

# SENATE BILL REPORT

## HB 1512

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As Reported By Senate Committee On:  
Judiciary, February 28, 2002

**Title:** An act relating to sexual exploitation of minors.

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

**Sponsors:** Representatives Sommers, Ballasiotes, O'Brien, Kagi, Lambert, Dickerson, Lisk, Lovick, Hurst, Delvin, Hankins, Keiser and Dunn.

**Brief History:**

**Committee Activity:** Judiciary: 2/28/02 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Long, McCaslin, Roach, Thibaudeau and Zarelli.

**Staff:** Lidia Mori (786-7755)

**Background:** If a person, in the course of processing or producing visual or printed matter, has reasonable cause to believe the visual or printed matter submitted for processing or producing depicts a minor engaged in sexually explicit conduct, he or she must report it immediately to the proper law enforcement agency. Failure to do so is a gross misdemeanor.

In a 1999 case, the Washington Court of Appeals, Division I, held that the crime of possessing child pornography includes possessing digital computer images of child pornography. The defendant in that case argued that the statute only applies to tangible items and does not apply to digitized information stored on a computer hard drive. The court rejected that argument, reasoning that the computerized images originated as photographs and, therefore, fall within the meaning of the statute, *State v. Rosul*, 95 Wn. App. 175 (1999). The defendant appealed, but the state Supreme Court has denied review of the case.

For purposes of the chapter dealing with sexual exploitation of children, to "photograph" means to make a print, negative, slide, motion picture, or videotape. A "photograph" means any tangible item produced by photographing.

**Summary of Bill:** In a situation where a computer has been submitted either privately or commercially for repair, modification, or maintenance, and a person develops reasonable cause to believe the computer stores visual or printed matter that depicts a minor engaged in sexually explicit conduct, the person performing the repair, modification, or maintenance may report the incident to law enforcement. A person who makes such a report in good faith is immune from civil liability for making the report.

For purposes of the chapter dealing with sexual exploitation of children, to "photograph" means to make a print, negative, slide, digital image, motion picture, or videotape. A "photograph" means anything tangible or intangible produced by photographing.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** None.

**Testimony Against:** None.

**Testified:** No one.