

1 **HB 1512** - H AMD

2 By Representative Carrell

3 Strike everything after the enacting clause and insert the  
4 following:

5 "Sec. 1. RCW 9.68A.011 and 1989 c 32 s 1 are each amended to read  
6 as follows:

7 Unless the context clearly indicates otherwise, the definitions in  
8 this section apply throughout this chapter.

9 (1) To "photograph" means to make a print, negative, slide,  
10 digital image, motion picture, or videotape. A "photograph" means  
11 ~~((any))~~ anything tangible ~~((item))~~ or intangible produced by  
12 photographing.

13 (2) "Visual or printed matter" means any photograph or other  
14 material that contains a reproduction of a photograph.

15 (3) "Sexually explicit conduct" means actual or simulated:

16 (a) Sexual intercourse, including genital-genital, oral-genital,  
17 anal-genital, or oral-anal, whether between persons of the same or  
18 opposite sex or between humans and animals;

19 (b) Penetration of the vagina or rectum by any object;

20 (c) Masturbation;

21 (d) Sadomasochistic abuse for the purpose of sexual stimulation of  
22 the viewer;

23 (e) Exhibition of the genitals or unclothed pubic or rectal areas  
24 of any minor, or the unclothed breast of a female minor, for the  
25 purpose of sexual stimulation of the viewer;

26 (f) Defecation or urination for the purpose of sexual stimulation  
27 of the viewer; and

28 (g) Touching of a person's clothed or unclothed genitals, pubic  
29 area, buttocks, or breast area for the purpose of sexual stimulation of  
30 the viewer.

31 (4) "Minor" means any person under eighteen years of age.

1 (5) "Live performance" means any play, show, skit, dance, or other  
2 exhibition performed or presented to or before an audience of one or  
3 more, with or without consideration.

4 **Sec. 2.** RCW 9.68A.080 and 1989 c 32 s 6 are each amended to read  
5 as follows:

6 (1) A person who, in the course of processing or producing visual  
7 or printed matter either privately or commercially, has reasonable  
8 cause to believe that the visual or printed matter submitted for  
9 processing or producing depicts a minor engaged in sexually explicit  
10 conduct shall immediately report such incident, or cause a report to be  
11 made, to the proper law enforcement agency. Persons failing to do so  
12 are guilty of a gross misdemeanor.

13 (2) If, in the course of repairing, modifying, or maintaining a  
14 computer that has been submitted either privately or commercially for  
15 repair, modification, or maintenance, a person has reasonable cause to  
16 believe that the user of the computer has knowingly stored visual or  
17 printed matter that depicts a minor engaged in sexually explicit  
18 conduct, the person performing the repair, modification, or maintenance  
19 may report such incident, or cause a report to be made, to the proper  
20 law enforcement agency. This subsection shall not be construed to  
21 require a person repairing, modifying, or maintaining a computer to  
22 review or search information stored on any part of a computer other  
23 than that which is needed to effectuate its repair, modification or  
24 maintenance.

25 (3) A person who has made a report in good faith under this  
26 section is immune from liability resulting from the report or  
27 testimony."

EFFECT: Authorizes a person who, in the course of repairing a computer that has been submitted for repair, believes that the user of the computer has knowingly stored matter that depicts a minor engaged in sexually explicit conduct, to report such incident to a law enforcement agency; provides that the person doing the repair is not required to search for information stored on any part of a computer other than that which is needed to

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effectuate its repair; and ensures that persons making reports in good faith are immune from liability resulting from the report.

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