure; or

16 (d) Who is a "sexually exploited child".

17 (6) "Child in need of services petition" means a petition filed in
18 juvenile court by a parent, child, or the department seeking
19 adjudication of placement of the child.

20 (7) "Crisis residential center" means a secure or semi-secure
21 facility established pursuant to chapter 74.13 RCW.

22 (8) "Custodian" means the person or entity who has the legal right
23 to the custody of the child.

24 (9) "Department" means the department of social and health
25 services.

26 (10) "Extended family member" means an adult who is a grandparent,
27 brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin
28 with whom the child has a relationship and is comfortable, and who is
29 willing and available to care for the child.

30 (11) "Guardian" means that person or agency that (a) has been
31 appointed as the guardian of a child in a legal proceeding other than
32 a proceeding under chapter 13.34 RCW, and (b) has the right to legal
33 custody of the child pursuant to such appointment. The term "guardian"
34 does not include a "dependency guardian" appointed pursuant to a
35 proceeding under chapter 13.34 RCW.

36 (12) "Multidisciplinary team" means a group formed to provide
37 assistance and support to a child who is an at-risk youth or a child in
38 need of services and his or her parent. The team shall include the

1 parent, a department case worker, a local government representative
2 when authorized by the local government, and when appropriate, members
3 from the mental health and substance abuse disciplines. The team may
4 also include, but is not limited to, the following persons: Educators,
5 law enforcement personnel, probation officers, employers, church
6 persons, tribal members, therapists, medical personnel, social service
7 providers, placement providers, and extended family members. The team
8 members shall be volunteers who do not receive compensation while
9 acting in a capacity as a team member, unless the member's employer
10 chooses to provide compensation or the member is a state employee.

11 (13) "Out-of-home placement" means a placement in a foster family
12 home or group care facility licensed pursuant to chapter 74.15 RCW or
13 placement in a home, other than that of the child's parent, guardian,
14 or legal custodian, not required to be licensed pursuant to chapter
15 74.15 RCW.

16 (14) "Parent" means the parent or parents who have the legal right
17 to custody of the child. "Parent" includes custodian or guardian.

18 (15) "Secure facility" means a crisis residential center, or
19 portion thereof, that has locking doors, locking windows, or a secured
20 perimeter, designed and operated to prevent a child from leaving
21 without permission of the facility staff.

22 (16) "Semi-secure facility" means any facility, including but not
23 limited to crisis residential centers or specialized foster family
24 homes, operated in a manner to reasonably assure that youth placed
25 there will not run away. Pursuant to rules established by the
26 department, the facility administrator shall establish reasonable hours
27 for residents to come and go from the facility such that no residents
28 are free to come and go at all hours of the day and night. To prevent
29 residents from taking unreasonable actions, the facility administrator,
30 where appropriate, may condition a resident's leaving the facility upon
31 the resident being accompanied by the administrator or the
32 administrator's designee and the resident may be required to notify the
33 administrator or the administrator's designee of any intent to leave,
34 his or her intended destination, and the probable time of his or her
35 return to the center.

36 (17) "Sexually exploited child" means any person under the age of
37 eighteen who is a victim of the crime of commercial sex abuse of a

1 minor under RCW 9.68A.100, promoting commercial sexual abuse of a minor
2 under RCW 9.68A.101, or promoting travel for commercial sexual abuse of
3 a minor under RCW 9.68A.102.

4 (18) "Staff secure facility" means a structured group care facility
5 licensed under rules adopted by the department with a ratio of at least
6 one adult staff member to every two children.

7 ~~((18))~~ (19) "Temporary out-of-home placement" means an out-of-
8 home placement of not more than fourteen days ordered by the court at
9 a fact-finding hearing on a child in need of services petition.

10 NEW SECTION. Sec. 2. Section 1 of this act takes effect July 1,
11 2011.

12 NEW SECTION. Sec. 3. A new section is added to chapter 13.32A RCW
13 to read as follows:

14 Within available funding, when a youth who has been diverted under
15 RCW 13.40.070 for an alleged offense of prostitution or prostitution
16 loitering is referred to the department, the department shall connect
17 that child with the services and treatment specified in RCW 74.14B.060
18 and 74.14B.070.

19 NEW SECTION. Sec. 4. A new section is added to chapter 13.32A RCW
20 to read as follows:

21 By November 1, 2010, the department shall report to the relevant
22 policy and fiscal committees of the legislature regarding training
23 needed to allow staff of the children's administration and crisis
24 residential centers to work effectively with sexually exploited youth.
25 The report shall identify the evidence-based training programs to be
26 used and the cost of such training.

27 NEW SECTION. Sec. 5. A new section is added to chapter 13.40 RCW
28 to read as follows:

29 Within available funding, when a youth who has been diverted under
30 RCW 13.40.070 for an alleged offense of prostitution or prostitution
31 loitering is referred to the department, the department shall connect
32 that youth with the services and treatment specified in RCW 74.14B.060
33 and 74.14B.070.

1 **Sec. 6.** RCW 7.68.070 and 2009 c 38 s 1 are each amended to read as
2 follows:

3 The right to benefits under this chapter and the amount thereof
4 will be governed insofar as is applicable by the provisions contained
5 in chapter 51.32 RCW except as provided in this section:

6 (1) The provisions contained in RCW 51.32.015, 51.32.030,
7 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 are not
8 applicable to this chapter.

9 (2) Each victim injured as a result of a criminal act, including
10 criminal acts committed between July 1, 1981, and January 1, 1983, or
11 the victim's family or dependents in case of death of the victim, are
12 entitled to benefits in accordance with this chapter, subject to the
13 limitations under RCW 7.68.015. The rights, duties, responsibilities,
14 limitations, and procedures applicable to a worker as contained in RCW
15 51.32.010 are applicable to this chapter.

16 (3)(a) The limitations contained in RCW 51.32.020 are applicable to
17 claims under this chapter. In addition (~~thereto~~), no person or
18 spouse, child, or dependent of such person is entitled to benefits
19 under this chapter when the injury for which benefits are sought, was:

20 (~~(a)~~) (i) The result of consent, provocation, or incitement by
21 the victim, unless an injury resulting from a criminal act caused the
22 death of the victim;

23 (~~(b)~~) (ii) Sustained while the crime victim was engaged in the
24 attempt to commit, or the commission of, a felony; or

25 (~~(c)~~) (iii) Sustained while the victim was confined in any county
26 or city jail, federal jail or prison or in any other federal
27 institution, or any state correctional institution maintained and
28 operated by the department of social and health services or the
29 department of corrections, prior to release from lawful custody; or
30 confined or living in any other institution maintained and operated by
31 the department of social and health services or the department of
32 corrections.

33 **(b) A person identified as the "minor" in the charge of commercial**
34 **sexual abuse of a minor under RCW 9.68A.100, promoting commercial**
35 **sexual abuse of a minor under RCW 9.68A.101, or promoting travel for**
36 **commercial sexual abuse of a minor under RCW 9.68A.102 is considered a**
37 **victim of a criminal act for the purpose of the right to benefits under**

1 this chapter even if the person is also charged with prostitution under
2 RCW 9A.88.030.

3 (4) The benefits established upon the death of a worker and
4 contained in RCW 51.32.050 shall be the benefits obtainable under this
5 chapter and provisions relating to payment contained in that section
6 shall equally apply under this chapter(~~(:—PROVIDED, That)~~). Benefits
7 for burial expenses shall not exceed the amount paid by the department
8 in case of the death of a worker as provided in chapter 51.32 RCW in
9 any claim(~~(:—PROVIDED FURTHER, That)~~). If the criminal act results in
10 the death of a victim who was not gainfully employed at the time of the
11 criminal act, and who was not so employed for at least three
12 consecutive months of the twelve months immediately preceding the
13 criminal act;

14 (a) Benefits payable to an eligible surviving spouse, where there
15 are no children of the victim at the time of the criminal act who have
16 survived the victim or where such spouse has legal custody of all of
17 his or her children, shall be limited to burial expenses and a lump sum
18 payment of seven thousand five hundred dollars without reference to
19 number of children, if any;

20 (b) Where any such spouse has legal custody of one or more but not
21 all of such children, then such burial expenses shall be paid, and such
22 spouse shall receive a lump sum payment of three thousand seven hundred
23 fifty dollars and any such child or children not in the legal custody
24 of such spouse shall receive a lump sum of three thousand seven hundred
25 fifty dollars to be divided equally among such child or children;

26 (c) If any such spouse does not have legal custody of any of the
27 children, the burial expenses shall be paid and the spouse shall
28 receive a lump sum payment of up to three thousand seven hundred fifty
29 dollars and any such child or children not in the legal custody of the
30 spouse shall receive a lump sum payment of up to three thousand seven
31 hundred fifty dollars to be divided equally among the child or
32 children;

33 (d) If no such spouse survives, then such burial expenses shall be
34 paid, and each surviving child of the victim at the time of the
35 criminal act shall receive a lump sum payment of three thousand seven
36 hundred fifty dollars up to a total of two such children and where
37 there are more than two such children the sum of seven thousand five
38 hundred dollars shall be divided equally among such children.

1 No other benefits may be paid or payable under these circumstances.

2 (5) The benefits established in RCW 51.32.060 for permanent total
3 disability proximately caused by the criminal act shall be the benefits
4 obtainable under this chapter, and provisions relating to payment
5 contained in that section apply under this chapter: PROVIDED, That if
6 a victim becomes permanently and totally disabled as a proximate result
7 of the criminal act and was not gainfully employed at the time of the
8 criminal act, the victim shall receive monthly during the period of the
9 disability the following percentages, where applicable, of the average
10 monthly wage determined as of the date of the criminal act pursuant to
11 RCW 51.08.018:

12 (a) If married at the time of the criminal act, twenty-nine percent
13 of the average monthly wage.

14 (b) If married with one child at the time of the criminal act,
15 thirty-four percent of the average monthly wage.

16 (c) If married with two children at the time of the criminal act,
17 thirty-eight percent of the average monthly wage.

18 (d) If married with three children at the time of the criminal act,
19 forty-one percent of the average monthly wage.

20 (e) If married with four children at the time of the criminal act,
21 forty-four percent of the average monthly wage.

22 (f) If married with five or more children at the time of the
23 criminal act, forty-seven percent of the average monthly wage.

24 (g) If unmarried at the time of the criminal act, twenty-five
25 percent of the average monthly wage.

26 (h) If unmarried with one child at the time of the criminal act,
27 thirty percent of the average monthly wage.

28 (i) If unmarried with two children at the time of the criminal act,
29 thirty-four percent of the average monthly wage.

30 (j) If unmarried with three children at the time of the criminal
31 act, thirty-seven percent of the average monthly wage.

32 (k) If unmarried with four children at the time of the criminal
33 act, forty percent of the average monthly wage.

34 (l) If unmarried with five or more children at the time of the
35 criminal act, forty-three percent of the average monthly wage.

36 (6) The benefits established in RCW 51.32.080 for permanent partial
37 disability shall be the benefits obtainable under this chapter, and

1 provisions relating to payment contained in that section equally apply
2 under this chapter.

3 (7) The benefits established in RCW 51.32.090 for temporary total
4 disability shall be the benefits obtainable under this chapter, and
5 provisions relating to payment contained in that section apply under
6 this chapter(~~(+PROVIDED, That)~~). No person is eligible for temporary
7 total disability benefits under this chapter if such person was not
8 gainfully employed at the time of the criminal act, and was not so
9 employed for at least three consecutive months of the twelve months
10 immediately preceding the criminal act.

11 (8) The benefits established in RCW 51.32.095 for continuation of
12 benefits during vocational rehabilitation shall be benefits obtainable
13 under this chapter, and provisions relating to payment contained in
14 that section apply under this chapter(~~(+PROVIDED, That)~~). Benefits
15 shall not exceed five thousand dollars for any single injury.

16 (9) The provisions for lump sum payment of benefits upon death or
17 permanent total disability as contained in RCW 51.32.130 apply under
18 this chapter.

19 (10) The provisions relating to payment of benefits to, for or on
20 behalf of workers contained in RCW 51.32.040, 51.32.055, 51.32.100,
21 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and
22 51.32.210 are applicable to payment of benefits to, for or on behalf of
23 victims under this chapter.

24 (11) No person or spouse, child, or dependent of such person is
25 entitled to benefits under this chapter where the person making a claim
26 for such benefits has refused to give reasonable cooperation to state
27 or local law enforcement agencies in their efforts to apprehend and
28 convict the perpetrator(s) of the criminal act which gave rise to the
29 claim.

30 (12) In addition to other benefits provided under this chapter,
31 victims of sexual assault are entitled to receive appropriate
32 counseling. Fees for such counseling shall be determined by the
33 department in accordance with RCW 51.04.030, subject to the limitations
34 of RCW 7.68.080. Counseling services may include, if determined
35 appropriate by the department, counseling of members of the victim's
36 immediate family, other than the perpetrator of the assault.

37 (13) Except for medical benefits authorized under RCW 7.68.080, no
38 more than thirty thousand dollars shall be granted as a result of a

1 single injury or death, except that benefits granted as the result of
2 total permanent disability or death shall not exceed forty thousand
3 dollars.

4 (14) Notwithstanding other provisions of this chapter and Title 51
5 RCW, benefits payable for total temporary disability under subsection
6 (7) of this section, shall be limited to fifteen thousand dollars.

7 (15) Any person who is responsible for the victim's injuries, or
8 who would otherwise be unjustly enriched as a result of the victim's
9 injuries, shall not be a beneficiary under this chapter.

10 (16) Crime victims' compensation is not available to pay for
11 services covered under chapter 74.09 RCW or Title XIX of the federal
12 social security act, except to the extent that the costs for such
13 services exceed service limits established by the department of social
14 and health services or, during the 1993-95 fiscal biennium, to the
15 extent necessary to provide matching funds for federal medicaid
16 reimbursement.

17 (17) In addition to other benefits provided under this chapter,
18 immediate family members of a homicide victim may receive appropriate
19 counseling to assist in dealing with the immediate, near-term
20 consequences of the related effects of the homicide. Fees for
21 counseling shall be determined by the department in accordance with RCW
22 51.04.030, subject to the limitations of RCW 7.68.080. Payment of
23 counseling benefits under this section may not be provided to the
24 perpetrator of the homicide. The benefits under this subsection may be
25 provided only with respect to homicides committed on or after July 1,
26 1992.

27 (18) A dependent mother, father, stepmother, or stepfather, as
28 defined in RCW 51.08.050, who is a survivor of her or his child's
29 homicide, who has been requested by a law enforcement agency or a
30 prosecutor to assist in the judicial proceedings related to the death
31 of the victim, and who is not domiciled in Washington state at the time
32 of the request, may receive a lump-sum payment upon arrival in this
33 state. Total benefits under this subsection may not exceed seven
34 thousand five hundred dollars. If more than one dependent parent is
35 eligible for this benefit, the lump-sum payment of seven thousand five
36 hundred dollars shall be divided equally among the dependent parents.

37 (19) A victim whose crime occurred in another state who qualifies
38 for benefits under RCW 7.68.060(4) may receive appropriate mental

1 health counseling to address distress arising from participation in the
2 civil commitment proceedings. Fees for counseling shall be determined
3 by the department in accordance with RCW 51.04.030, subject to the
4 limitations of RCW 7.68.080.

5 **Sec. 7.** RCW 13.40.070 and 2009 c 252 s 3 are each amended to read
6 as follows:

7 (1) Complaints referred to the juvenile court alleging the
8 commission of an offense shall be referred directly to the prosecutor.
9 The prosecutor, upon receipt of a complaint, shall screen the complaint
10 to determine whether:

11 (a) The alleged facts bring the case within the jurisdiction of the
12 court; and

13 (b) On a basis of available evidence there is probable cause to
14 believe that the juvenile did commit the offense.

15 (2) If the identical alleged acts constitute an offense under both
16 the law of this state and an ordinance of any city or county of this
17 state, state law shall govern the prosecutor's screening and charging
18 decision for both filed and diverted cases.

19 (3) If the requirements of subsections (1)(a) and (b) of this
20 section are met, the prosecutor shall either file an information in
21 juvenile court or divert the case, as set forth in subsections (5),
22 (6), and ~~((+7))~~ (8) of this section. If the prosecutor finds that the
23 requirements of subsection (1)(a) and (b) of this section are not met,
24 the prosecutor shall maintain a record, for one year, of such decision
25 and the reasons therefor. In lieu of filing an information or
26 diverting an offense a prosecutor may file a motion to modify community
27 supervision where such offense constitutes a violation of community
28 supervision.

29 (4) An information shall be a plain, concise, and definite written
30 statement of the essential facts constituting the offense charged. It
31 shall be signed by the prosecuting attorney and conform to chapter
32 10.37 RCW.

33 (5) Except as provided in RCW 13.40.213 and subsection (7) of this
34 section, where a case is legally sufficient, the prosecutor shall file
35 an information with the juvenile court if:

36 (a) An alleged offender is accused of a class A felony, a class B
37 felony, an attempt to commit a class B felony, a class C felony listed

1 in RCW 9.94A.411(2) as a crime against persons or listed in RCW
2 9A.46.060 as a crime of harassment, or a class C felony that is a
3 violation of RCW 9.41.080 or 9.41.040(2)(a)(iii); or

4 (b) An alleged offender is accused of a felony and has a criminal
5 history of any felony, or at least two gross misdemeanors, or at least
6 two misdemeanors; or

7 (c) An alleged offender has previously been committed to the
8 department; or

9 (d) An alleged offender has been referred by a diversion unit for
10 prosecution or desires prosecution instead of diversion; or

11 (e) An alleged offender has two or more diversion agreements on the
12 alleged offender's criminal history; or

13 (f) A special allegation has been filed that the offender or an
14 accomplice was armed with a firearm when the offense was committed.

15 (6) Where a case is legally sufficient the prosecutor shall divert
16 the case if the alleged offense is a misdemeanor or gross misdemeanor
17 or violation and the alleged offense is the offender's first offense or
18 violation. If the alleged offender is charged with a related offense
19 that must or may be filed under subsections (5) and (~~(+7)~~) (8) of this
20 section, a case under this subsection may also be filed.

21 (7) Where a case is legally sufficient to charge an alleged
22 offender with either prostitution or prostitution loitering and the
23 alleged offense is the offender's first prostitution or prostitution
24 loitering offense, the prosecutor shall divert the case.

25 (8) Where a case is legally sufficient and falls into neither
26 subsection (5) nor (6) of this section, it may be filed or diverted.
27 In deciding whether to file or divert an offense under this section the
28 prosecutor shall be guided only by the length, seriousness, and recency
29 of the alleged offender's criminal history and the circumstances
30 surrounding the commission of the alleged offense.

31 (~~(+8)~~) (9) Whenever a juvenile is placed in custody or, where not
32 placed in custody, referred to a diversion interview, the parent or
33 legal guardian of the juvenile shall be notified as soon as possible
34 concerning the allegation made against the juvenile and the current
35 status of the juvenile. Where a case involves victims of crimes
36 against persons or victims whose property has not been recovered at the
37 time a juvenile is referred to a diversion unit, the victim shall be
38 notified of the referral and informed how to contact the unit.

1 (~~(9)~~) (10) The responsibilities of the prosecutor under
2 subsections (1) through (~~(8)~~) (9) of this section may be performed by
3 a juvenile court probation counselor for any complaint referred to the
4 court alleging the commission of an offense which would not be a felony
5 if committed by an adult, if the prosecutor has given sufficient
6 written notice to the juvenile court that the prosecutor will not
7 review such complaints.

8 (~~(10)~~) (11) The prosecutor, juvenile court probation counselor,
9 or diversion unit may, in exercising their authority under this section
10 or RCW 13.40.080, refer juveniles to mediation or victim offender
11 reconciliation programs. Such mediation or victim offender
12 reconciliation programs shall be voluntary for victims.

13 **Sec. 8.** RCW 13.40.213 and 2009 c 252 s 2 are each amended to read
14 as follows:

15 (1) When a juvenile is alleged to have committed the offenses of
16 prostitution or prostitution loitering, and the allegation, if proved,
17 would not be the juvenile's first offense, a prosecutor may divert the
18 offense if the county in which the offense is alleged to have been
19 committed has a comprehensive program that provides:

20 (a) Safe and stable housing;

21 (b) Comprehensive on-site case management;

22 (c) Integrated mental health and chemical dependency services,
23 including specialized trauma recovery services;

24 (d) Education and employment training delivered on-site; and

25 (e) Referrals to off-site specialized services, as appropriate.

26 (2) A prosecutor may divert a case for prostitution or prostitution
27 loitering into the comprehensive program described in this section,
28 notwithstanding the filing criteria set forth in RCW 13.40.070(5).

29 (3) A diversion agreement under this section may extend to twelve
30 months.

31 (4)(a) The administrative office of the courts shall compile data
32 regarding:

33 (i) The number of juveniles whose cases are diverted into the
34 comprehensive program described in this section;

35 (ii) Whether the juveniles complete their diversion agreements
36 under this section; and

1 (iii) Whether juveniles whose cases have been diverted under this
2 section have been subsequently arrested or committed subsequent
3 offenses.

4 (b) ((A)) An annual report of the data compiled shall be provided
5 to the governor and the appropriate committee of the legislature. The
6 first report is due by November 1, 2010.

7 NEW SECTION. Sec. 9. A new section is added to chapter 13.40 RCW
8 to read as follows:

9 In any proceeding under this chapter related to an arrest for
10 prostitution or prostitution loitering, there is a presumption that the
11 alleged offender meets the criteria for a certification as a victim of
12 a severe form of trafficking in persons as defined in section 7105 of
13 Title 22 of the United States code, and that the alleged offender is
14 also a victim of commercial sex abuse of a minor.

15 NEW SECTION. Sec. 10. A new section is added to chapter 74.15 RCW
16 to read as follows:

17 The department shall require that to be licensed or continue to be
18 licensed as a secure or semi-secure crisis residential center or HOPE
19 center that the center has on staff, or otherwise has access to, a
20 person who has been trained to work with the needs of sexually
21 exploited children. For purposes of this section, "sexually exploited
22 child" means that person as defined in RCW 13.32A.030(17).

23 **Sec. 11.** RCW 9.94A.515 and 2008 c 108 s 23 and 2008 c 38 s 1 are
24 each reenacted and amended to read as follows:

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	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)

1 XIV Murder 2 (RCW 9A.32.050)
2 Trafficking 1 (RCW 9A.40.100(1))
3 XIII Malicious explosion 2 (RCW
4 70.74.280(2))
5 Malicious placement of an explosive 1
6 (RCW 70.74.270(1))
7 XII Assault 1 (RCW 9A.36.011)
8 Assault of a Child 1 (RCW 9A.36.120)
9 Malicious placement of an imitation
10 device 1 (RCW 70.74.272(1)(a))
11 Promoting Commercial Sexual Abuse
12 of a Minor (RCW 9.68A.101)
13 Rape 1 (RCW 9A.44.040)
14 Rape of a Child 1 (RCW 9A.44.073)
15 Trafficking 2 (RCW 9A.40.100(2))
16 XI Manslaughter 1 (RCW 9A.32.060)
17 Rape 2 (RCW 9A.44.050)
18 Rape of a Child 2 (RCW 9A.44.076)
19 X Child Molestation 1 (RCW 9A.44.083)
20 Criminal Mistreatment 1 (RCW
21 9A.42.020)
22 Indecent Liberties (with forcible
23 compulsion) (RCW
24 9A.44.100(1)(a))
25 Kidnapping 1 (RCW 9A.40.020)
26 Leading Organized Crime (RCW
27 9A.82.060(1)(a))
28 Malicious explosion 3 (RCW
29 70.74.280(3))
30 Sexually Violent Predator Escape
31 (RCW 9A.76.115)
32 IX Abandonment of Dependent Person 1
33 (RCW 9A.42.060)
34 Assault of a Child 2 (RCW 9A.36.130)
35 Explosive devices prohibited (RCW
36 70.74.180)

1 Hit and Run--Death (RCW
2 46.52.020(4)(a))
3 Homicide by Watercraft, by being
4 under the influence of intoxicating
5 liquor or any drug (RCW
6 79A.60.050)
7 Inciting Criminal Profiteering (RCW
8 9A.82.060(1)(b))
9 Malicious placement of an explosive 2
10 (RCW 70.74.270(2))
11 Robbery 1 (RCW 9A.56.200)
12 Sexual Exploitation (RCW 9.68A.040)
13 Vehicular Homicide, by being under
14 the influence of intoxicating liquor
15 or any drug (RCW 46.61.520)
16 VIII Arson 1 (RCW 9A.48.020)
17 Commercial Sexual Abuse of a Minor
18 (RCW 9.68A.100)
19 Homicide by Watercraft, by the
20 operation of any vessel in a
21 reckless manner (RCW
22 79A.60.050)
23 Manslaughter 2 (RCW 9A.32.070)
24 ~~((Promoting Commercial Sexual Abuse~~
25 ~~of a Minor (RCW 9.68A.101)))~~
26 Promoting Prostitution 1 (RCW
27 9A.88.070)
28 Theft of Ammonia (RCW 69.55.010)
29 Vehicular Homicide, by the operation
30 of any vehicle in a reckless manner
31 (RCW 46.61.520)
32 VII Burglary 1 (RCW 9A.52.020)
33 Child Molestation 2 (RCW 9A.44.086)
34 Civil Disorder Training (RCW
35 9A.48.120)

1 Dealing in depictions of minor engaged
2 in sexually explicit conduct (RCW
3 9.68A.050)
4 Drive-by Shooting (RCW 9A.36.045)
5 Homicide by Watercraft, by disregard
6 for the safety of others (RCW
7 79A.60.050)
8 Indecent Liberties (without forcible
9 compulsion) (RCW 9A.44.100(1)
10 (b) and (c))
11 Introducing Contraband 1 (RCW
12 9A.76.140)
13 Malicious placement of an explosive 3
14 (RCW 70.74.270(3))
15 Negligently Causing Death By Use of a
16 Signal Preemption Device (RCW
17 46.37.675)
18 Sending, bringing into state depictions
19 of minor engaged in sexually
20 explicit conduct (RCW 9.68A.060)
21 Unlawful Possession of a Firearm in
22 the first degree (RCW 9.41.040(1))
23 Use of a Machine Gun in Commission
24 of a Felony (RCW 9.41.225)
25 Vehicular Homicide, by disregard for
26 the safety of others (RCW
27 46.61.520)
28 VI Bail Jumping with Murder 1 (RCW
29 9A.76.170(3)(a))
30 Bribery (RCW 9A.68.010)
31 Incest 1 (RCW 9A.64.020(1))
32 Intimidating a Judge (RCW 9A.72.160)
33 Intimidating a Juror/Witness (RCW
34 9A.72.110, 9A.72.130)
35 Malicious placement of an imitation
36 device 2 (RCW 70.74.272(1)(b))

1 Possession of Depictions of a Minor
2 Engaged in Sexually Explicit
3 Conduct (RCW 9.68A.070)
4 Rape of a Child 3 (RCW 9A.44.079)
5 Theft of a Firearm (RCW 9A.56.300)
6 Unlawful Storage of Ammonia (RCW
7 69.55.020)
8 V Abandonment of Dependent Person 2
9 (RCW 9A.42.070)
10 Advancing money or property for
11 extortionate extension of credit
12 (RCW 9A.82.030)
13 Bail Jumping with class A Felony
14 (RCW 9A.76.170(3)(b))
15 Child Molestation 3 (RCW 9A.44.089)
16 Criminal Mistreatment 2 (RCW
17 9A.42.030)
18 Custodial Sexual Misconduct 1 (RCW
19 9A.44.160)
20 Domestic Violence Court Order
21 Violation (RCW 10.99.040,
22 10.99.050, 26.09.300, 26.10.220,
23 26.26.138, 26.50.110, 26.52.070,
24 or 74.34.145)
25 Driving While Under the Influence
26 (RCW 46.61.502(6))
27 Extortion 1 (RCW 9A.56.120)
28 Extortionate Extension of Credit (RCW
29 9A.82.020)
30 Extortionate Means to Collect
31 Extensions of Credit (RCW
32 9A.82.040)
33 Incest 2 (RCW 9A.64.020(2))
34 Kidnapping 2 (RCW 9A.40.030)
35 Perjury 1 (RCW 9A.72.020)
36 Persistent prison misbehavior (RCW
37 9.94.070)

1 Physical Control of a Vehicle While
2 Under the Influence (RCW
3 46.61.504(6))
4 Possession of a Stolen Firearm (RCW
5 9A.56.310)
6 Rape 3 (RCW 9A.44.060)
7 Rendering Criminal Assistance 1
8 (RCW 9A.76.070)
9 Sexual Misconduct with a Minor 1
10 (RCW 9A.44.093)
11 Sexually Violating Human Remains
12 (RCW 9A.44.105)
13 Stalking (RCW 9A.46.110)
14 Taking Motor Vehicle Without
15 Permission 1 (RCW 9A.56.070)
16 IV Arson 2 (RCW 9A.48.030)
17 Assault 2 (RCW 9A.36.021)
18 Assault 3 (of a Peace Officer with a
19 Projectile Stun Gun) (RCW
20 9A.36.031(1)(h))
21 Assault by Watercraft (RCW
22 79A.60.060)
23 Bribing a Witness/Bribe Received by
24 Witness (RCW 9A.72.090,
25 9A.72.100)
26 Cheating 1 (RCW 9.46.1961)
27 Commercial Bribery (RCW 9A.68.060)
28 Counterfeiting (RCW 9.16.035(4))
29 Endangerment with a Controlled
30 Substance (RCW 9A.42.100)
31 Escape 1 (RCW 9A.76.110)
32 Hit and Run--Injury (RCW
33 46.52.020(4)(b))
34 Hit and Run with Vessel--Injury
35 Accident (RCW 79A.60.200(3))
36 Identity Theft 1 (RCW 9.35.020(2))

1 Indecent Exposure to Person Under
2 Age Fourteen (subsequent sex
3 offense) (RCW 9A.88.010)
4 Influencing Outcome of Sporting Event
5 (RCW 9A.82.070)
6 Malicious Harassment (RCW
7 9A.36.080)
8 Residential Burglary (RCW
9 9A.52.025)
10 Robbery 2 (RCW 9A.56.210)
11 Theft of Livestock 1 (RCW 9A.56.080)
12 Threats to Bomb (RCW 9.61.160)
13 Trafficking in Stolen Property 1 (RCW
14 9A.82.050)
15 Unlawful factoring of a credit card or
16 payment card transaction (RCW
17 9A.56.290(4)(b))
18 Unlawful transaction of health
19 coverage as a health care service
20 contractor (RCW 48.44.016(3))
21 Unlawful transaction of health
22 coverage as a health maintenance
23 organization (RCW 48.46.033(3))
24 Unlawful transaction of insurance
25 business (RCW 48.15.023(3))
26 Unlicensed practice as an insurance
27 professional (RCW
28 48.17.063(~~(3)~~)(2))
29 Use of Proceeds of Criminal
30 Profiteering (RCW 9A.82.080 (1)
31 and (2))
32 Vehicular Assault, by being under the
33 influence of intoxicating liquor or
34 any drug, or by the operation or
35 driving of a vehicle in a reckless
36 manner (RCW 46.61.522)

1 Willful Failure to Return from
2 Furlough (RCW 72.66.060)
3 III Animal Cruelty 1 (Sexual Conduct or
4 Contact) (RCW 16.52.205(3))
5 Assault 3 (Except Assault 3 of a Peace
6 Officer With a Projectile Stun
7 Gun) (RCW 9A.36.031 except
8 subsection (1)(h))
9 Assault of a Child 3 (RCW 9A.36.140)
10 Bail Jumping with class B or C Felony
11 (RCW 9A.76.170(3)(c))
12 Burglary 2 (RCW 9A.52.030)
13 ~~((Commercial Sexual Abuse of a Minor
14 (RCW 9.68A.100)))~~
15 Communication with a Minor for
16 Immoral Purposes (RCW
17 9.68A.090)
18 Criminal Gang Intimidation (RCW
19 9A.46.120)
20 Custodial Assault (RCW 9A.36.100)
21 Cyberstalking (subsequent conviction
22 or threat of death) (RCW
23 9.61.260(3))
24 Escape 2 (RCW 9A.76.120)
25 Extortion 2 (RCW 9A.56.130)
26 Harassment (RCW 9A.46.020)
27 Intimidating a Public Servant (RCW
28 9A.76.180)
29 Introducing Contraband 2 (RCW
30 9A.76.150)
31 Malicious Injury to Railroad Property
32 (RCW 81.60.070)
33 Mortgage Fraud (RCW 19.144.080)
34 Negligently Causing Substantial Bodily
35 Harm By Use of a Signal
36 Preemption Device (RCW
37 46.37.674)

1 Organized Retail Theft 1 (RCW
2 9A.56.350(2))
3 Perjury 2 (RCW 9A.72.030)
4 Possession of Incendiary Device (RCW
5 9.40.120)
6 Possession of Machine Gun or Short-
7 Barreled Shotgun or Rifle (RCW
8 9.41.190)
9 Promoting Prostitution 2 (RCW
10 9A.88.080)
11 Retail Theft with Extenuating
12 Circumstances 1 (RCW
13 9A.56.360(2))
14 Securities Act violation (RCW
15 21.20.400)
16 Tampering with a Witness (RCW
17 9A.72.120)
18 Telephone Harassment (subsequent
19 conviction or threat of death)
20 (RCW 9.61.230(2))
21 Theft of Livestock 2 (RCW 9A.56.083)
22 Theft with the Intent to Resell 1 (RCW
23 9A.56.340(2))
24 Trafficking in Stolen Property 2 (RCW
25 9A.82.055)
26 Unlawful Imprisonment (RCW
27 9A.40.040)
28 Unlawful possession of firearm in the
29 second degree (RCW 9.41.040(2))
30 Vehicular Assault, by the operation or
31 driving of a vehicle with disregard
32 for the safety of others (RCW
33 46.61.522)
34 Willful Failure to Return from Work
35 Release (RCW 72.65.070)
36 II Computer Trespass 1 (RCW
37 9A.52.110)

1 Counterfeiting (RCW 9.16.035(3))
2 Escape from Community Custody
3 (RCW 72.09.310)
4 Failure to Register as a Sex Offender
5 (second or subsequent offense)
6 (RCW 9A.44.130(11)(a))
7 Health Care False Claims (RCW
8 48.80.030)
9 Identity Theft 2 (RCW 9.35.020(3))
10 Improperly Obtaining Financial
11 Information (RCW 9.35.010)
12 Malicious Mischief 1 (RCW
13 9A.48.070)
14 Organized Retail Theft 2 (RCW
15 9A.56.350(3))
16 Possession of Stolen Property 1 (RCW
17 9A.56.150)
18 Possession of a Stolen Vehicle (RCW
19 9A.56.068)
20 Retail Theft with Extenuating
21 Circumstances 2 (RCW
22 9A.56.360(3))
23 Theft 1 (RCW 9A.56.030)
24 Theft of a Motor Vehicle (RCW
25 9A.56.065)
26 Theft of Rental, Leased, or Lease-
27 purchased Property (valued at one
28 thousand five hundred dollars or
29 more) (RCW 9A.56.096(5)(a))
30 Theft with the Intent to Resell 2 (RCW
31 9A.56.340(3))
32 Trafficking in Insurance Claims (RCW
33 48.30A.015)
34 Unlawful factoring of a credit card or
35 payment card transaction (RCW
36 9A.56.290(4)(a))

1 Unlawful Practice of Law (RCW
2 2.48.180)
3 Unlicensed Practice of a Profession or
4 Business (RCW 18.130.190(7))
5 Voyeurism (RCW 9A.44.115)
6 I Attempting to Elude a Pursuing Police
7 Vehicle (RCW 46.61.024)
8 False Verification for Welfare (RCW
9 74.08.055)
10 Forgery (RCW 9A.60.020)
11 Fraudulent Creation or Revocation of a
12 Mental Health Advance Directive
13 (RCW 9A.60.060)
14 Malicious Mischief 2 (RCW
15 9A.48.080)
16 Mineral Trespass (RCW 78.44.330)
17 Possession of Stolen Property 2 (RCW
18 9A.56.160)
19 Reckless Burning 1 (RCW 9A.48.040)
20 Taking Motor Vehicle Without
21 Permission 2 (RCW 9A.56.075)
22 Theft 2 (RCW 9A.56.040)
23 Theft of Rental, Leased, or Lease-
24 purchased Property (valued at two
25 hundred fifty dollars or more but
26 less than one thousand five
27 hundred dollars) (RCW
28 9A.56.096(5)(b))
29 Transaction of insurance business
30 beyond the scope of licensure
31 (RCW 48.17.063(((4))))
32 Unlawful Issuance of Checks or Drafts
33 (RCW 9A.56.060)
34 Unlawful Possession of Fictitious
35 Identification (RCW 9A.56.320)
36 Unlawful Possession of Instruments of
37 Financial Fraud (RCW 9A.56.320)

1 Unlawful Possession of Payment
2 Instruments (RCW 9A.56.320)
3 Unlawful Possession of a Personal
4 Identification Device (RCW
5 9A.56.320)
6 Unlawful Production of Payment
7 Instruments (RCW 9A.56.320)
8 Unlawful Trafficking in Food Stamps
9 (RCW 9.91.142)
10 Unlawful Use of Food Stamps (RCW
11 9.91.144)
12 Vehicle Prowl 1 (RCW 9A.52.095)

13 **Sec. 12.** RCW 9A.88.140 and 2009 c 387 s 1 are each amended to read
14 as follows:

15 (1)(a) Upon an arrest for a suspected violation of patronizing a
16 prostitute, promoting prostitution in the first degree, promoting
17 prostitution in the second degree, promoting travel for prostitution(~~(~~
18 ~~commercial sexual abuse of a minor, promoting commercial sexual abuse~~
19 ~~of a minor, or promoting travel for commercial sexual abuse of a~~
20 ~~minor))~~, the arresting law enforcement officer may impound the person's
21 vehicle if (i) the motor vehicle was used in the commission of the
22 crime; (ii) the person arrested is the owner of the vehicle or the
23 vehicle is a rental car as defined in RCW 46.04.465; and (iii) either
24 (A) the person arrested has previously been convicted of one of the
25 offenses listed in this subsection or (B) the offense was committed
26 within an area designated under (b) of this subsection.

27 (b) A local governing authority may designate areas within which
28 vehicles are subject to impoundment under this section regardless of
29 whether the person arrested has previously been convicted of any of the
30 offenses listed in (a) of this subsection.

31 (i) The designation must be based on evidence indicating that the
32 area has a disproportionately higher number of arrests for the offenses
33 listed in (a) of this subsection as compared to other areas within the
34 same jurisdiction.

35 (ii) The local governing authority shall post signs at the
36 boundaries of the designated area to indicate that the area has been
37 designated under this subsection.

1 (2) Upon an arrest for a suspected violation of commercial sexual
2 abuse of a minor, promoting commercial sexual abuse of a minor, or
3 promoting travel for commercial sexual abuse of a minor, the arresting
4 law enforcement officer shall impound the person's vehicle if (a) the
5 motor vehicle was used in the commission of the crime; and (b) the
6 person arrested is the owner of the vehicle or the vehicle is a rental
7 car as defined in RCW 46.04.465.

8 (3) Impoundments performed under this section shall be in
9 accordance with chapter 46.55 RCW and the impoundment order must
10 clearly state "prostitution hold."

11 ~~((+3+))~~ (4)(a) Prior to redeeming the impounded vehicle, and in
12 addition to all applicable impoundment, towing, and storage fees paid
13 to the towing company under chapter 46.55 RCW, the owner of the
14 impounded vehicle must pay a fine ~~((of five hundred dollars))~~ to the
15 impounding agency. The fine shall be five hundred dollars for the
16 offenses specified in subsection (1) of this section, or two thousand
17 five hundred dollars for the offenses specified in subsection (2) of
18 this section. The fine shall be deposited in the prostitution
19 prevention and intervention account established under RCW 43.63A.740.

20 (b) Upon receipt of the fine paid under (a) of this subsection, the
21 impounding agency shall issue a written receipt to the owner of the
22 impounded vehicle.

23 ~~((+4+))~~ (5)(a) In order to redeem a vehicle impounded under this
24 section, the owner must provide the towing company with the written
25 receipt issued under subsection ~~((+3+))~~ (4)(b) of this section.

26 (b) The written receipt issued under subsection ~~((+3+))~~ (4)(b) of
27 this section authorizes the towing company to release the impounded
28 vehicle upon payment of all impoundment, towing, and storage fees.

29 (c) A towing company that relies on a forged receipt to release a
30 vehicle impounded under this section is not liable to the impounding
31 authority for any unpaid fine under subsection ~~((+3+))~~ (4)(a) of this
32 section.

33 ~~((+5+))~~ (6)(a) In any proceeding under chapter 46.55 RCW to contest
34 the validity of an impoundment under this section where the claimant
35 substantially prevails, the claimant is entitled to a full refund of
36 the impoundment, towing, and storage fees paid under chapter 46.55 RCW
37 and the five hundred dollar fine paid under subsection ~~((+3+))~~ (4) of
38 this section.

1 (b) If the person is found not guilty at trial for a crime listed
2 under subsection (1) of this section, the person is entitled to a full
3 refund of the impoundment, towing, and storage fees paid under chapter
4 46.55 RCW and the (~~five hundred dollar~~) fine paid under subsection
5 (~~(3)~~) (4) of this section.

6 (c) All refunds made under this section shall be paid by the
7 impounding agency.

8 (d) Prior to receiving any refund under this section, the claimant
9 must provide proof of payment.

10 **Sec. 13.** RCW 9.68A.100 and 2007 c 368 s 2 are each amended to read
11 as follows:

12 (1) A person is guilty of commercial sexual abuse of a minor if:

13 (a) He or she pays a fee to a minor or a third person as
14 compensation for a minor having engaged in sexual conduct with him or
15 her;

16 (b) He or she pays or agrees to pay a fee to a minor or a third
17 person pursuant to an understanding that in return therefore such minor
18 will engage in sexual conduct with him or her; or

19 (c) He or she solicits, offers, or requests to engage in sexual
20 conduct with a minor in return for a fee.

21 (2) Commercial sexual abuse of a minor is a class (~~(C)~~) B felony
22 punishable under chapter 9A.20 RCW.

23 (3) In addition to any other penalty provided under chapter 9A.20
24 RCW, a person guilty of commercial sexual abuse of a minor is subject
25 to the provisions under RCW 9A.88.130 and 9A.88.140.

26 (4) For purposes of this section, "sexual conduct" means sexual
27 intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

28 **Sec. 14.** RCW 9.68A.101 and 2007 c 368 s 4 are each amended to read
29 as follows:

30 (1) A person is guilty of promoting commercial sexual abuse of a
31 minor if he or she knowingly advances commercial sexual abuse of a
32 minor or profits from a minor engaged in sexual conduct.

33 (2) Promoting commercial sexual abuse of a minor is a class (~~(B)~~)
34 A felony.

35 (3) For the purposes of this section:

1 (a) A person "advances commercial sexual abuse of a minor" if,
2 acting other than as a minor receiving compensation for personally
3 rendered sexual conduct or as a person engaged in commercial sexual
4 abuse of a minor, he or she causes or aids a person to commit or engage
5 in commercial sexual abuse of a minor, procures or solicits customers
6 for commercial sexual abuse of a minor, provides persons or premises
7 for the purposes of engaging in commercial sexual abuse of a minor,
8 operates or assists in the operation of a house or enterprise for the
9 purposes of engaging in commercial sexual abuse of a minor, or engages
10 in any other conduct designed to institute, aid, cause, assist, or
11 facilitate an act or enterprise of commercial sexual abuse of a minor.

12 (b) A person "profits from commercial sexual abuse of a minor" if,
13 acting other than as a minor receiving compensation for personally
14 rendered sexual conduct, he or she accepts or receives money or other
15 property pursuant to an agreement or understanding with any person
16 whereby he or she participates or will participate in the proceeds of
17 commercial sexual abuse of a minor.

18 (4) For purposes of this section, "sexual conduct" means sexual
19 intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

20 **Sec. 15.** RCW 9.68A.105 and 2007 c 368 s 11 are each amended to
21 read as follows:

22 (1)(a) In addition to penalties set forth in RCW 9.68A.100,
23 9.68A.101, and 9.68A.102, a person who is either convicted or given a
24 deferred sentence or a deferred prosecution or who has entered into a
25 statutory or nonstatutory diversion agreement as a result of an arrest
26 for violating RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable
27 county or municipal ordinance shall be assessed a five (~~hundred~~
28 ~~fifty~~) thousand dollar fee.

29 (b) The court may not suspend payment of all or part of the fee
30 unless it finds that the person does not have the ability to pay.

31 (c) When a minor has been adjudicated a juvenile offender or has
32 entered into a statutory or nonstatutory diversion agreement for an
33 offense which, if committed by an adult, would constitute a violation
34 of RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or
35 municipal ordinance, the court shall assess the fee under (a) of this
36 subsection. The court may not suspend payment of all or part of the

1 fee unless it finds that the minor does not have the ability to pay the
2 fee.

3 (2) The fee assessed under subsection (1) of this section shall be
4 collected by the clerk of the court and distributed each month to the
5 state treasurer for deposit in the prostitution prevention and
6 intervention account under RCW 43.63A.740 for the purpose of funding
7 prostitution prevention and intervention activities.

8 (3) For the purposes of this section:

9 (a) "Statutory or nonstatutory diversion agreement" means an
10 agreement under RCW 13.40.080 or any written agreement between a person
11 accused of an offense listed in subsection (1) of this section and a
12 court, county or city prosecutor, or designee thereof, whereby the
13 person agrees to fulfill certain conditions in lieu of prosecution.

14 (b) "Deferred sentence" means a sentence that will not be carried
15 out if the defendant meets certain requirements, such as complying with
16 the conditions of probation.

17 NEW SECTION. **Sec. 16.** If funds are appropriated specifically for
18 this purpose, the criminal justice training commission, in consultation
19 with the Washington association of sheriffs and police chiefs, shall,
20 by December 1, 2010, develop a model policy on law enforcement officer
21 implementation of the procedures provided in this act relating to
22 contact with a minor who is a "sexually exploited child" as defined in
23 this act or who is a victim of offenses related to commercial sexual
24 abuse of a minor as defined in chapter 9.68A RCW. The commission shall
25 develop a curriculum based on the model policy for inclusion in its
26 basic training academy by January 1, 2011.

27 **Sec. 17.** RCW 9.68A.110 and 2007 c 368 s 3 are each amended to read
28 as follows:

29 (1) In a prosecution under RCW 9.68A.040, it is not a defense that
30 the defendant was involved in activities of law enforcement and
31 prosecution agencies in the investigation and prosecution of criminal
32 offenses. Law enforcement and prosecution agencies shall not employ
33 minors to aid in the investigation of a violation of RCW 9.68A.090 or
34 9.68A.100. This chapter does not apply to lawful conduct between
35 spouses.

1 (2) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070, or
2 9.68A.080, it is not a defense that the defendant did not know the age
3 of the child depicted in the visual or printed matter(~~(+—PROVIDED,~~
4 ~~That)~~). It is a defense, which the defendant must prove by a
5 preponderance of the evidence, that at the time of the offense the
6 defendant was not in possession of any facts on the basis of which he
7 or she should reasonably have known that the person depicted was a
8 minor.

9 (3) In a prosecution under RCW 9.68A.040, 9.68A.090, 9.68A.100,
10 9.68A.101, or 9.68A.102, it is not a defense that the defendant did not
11 know the alleged victim's age(~~(+—PROVIDED, That)~~). It is a defense,
12 which the defendant must prove by a preponderance of the evidence, that
13 at the time of the offense, the defendant made a reasonable bona fide
14 attempt to ascertain the true age of the minor by requiring production
15 of a driver's license, marriage license, birth certificate, or other
16 governmental or educational identification card or paper and did not
17 rely solely on the oral allegations or apparent age of the minor.

18 (4) In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070,
19 it shall be an affirmative defense that the defendant was a law
20 enforcement officer in the process of conducting an official
21 investigation of a sex-related crime against a minor, or that the
22 defendant was providing individual case treatment as a recognized
23 medical facility or as a psychiatrist or psychologist licensed under
24 Title 18 RCW.

25 (5) In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070,
26 the state is not required to establish the identity of the alleged
27 victim.

28 **Sec. 18.** RCW 43.63A.740 and 2009 c 387 s 2 are each amended to
29 read as follows:

30 The prostitution prevention and intervention account is created in
31 the state treasury. All designated receipts from fees under RCW
32 9.68A.105 and 9A.88.120 and fines collected under RCW 9A.88.140 shall
33 be deposited into the account. Expenditures from the account may be
34 used (~~(only for)~~) in the following order of priority:

35 (1) Programs that provide mental health and substance abuse
36 counseling, parenting skills training, housing relief, education, and

1 vocational training for youth who have been diverted for a prostitution
2 or prostitution loitering offense pursuant to RCW 13.40.213;

3 (2) Funding for services provided to sexually exploited children as
4 defined in RCW 13.32A.030 in secure and semi-secure crisis residential
5 centers with access to staff trained to meet their specific needs;

6 (3) Funding for services specified in RCW 74.14B.060 and 74.14B.070
7 for sexually exploited children; and

8 (4) Funding the grant program to enhance prostitution prevention
9 and intervention services under RCW 43.63A.720.

10 NEW SECTION. Sec. 19. The following acts or parts of acts are
11 each repealed: 2009 c 252 s 4 (uncodified)."

12 Correct the title.

--- END ---