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SENATE BILL 6257

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State of Washington

62nd Legislature

2012 Regular Session

By Senators Roach, Conway, Swecker, Fraser, Pflug, Kohl-Welles, Eide, Delvin, Stevens, Padden, Regala, Chase, Tom, Kastama, Haugen, Litzow, Brown, Kline, Shin, Nelson, and Keiser

Read first time 01/16/12. Referred to Committee on Judiciary.

1 AN ACT Relating to sexually explicit performance; amending RCW  
2 9.68A.101 and 9A.40.100; and prescribing penalties.

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

4 **Sec. 1.** RCW 9.68A.101 and 2010 c 289 s 14 are each amended to read  
5 as follows:

6 (1) A person is guilty of promoting commercial sexual abuse of a  
7 minor if he or she knowingly advances commercial sexual abuse or a  
8 sexually explicit performance of a minor or profits from a minor  
9 engaged in sexual conduct or a sexually explicit performance.

10 (2) Promoting commercial sexual abuse of a minor is a class A  
11 felony.

12 (3) For the purposes of this section:

13 (a) A person "advances commercial sexual abuse of a minor" if,  
14 acting other than as a minor receiving compensation for personally  
15 rendered sexual conduct or as a person engaged in commercial sexual  
16 abuse of a minor, he or she causes or aids a person to commit or engage  
17 in commercial sexual abuse of a minor, procures or solicits customers  
18 for commercial sexual abuse of a minor, provides persons or premises  
19 for the purposes of engaging in commercial sexual abuse of a minor,

1 operates or assists in the operation of a house or enterprise for the  
2 purposes of engaging in commercial sexual abuse of a minor, or engages  
3 in any other conduct designed to institute, aid, cause, assist, or  
4 facilitate an act or enterprise of commercial sexual abuse of a minor.

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

11 (c) A "sexually explicit performance" is a public, private, or live  
12 photographed, recorded, or videotaped act or show intended to arouse or  
13 satisfy the sexual desires or appeal to the prurient interests of  
14 patrons.

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

17 **Sec. 2.** RCW 9A.40.100 and 2011 c 111 s 1 are each amended to read  
18 as follows:

19 (1)(a) A person is guilty of trafficking in the first degree when:

20 (i) Such person:

21 (A) Recruits, harbors, transports, transfers, provides, obtains, or  
22 receives by any means another person knowing that force, fraud, or  
23 coercion as defined in RCW 9A.36.070 will be used to cause the person  
24 to engage in forced labor, involuntary servitude, a sexually explicit  
25 performance, or a commercial sex act; or

26 (B) Benefits financially or by receiving anything of value from  
27 participation in a venture that has engaged in acts set forth in  
28 (a)(i)(A) of this subsection; and

29 (ii) The acts or venture set forth in (a)(i) of this subsection:

30 (A) Involve committing or attempting to commit kidnapping;

31 (B) Involve a finding of sexual motivation under RCW 9.94A.835;

32 (C) Involve the illegal harvesting or sale of human organs; or

33 (D) Result in a death.

34 (b) Trafficking in the first degree is a class A felony.

35 (2)(a) A person is guilty of trafficking in the second degree when  
36 such person:

1 (i) Recruits, harbors, transports, transfers, provides, obtains, or  
2 receives by any means another person knowing that force, fraud, or  
3 coercion as defined in RCW 9A.36.070 will be used to cause the person  
4 to engage in forced labor, involuntary servitude, a sexually explicit  
5 performance, or a commercial sex act; or

6 (ii) Benefits financially or by receiving anything of value from  
7 participation in a venture that has engaged in acts set forth in (a)(i)  
8 of this subsection.

9 (b) Trafficking in the second degree is a class A felony.

10 (3) For purposes of this section, "sexually explicit performance"  
11 means a public, private, or live photographed, recorded, or videotaped  
12 act or show intended to arouse or satisfy the sexual desires or appeal  
13 to the prurient interests of patrons.

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