

HOUSE BILL REPORT

HB 1464

As Reported By House Committee On:

Criminal Justice & Corrections

Title: An act relating to sexual exploitation of minors.

Brief Description: Including computer images in the definition of "visual or printed matter."

Sponsors: Representatives H. Sommers, Sheahan, Dickerson, Hurst, Lambert, Tokuda, Lisk, Doumit, Rockefeller, Lantz, Kenney, McIntire and Edmonds.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/9/99, 2/17/99 [DPS].

Brief Summary of Substitute Bill

- Expands the state's obscenity and pornography statute to require any person, in the course of maintaining or repairing a computer or computer equipment, discovering child pornography stored on the computer, to report the incident to the local law enforcement agency.
- Failure to report child pornography stored on a computer is a gross misdemeanor.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Staff: Yvonne Walker (786-7841).

Background:

The state's obscenity and pornography statute requires a person discovering child pornography in the course of developing or processing film or other visual matter to report the incident to the local law enforcement agency. Failure to report child pornography film that is presented for developing is a gross misdemeanor.

The maximum penalty for a gross misdemeanor is one year in jail or a fine of \$5,000 or both.

Summary of Substitute Bill:

The state's obscenity and pornography statute is expanded to include any person, in the course of maintaining or repairing a computer or computer equipment, discovering child pornography stored on the computer must report the incident to the local law enforcement agency. Failure to report child pornography stored on a computer is a gross misdemeanor.

The definition of photograph is expanded to include digital images, as well as any "tangible" or "intangible" item produced by photographing.

Substitute Bill Compared to Original Bill:

In the original bill, the crime of failing to report child pornography stored on a computer only included digital images or pictures that were "tangible" pieces of material. Since the bill relates to computers, the bill was amended to include "intangible" pieces of material to ensure that digital images of child pornography are also included in the law.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Original bill) When the original pornography statute was drafted in 1984, the Legislature tried to include every type of criminal offense there was at the time. However, over the years technology has surpassed the statute and now computers are being used as the newest means of distributing pornography to children.

Approximately 9.8 million people use the Internet today and that number is predicted to triple in the next four years. The problem is that predators seduce children on a regular basis through computers and they often e-mail children's pictures of pornography that can be downloaded onto any computer.

This bill will clarify any argument that computer images are included in the statute and the failure to report child pornography stored on a computer is a gross misdemeanor.

Testimony Against: None.

Testified: (In support) Patrick Sainsbury, King County Prosecuting Attorney; and Deborah Kronk, Seattle Police Department.