

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6257

Chapter 144, Laws of 2012

62nd Legislature
2012 Regular Session

COMMERCIAL SEX ABUSE OF A MINOR--SEXUALLY EXPLICIT ACT

EFFECTIVE DATE: 06/07/12

Passed by the Senate March 6, 2012
YEAS 49 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House February 27, 2012
YEAS 96 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 29, 2012, 3:25 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6257** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 29, 2012

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 6257

AS AMENDED BY THE HOUSE

Passed Legislature - 2012 Regular Session

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 a sexually explicit act; amending RCW 9.68A.101
2 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 act of a minor or profits from a minor engaged in
9 sexual conduct or a sexually explicit act.

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 person "advances a sexually explicit act of a minor" if he or
12 she causes or aids a sexually explicit act of a minor, procures or
13 solicits customers for a sexually explicit act of a minor, provides
14 persons or premises for the purposes of a sexually explicit act of a
15 minor, or engages in any other conduct designed to institute, aid,
16 cause, assist, or facilitate a sexually explicit act of a minor.

17 (d) A "sexually explicit act" is a public, private, or live
18 photographed, recorded, or videotaped act or show intended to arouse or
19 satisfy the sexual desires or appeal to the prurient interests of
20 patrons and for which something of value is given or received.

21 (e) A "patron" is a person who pays or agrees to pay a fee to
22 another person as compensation for a sexually explicit act of a minor
23 or who solicits or requests a sexually explicit act of a minor in
24 return for a fee.

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

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

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

30 (i) Such person:

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

36 (B) Benefits financially or by receiving anything of value from

1 participation in a venture that has engaged in acts set forth in
2 (a)(i)(A) of this subsection; and
3 (ii) The acts or venture set forth in (a)(i) of this subsection:
4 (A) Involve committing or attempting to commit kidnapping;
5 (B) Involve a finding of sexual motivation under RCW 9.94A.835;
6 (C) Involve the illegal harvesting or sale of human organs; or
7 (D) Result in a death.
8 (b) Trafficking in the first degree is a class A felony.
9 (2)(a) A person is guilty of trafficking in the second degree when
10 such person:
11 (i) Recruits, harbors, transports, transfers, provides, obtains, or
12 receives by any means another person knowing that force, fraud, or
13 coercion as defined in RCW 9A.36.070 will be used to cause the person
14 to engage in forced labor, involuntary servitude, a sexually explicit
15 act, or a commercial sex act; or
16 (ii) Benefits financially or by receiving anything of value from
17 participation in a venture that has engaged in acts set forth in (a)(i)
18 of this subsection.
19 (b) Trafficking in the second degree is a class A felony.
20 (3) For purposes of this section, "sexually explicit act" means a
21 public, private, or live photographed, recorded, or videotaped act or
22 show intended to arouse or satisfy the sexual desires or appeal to the
23 prurient interests of patrons.

Passed by the Senate March 6, 2012.

Passed by the House February 27, 2012.

Approved by the Governor March 29, 2012.

Filed in Office of Secretary of State March 29, 2012.