
HOUSE BILL 2556

State of Washington

56th Legislature

2000 Regular Session

By Representatives Carrell, Lambert, Schindler, Kastama, Fortunato, Cox, McDonald and Crouse

Read first time 01/17/2000. Referred to Committee on Judiciary.

1 AN ACT Relating to preventing access by minors to materials about
2 bomb making; adding a new chapter to Title 9 RCW; prescribing
3 penalties; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that an ever-
6 increasing amount of information on making explosive devices such as
7 bombs is being made readily available to an ever-growing number of
8 people, including young children. Minors are being given access to
9 information on how to make explosive devices with such specificity and
10 sufficiency that they are able to quickly assemble a bomb with
11 otherwise legal and easily obtainable materials and cause it to be
12 detonated.

13 There is no right, constitutional or otherwise, to make or possess
14 bombs and government should exercise its legitimate authority to ensure
15 the safety of its citizens. The legislature intends to exercise its
16 police powers to maintain the safety of children and protect the public
17 at large by ensuring access to information regarding explosive devices
18 and the use or disposal of such devices by minors are properly
19 authorized and supervised.

1 NEW SECTION. **Sec. 2.** The definitions in this section apply

2 throughout this chapter unless the context clearly requires otherwise.

3 (1) "Bomb" means any device containing an explosive substance and
4 capable of being exploded. "Bomb" does not include fireworks or small
5 arms ammunition or small arms primers as defined and authorized under
6 state or federal law.

7 (2) "Instructions" does not include information clearly and
8 obviously intended for safety instructional purposes only.

9 (3) "Knowledge" means knowledge as defined in RCW 9A.08.010.

10 (4) "Knowledge of its character" means that the person has
11 knowledge that the material contains, depicts, or describes
12 instructions about explosive devices or substances with such
13 specificity and sufficiency that a person using the information would
14 be able to assemble a bomb and cause it to be detonated. Such
15 knowledge may be proved by direct or circumstantial evidence, or both.

16 (5) "Material" means a picture film or a publication, or any
17 combination thereof.

18 (6) "Minor" means any person under the age of eighteen years.

19 (7) "Person" means any individual, partnership, firm, association,
20 corporation, or other legal entity.

21 (8) "Picture film" means any film, film or plate negative, film or
22 plate positive, film designed to be projected on a screen for
23 exhibition, glass slides or transparencies, either in negative or
24 positive form, designed for exhibition by projection on a screen,
25 videotape, or any other medium used to electronically transmit or
26 reproduce images on a screen.

27 (9) "Publication" means any book, magazine, article, pamphlet,
28 writing, printing illustration, picture, sound recording, electronic
29 transmission, or telephonic communication.

30 NEW SECTION. **Sec. 3.** No person may, with knowledge of its

31 character, provide materials about bomb making in such a way that
32 minors, as part of the invited general public, are able to access the
33 material. However, a person is deemed not to have provided access to
34 materials about bomb making to minors if:

35 (1) The materials about bomb making are kept in an area that is not
36 accessible to minors without the consent of the minor's parent or
37 guardian;

1 (2) In the case of an operator who transmits materials about bomb
2 making via cable television transmissions, the operator first notifies
3 the subscriber of the availability of a device that allows a subscriber
4 to prohibit access to the viewing of a particular cable transmission;

5 (3) In the case of a person who provides a minor with access to a
6 computer containing material about bomb making that is stored locally,
7 or that can be connected to the internet, the computer is equipped with
8 specialized filtering software actively installed for the purpose of
9 protecting minors from accessing materials about bomb making;

10 (4) In the case of a person publishing a world wide web page
11 containing materials about bomb making, the web page contains codes or
12 hidden comments that trigger the blocking mechanisms of any browser-
13 filtering software that is designed for the purpose of protecting
14 minors from accessing materials about bomb making;

15 (5) In the case of a person hosting or mirroring internet content
16 on servers located within the state of Washington, the person mandates
17 the inclusion in all web pages of codes or hidden comments that trigger
18 the blocking mechanisms of any browser-filtering software that is
19 designed for the purpose of protecting minors from accessing materials
20 about bomb making; or

21 (6) In the case of a person providing electronic communications or
22 telecommunications access or connection to or from a facility, system,
23 or network, whether one-way or interactive, including transmission,
24 downloading, storage, navigational tools, and related capabilities that
25 are incidental to the provision of the electronic communications or
26 telecommunications access or connection, the person mandates the
27 inclusion in all web pages of codes or hidden comments that trigger the
28 blocking mechanisms of any browser-filtering software that is designed
29 for the purpose of protecting minors from accessing materials about
30 bomb making, or to sell, furnish, present, distribute, allow to view or
31 hear, or otherwise disseminate to a minor, with or without
32 consideration, any materials about bomb making.

33 NEW SECTION. **Sec. 4.** In any prosecution for violation of section
34 3 of this act, it is an affirmative defense that:

35 (1) The materials about bomb making were displayed or otherwise
36 disseminated to a minor by the minor's parent or legal guardian, for a
37 bona fide purpose;

1 (2) The person made a reasonable good faith attempt to ascertain
2 the true age of the minor by requiring production of a driver's
3 license, marriage license, birth certificate, or other governmental or
4 educational identification card or paper, or copy thereof if supplied
5 by mail or electronic facsimile when in-person production thereof is
6 impractical, and not relying solely on the oral allegations or apparent
7 age of the minor; or

8 (3) If engaged in the commercial distribution of materials about
9 bomb making by electronic or telephonic transmission, access by persons
10 under eighteen years of age is restricted by requiring use of a
11 verified credit card, debit account, adult access code, or adult
12 personal identification number before transmission of the material.

13 NEW SECTION. **Sec. 5.** (1) A person who is convicted of violating
14 section 3 of this act is guilty of a gross misdemeanor punishable under
15 RCW 9.92.020.

16 (2) Each day that a violation of section 3 of this act occurs or
17 continues is a separate offense and is punishable as a separate
18 violation.

19 (3) Every act, thing, or transaction prohibited by section 3 of
20 this act is a separate offense as to each item involved and is
21 punishable as such.

22 (4) For the purpose of this section, multiple copies of the same
23 identical item, or other such identical materials are a single offense.

24 NEW SECTION. **Sec. 6.** (1) Any person who is injured by a bomb,
25 any person who is a parent, guardian, or sibling of a person who has
26 been injured or killed by a bomb, and the estate of a person who has
27 been killed by a bomb has a cause of action against:

28 (a) Any person who committed a violation of section 3 of this act
29 and as a result of the violation the person was injured or killed; and

30 (b) Any parent or guardian of a minor who knew that a minor under
31 his or her control possessed a bomb without the parent's or guardian's
32 consent or not for a bona fide purpose, or who reasonably should have
33 known that a minor under his or her control possessed a bomb for other
34 than a bona fide purpose, and who failed to ensure the bomb was
35 disposed of in a lawful manner, and as a result of the failure the
36 person was injured or killed.

1 (2) In such an action, in addition to damages for medical,
2 hospital, medication expenses, and loss of services and support,
3 damages may be recovered for pain and suffering and the loss of love
4 and companionship of the person in such amount as, under all the
5 circumstances of the case, may be just.

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

10 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
11 preservation of the public peace, health, or safety, or support of the
12 state government and its existing public institutions, and takes effect
13 immediately.

14 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute
15 a new chapter in Title 9 RCW.

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