
SUBSTITUTE SENATE BILL 5572

State of Washington

67th Legislature

2022 Regular Session

By Senate Law & Justice (originally sponsored by Senators C. Wilson, Dhingra, Conway, Honeyford, Hunt, Randall, and Wagoner)

READ FIRST TIME 01/21/22.

1 AN ACT Relating to implementing the recommendations of the
2 Washington state internet crimes against children task force; and
3 amending RCW 9.68A.040 and 9.68A.053.

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

5 **Sec. 1.** RCW 9.68A.040 and 1989 c 32 s 2 are each amended to read
6 as follows:

7 (1) A person is guilty of sexual exploitation of a minor if the
8 person:

9 (a) Compels a minor by threat or force to engage in sexually
10 explicit conduct, knowing that such conduct will be photographed or
11 part of a live performance;

12 (b) Aids, invites, employs, authorizes, or causes a minor to
13 engage in sexually explicit conduct, knowing that such conduct will
14 be photographed or part of a live performance; ~~((or))~~

15 (c) Being a parent, legal guardian, or person having custody or
16 control of a minor, permits the minor to engage in sexually explicit
17 conduct, knowing that the conduct will be photographed or part of a
18 live performance; or

19 (d) Knowingly causes a minor to be photographed or part of a live
20 performance which depicts the minor engaged in sexually explicit

1 conduct where the minor is unconscious or unaware of the photograph
2 or recording.

3 (2) Sexual exploitation of a minor is a class B felony punishable
4 under chapter 9A.20 RCW.

5 **Sec. 2.** RCW 9.68A.053 and 2019 c 128 s 4 are each amended to
6 read as follows:

7 (1) (a) (i) A person under the age of eighteen commits the crime of
8 a minor dealing in depictions of another minor thirteen years of age
9 or older engaged in sexually explicit conduct in the first degree
10 when he or she knowingly distributes, publishes, transfers,
11 disseminates, or exchanges a visual or printed matter that depicts
12 another minor thirteen years of age or older engaged in an act of
13 sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through
14 (e).

15 (ii) Minor dealing in depictions of another minor thirteen years
16 of age or older engaged in sexually explicit conduct in the first
17 degree is a gross misdemeanor.

18 (b) (i) A person under the age of eighteen commits the crime of a
19 minor dealing in depictions of another minor thirteen years of age or
20 older engaged in sexually explicit conduct in the second degree when
21 he or she knowingly distributes, publishes, transfers, disseminates,
22 or exchanges a visual or printed matter that depicts another minor
23 thirteen years of age or older engaged in an act of sexually explicit
24 conduct as defined in RCW 9.68A.011(4) (f) or (g).

25 (ii) Minor dealing in depictions of another minor thirteen years
26 of age or older engaged in sexually explicit conduct in the second
27 degree is a misdemeanor.

28 (2) (a) A person under age eighteen commits the crime of minor
29 dealing in depictions of another minor twelve years of age or younger
30 engaged in sexually explicit conduct in the first degree when he or
31 she:

32 (i) Knowingly develops, duplicates, publishes, prints,
33 disseminates, exchanges, finances, attempts to finance, or sells a
34 visual or printed matter that depicts another minor twelve years of
35 age or younger engaged in an act of sexually explicit conduct as
36 defined in RCW 9.68A.011(4) (a) through (e); or

37 (ii) Possesses with intent to develop, duplicate, publish, print,
38 disseminate, exchange, or sell any visual or printed matter that
39 depicts another minor twelve years of age or younger engaged in an

1 act of sexually explicit conduct as defined in RCW 9.68A.011(4) (a)
2 through (e).

3 (b) Minor dealing in depictions of another minor twelve years of
4 age or younger engaged in sexually explicit conduct in the first
5 degree is a class B felony punishable under chapter 9A.20 RCW.

6 (3)(a) A person under age eighteen commits the crime of minor
7 dealing in depictions of another minor twelve years of age or younger
8 engaged in sexually explicit conduct in the second degree when he or
9 she:

10 (i) Knowingly develops, duplicates, publishes, prints,
11 disseminates, exchanges, finances, attempts to finance, or sells any
12 visual or printed matter that depicts another minor twelve years of
13 age or younger engaged in an act of sexually explicit conduct as
14 defined in RCW 9.68A.011(4) (f) or (g); or

15 (ii) Possesses with intent to develop, duplicate, publish, print,
16 disseminate, exchange, or sell any visual or printed matter that
17 depicts another minor twelve years of age or younger engaged in an
18 act of sexually explicit conduct as defined in RCW 9.68A.011(4) (f)
19 or (g).

20 (b) Minor dealing in depictions of a minor twelve years of age or
21 younger engaged in sexually explicit conduct in the second degree is
22 a class B felony punishable under chapter 9A.20 RCW.

23 (4)(a) Any person under the age of eighteen commits the crime of
24 minor financing or selling depictions of another minor engaged in
25 sexually explicit conduct when he or she finances, attempts to
26 finance, or sells a visual or printed matter that depicts a minor
27 engaged in an act of sexually explicit conduct as defined in RCW
28 9.68A.011(4) (a) through (g).

29 (b) Minor financing or selling depictions of another minor
30 engaged in sexually explicit conduct is a class B felony punishable
31 under chapter 9A.20 RCW.

32 (5)(a) A person under the age of eighteen commits the crime of
33 minor selling depictions of himself or herself engaged in sexually
34 explicit conduct when he or she sells a visual or printed matter that
35 depicts himself or herself engaged in an act of sexually explicit
36 conduct as defined in RCW 9.68A.011(4) (a) through (g) and that
37 visual or printed matter does not include any depiction of another
38 minor engaged in an act of sexually explicit conduct as defined in
39 RCW 9.68A.011(4).

1 (b) Minor selling depictions of himself or herself engaged in
2 sexually explicit conduct is a misdemeanor.

3 (6) This section does not apply to a person under eighteen years
4 of age who finances, attempts to finance, develops, duplicates,
5 publishes, prints, disseminates, exchanges, or possesses a visual or
6 printed matter that depicts himself or herself engaged in an act of
7 sexually explicit conduct as defined in RCW 9.68A.011(4) and that
8 visual or printed matter does not include any depiction of another
9 minor engaged in an act of sexually explicit conduct as defined in
10 RCW 9.68A.011(4).

11 (7) For the purposes of determining the unit of prosecution under
12 this section, each depiction or image of visual or printed matter
13 constitutes a separate offense.

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