
SENATE BILL 6435

State of Washington 63rd Legislature 2014 Regular Session

By Senators O'Ban, Kohl-Welles, Bailey, Kline, Angel, Becker, and Chase

Read first time 01/24/14. Referred to Committee on Law & Justice.

1 AN ACT Relating to mandatory restitution for sexual exploitation of
2 children; and adding a new section to chapter 9.94A RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW
5 to read as follows:

6 (1) Notwithstanding RCW 9.94A.750 and 9.94A.753, and in addition to
7 any other civil or criminal penalty authorized by law, the court shall
8 order restitution for any offense under chapter 9.68A RCW.

9 (2) The order of restitution under this section shall direct the
10 defendant to pay the victim through appropriate court mechanism the
11 full amount of the victim's losses as determined by the court pursuant
12 to subsection (5)(a) of this section.

13 (3) The issuance of a restitution order under this section is
14 mandatory. A court may not decline to issue an order under this
15 section because of the economic circumstances of the defendant or the
16 fact that the victim has, or is entitled to receive, compensation for
17 his or her injuries from the proceeds of insurance or another source.

18 (4) If the defendant participated in the crime with another person

1 or other persons, all such participants shall be jointly and severally
2 responsible for the payment of restitution ordered pursuant to this
3 section.

4 (5) For purposes of this section:

5 (a) "Full amount of the victim's losses" includes any costs
6 incurred by the victim for:

7 (i) Medical services relating to physical, psychiatric, or
8 psychological care;

9 (ii) Physical and occupational therapy or rehabilitation;

10 (iii) Necessary transportation, temporary housing, and child care
11 expenses;

12 (iv) Lost income;

13 (v) Attorneys' fees and other legal costs;

14 (vi) Any other losses suffered by the victim as a proximate result
15 of the offense.

16 (b) "Victim" means the individual harmed as a result of the
17 commission of a crime under chapter 9.68A RCW including, in the case of
18 a victim who is under eighteen years of age, incompetent,
19 incapacitated, or deceased, the legal guardian of the victim or
20 representative of the victim's estate, another family member, or any
21 other person appointed as suitable by the court, but in no event shall
22 the defendant be named as such representative or guardian.

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