

ESB 6257 - H COMM AMD

By Committee on Public Safety & Emergency Preparedness

ADOPTED 02/27/2012

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9.68A.101 and 2010 c 289 s 14 are each amended to
4 read as follows:

5 (1) A person is guilty of promoting commercial sexual abuse of a
6 minor if he or she knowingly advances commercial sexual abuse or a
7 sexually explicit act of a minor or profits from a minor engaged in
8 sexual conduct or a sexually explicit act.

9 (2) Promoting commercial sexual abuse of a minor is a class A
10 felony.

11 (3) For the purposes of this section:

12 (a) A person "advances commercial sexual abuse of a minor" if,
13 acting other than as a minor receiving compensation for personally
14 rendered sexual conduct or as a person engaged in commercial sexual
15 abuse of a minor, he or she causes or aids a person to commit or engage
16 in commercial sexual abuse of a minor, procures or solicits customers
17 for commercial sexual abuse of a minor, provides persons or premises
18 for the purposes of engaging in commercial sexual abuse of a minor,
19 operates or assists in the operation of a house or enterprise for the
20 purposes of engaging in commercial sexual abuse of a minor, or engages
21 in any other conduct designed to institute, aid, cause, assist, or
22 facilitate an act or enterprise of commercial sexual abuse of a minor.

23 (b) A person "profits from commercial sexual abuse of a minor" if,
24 acting other than as a minor receiving compensation for personally
25 rendered sexual conduct, he or she accepts or receives money or other
26 property pursuant to an agreement or understanding with any person
27 whereby he or she participates or will participate in the proceeds of
28 commercial sexual abuse of a minor.

29 (c) A person "advances a sexually explicit act of a minor" if he or
30 she causes or aids a sexually explicit act of a minor, procures or

1 solicits customers for a sexually explicit act of a minor, provides
2 persons or premises for the purposes of a sexually explicit act of a
3 minor, or engages in any other conduct designed to institute, aid,
4 cause, assist, or facilitate a sexually explicit act of a minor.

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

9 (e) A "patron" is a person who pays or agrees to pay a fee to
10 another person as compensation for a sexually explicit act of a minor
11 or who solicits or requests a sexually explicit act of a minor in
12 return for a fee.

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

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

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

18 (i) Such person:

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

24 (B) Benefits financially or by receiving anything of value from
25 participation in a venture that has engaged in acts set forth in
26 (a)(i)(A) of this subsection; and

27 (ii) The acts or venture set forth in (a)(i) of this subsection:

28 (A) Involve committing or attempting to commit kidnapping;

29 (B) Involve a finding of sexual motivation under RCW 9.94A.835;

30 (C) Involve the illegal harvesting or sale of human organs; or

31 (D) Result in a death.

32 (b) Trafficking in the first degree is a class A felony.

33 (2)(a) A person is guilty of trafficking in the second degree when
34 such person:

35 (i) Recruits, harbors, transports, transfers, provides, obtains, or
36 receives by any means another person knowing that force, fraud, or

1 coercion as defined in RCW 9A.36.070 will be used to cause the person
2 to engage in forced labor, involuntary servitude, a sexually explicit
3 act, or a commercial sex act; or

4 (ii) Benefits financially or by receiving anything of value from
5 participation in a venture that has engaged in acts set forth in (a)(i)
6 of this subsection.

7 (b) Trafficking in the second degree is a class A felony.

8 (3) For purposes of this section, "sexually explicit act" means a
9 public, private, or live photographed, recorded, or videotaped act or
10 show intended to arouse or satisfy the sexual desires or appeal to the
11 prurient interests of patrons."

12 Correct the title.

EFFECT: Clarifies that "sexually explicit act" as used in this act
refers only to a commercial act and defines several terms for clarity.

--- END ---