
SENATE BILL 6346

State of Washington 57th Legislature

2002 Regular Session

By Senators Kline, Finkbeiner, Haugen, Roach, Kastama, Hochstatter, Keiser and Winsley

Read first time 01/16/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to sexual exploitation of minors; and amending RCW
2 9.68A.011 and 9.68A.080.

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

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

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

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

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

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

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

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

18 (c) Masturbation;

1 (d) Sadomasochistic abuse for the purpose of sexual stimulation of
2 the viewer;

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

6 (f) Defecation or urination for the purpose of sexual stimulation
7 of the viewer; and

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

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

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

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

17 (1) A person who, in the course of processing or producing visual
18 or printed matter either privately or commercially, has reasonable
19 cause to believe that the visual or printed matter submitted for
20 processing or producing depicts a minor engaged in sexually explicit
21 conduct shall immediately report such incident, or cause a report to be
22 made, to the proper law enforcement agency. Persons failing to do so
23 are guilty of a gross misdemeanor.

24 (2) If, in the course of repairing, modifying, or maintaining a
25 computer that has been submitted either privately or commercially for
26 repair, modification, or maintenance, a person has reasonable cause to
27 believe that the computer stores visual or printed matter that depicts
28 a minor engaged in sexually explicit conduct, the person performing the
29 repair, modification, or maintenance may report such incident, or cause
30 a report to be made, to the proper law enforcement agency.

31 (3) A person who makes a report in good faith under this section is
32 immune from civil liability resulting from the report.

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