
SENATE BILL 6131

State of Washington 54th Legislature 1996 Regular Session

By Senators Fairley, Fraser, Kohl, Quigley and Rasmussen

Read first time 01/08/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to a civil action as a remedy for coercion in the
2 making of sexually explicit films or videos; adding new sections to
3 chapter 9.68 RCW; creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that preventing and
6 remedying sexual exploitation is a government objective of extreme
7 importance. The legislature further finds that individuals have been
8 coerced into performing sexual acts in films and other media for the
9 financial gain of others. The legislature also finds that the victim
10 is further victimized when the reproduction of the sexual exploitation
11 is viewed by others.

12 NEW SECTION. **Sec. 2.** Unless the context clearly requires
13 otherwise, the definitions in this section apply throughout sections 3
14 through 6 of this act.

15 (1) "Coerced" means that coercion as defined in RCW 9A.36.070 has
16 been applied.

17 (2) "Sexually explicit conduct" has the same meaning as in RCW
18 9.68A.011(3) (a),(b),(c),(d), and (f).

1 NEW SECTION. **Sec. 3.** Any person who is coerced into performing
2 sexually explicit conduct in a film or video may bring a cause of
3 action against any person who coerced the person into the performance.
4 If the court finds that the performance is the result of coercion, the
5 court shall order that the original and all copies of the film or video
6 in the possession or control of the defendant or defendants be
7 surrendered to the court for destruction and may award actual damages,
8 punitive damages of up to fifty thousand dollars, injunctive relief
9 including the prevention of any further display of the coerced
10 performance, attorneys' fees, and court costs.

11 NEW SECTION. **Sec. 4.** After a court has found that a performance
12 is the result of coercion under section 3 of this act, the coerced
13 person may file an action against any person who has been served with
14 a copy of the judgment obtained under section 3 of this act and who
15 makes, copies, distributes, exhibits, or sells a film or video of the
16 performance. If the plaintiff prevails in this action, the court may
17 award damages, injunctive relief including the prevention of any
18 further display of the coerced performance, attorneys' fees, and court
19 costs. The court shall also order that the original and all copies of
20 the film or video in the possession or control of the defendant or
21 defendants in this action be surrendered to the court for destruction.

22 NEW SECTION. **Sec. 5.** If the film or video containing the coerced
23 performance is enjoined from further display under section 3 or 4 of
24 this act, a purchaser of the product containing the coerced performance
25 is entitled to be reimbursed by the seller for the actual cost of the
26 product and may bring an action in any court to enforce this section.
27 Any person who prevails in a court action for reimbursement under this
28 section shall be awarded attorneys' fees and court costs. All copies
29 of the film or video that are subject to reimbursement under this
30 section shall be surrendered to the court for destruction.

31 NEW SECTION. **Sec. 6.** (1) A claim brought under sections 3 through
32 5 of this act shall not expire before six years have elapsed from the
33 date of the coerced performance or performances or from the last
34 appearance or sale of any product of the performance or performances,
35 whichever date is later.

1 (2) Proof of one or more of the following facts or conditions shall
2 not by itself negate a finding of coercion:

3 (a) The person is or has been a prostitute;

4 (b) The person has attained the age of majority;

5 (c) The person is connected by blood or marriage to anyone involved
6 in or related to the making of the film or video;

7 (d) The person has previously had, or been thought to have had,
8 sexual relations with anyone, including anyone involved in or related
9 to the making of the film or video;

10 (e) The person has previously posed for sexually explicit pictures
11 for or with anyone, including anyone involved in or related to the
12 making of the film or video that is the subject of the claim;

13 (f) Anyone else, including a spouse or other relative, has given
14 permission on the person's behalf;

15 (g) The person knew the purpose of the acts or events in question
16 was to make the film or video;

17 (h) The person showed no resistance or appeared to cooperate
18 actively in the photographic sessions or in the events that produced
19 the film or video;

20 (i) The person signed a contract, or made statements affirming a
21 willingness to cooperate in the production of the film or video;

22 (j) No physical force or weapons were used in the making of the
23 film or video;

24 (k) The person was paid or otherwise compensated.

25 NEW SECTION. **Sec. 7.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

29 NEW SECTION. **Sec. 8.** Sections 2 through 6 of this act are each
30 added to chapter 9.68 RCW.

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