
SENATE BILL 6184

State of Washington

68th Legislature

2024 Regular Session

By Senators Rivers, Boehnke, Braun, Hasegawa, J. Wilson, and L. Wilson

Read first time 01/11/24. Referred to Committee on Law & Justice.

1 AN ACT Relating to deepfake artificial intelligence-generated
2 pornographic material involving minors; amending RCW 9.68A.011;
3 reenacting and amending RCW 9A.44.010 and 9.94A.515; adding a new
4 section to chapter 9.68A RCW; and prescribing penalties.

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

6 **Sec. 1.** RCW 9A.44.010 and 2023 c 470 s 3007 are each reenacted
7 and amended to read as follows:

8 As used in this chapter:

9 (1) "Abuse of a supervisory position" means:

10 (a) To use a direct or indirect threat or promise to exercise
11 authority to the detriment or benefit of a minor; or

12 (b) To exploit a significant relationship in order to obtain the
13 consent of a minor.

14 (2) "Consent" means that at the time of the act of sexual
15 intercourse or sexual contact there are actual words or conduct
16 indicating freely given agreement to have sexual intercourse or
17 sexual contact.

18 (3) "Forcible compulsion" means physical force which overcomes
19 resistance, or a threat, express or implied, that places a person in
20 fear of death or physical injury to herself or himself or another

1 person, or in fear that she or he or another person will be
2 kidnapped.

3 (4) "Frail elder or vulnerable adult" means a person sixty years
4 of age or older who has the functional, mental, or physical inability
5 to care for himself or herself. "Frail elder or vulnerable adult"
6 also includes a person who has been placed under a guardianship under
7 RCW 11.130.265 or a conservatorship under RCW 11.130.360, a person
8 over eighteen years of age who has a developmental disability under
9 chapter 71A.10 RCW, a person admitted to a long-term care facility
10 that is licensed or required to be licensed under chapter 18.20,
11 18.51, 72.36, or 70.128 RCW, and a person receiving services from a
12 home health, hospice, or home care agency licensed or required to be
13 licensed under chapter 70.127 RCW.

14 (5) "Health care provider" for purposes of RCW 9A.44.050 and
15 9A.44.100 means a person who is, holds himself or herself out to be,
16 or provides services as if he or she were: (a) A member of a health
17 care profession under chapter 18.130 RCW; or (b) registered under
18 chapter 18.19 RCW or licensed under chapter 18.225 RCW, regardless of
19 whether the health care provider is licensed, certified, or
20 registered by the state.

21 (6) (a) "Indistinguishable from an actual and identifiable minor"
22 means a reasonable person would conclude that the image is of an
23 actual and identifiable minor.

24 (b) "Indistinguishable from an actual and identifiable minor"
25 includes a computer-generated image that has been created, adapted,
26 or modified to appear as an actual and identifiable minor.

27 (c) "Indistinguishable from an actual and identifiable minor"
28 does not include images or items depicting minors that are:

29 (i) Drawings;

30 (ii) Cartoons;

31 (iii) Sculptures; or

32 (iv) Paintings.

33 (7) "Married" means one who is legally married to another, but
34 does not include a person who is living separate and apart from his
35 or her spouse and who has filed in an appropriate court for legal
36 separation or for dissolution of his or her marriage.

37 ~~((7))~~ (8) "Mental incapacity" is that condition existing at the
38 time of the offense which prevents a person from understanding the
39 nature or consequences of the act of sexual intercourse whether that

1 condition is produced by illness, defect, the influence of a
2 substance or from some other cause.

3 ~~((8))~~ (9) "Person with a developmental disability," for
4 purposes of RCW 9A.44.050(1)(c) and 9A.44.100(1)(c), means a person
5 with a developmental disability as defined in RCW 71A.10.020.

6 ~~((9))~~ (10) "Person with a mental disorder" for the purposes of
7 RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a "mental
8 disorder" as defined in RCW 71.05.020.

9 ~~((10))~~ (11) "Person with a substance use disorder" for purposes
10 of RCW 9A.44.050(1)(e) and 9A.44.100(1)(e) means a person with a
11 "substance use disorder" as defined in RCW 71.05.020.

12 ~~((11))~~ (12) "Person with supervisory authority," for purposes
13 of RCW 9A.44.050(1)(c) or (e) and 9A.44.100(1)(c) or (e), means any
14 proprietor or employee of any public or private care or treatment
15 facility who directly supervises developmentally disabled, mentally
16 disordered, or chemically dependent persons at the facility.

17 ~~((12))~~ (13) "Physically helpless" means a person who is
18 unconscious or for any other reason is physically unable to
19 communicate unwillingness to an act.

20 ~~((13))~~ (14) "Sexual contact" means any touching of the sexual
21 or other intimate parts of a person done for the purpose of
22 gratifying sexual desire of either party or a third party.

23 ~~((14))~~ (15) "Sexual intercourse" (a) has its ordinary meaning
24 and occurs upon any penetration, however slight, and

25 (b) Also means any penetration of the vagina or anus however
26 slight, by an object, when committed on one person by another,
27 whether such persons are of the same or opposite sex, except when
28 such penetration is accomplished for medically recognized treatment
29 or diagnostic purposes, and

30 (c) Also means any act of sexual contact between persons
31 involving the sex organs of one person and the mouth or anus of
32 another whether such persons are of the same or opposite sex.

33 ~~((15))~~ (16) "Significant relationship" means a situation in
34 which the perpetrator is:

35 (a) A person who undertakes the responsibility, professionally or
36 voluntarily, to provide education, health, welfare, or organized
37 recreational activities principally for minors;

38 (b) A person who in the course of his or her employment
39 supervises minors; or

1 (c) A person who provides welfare, health or residential
2 assistance, personal care, or organized recreational activities to
3 frail elders or vulnerable adults, including a provider, employee,
4 temporary employee, volunteer, or independent contractor who supplies
5 services to long-term care facilities licensed or required to be
6 licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, and home
7 health, hospice, or home care agencies licensed or required to be
8 licensed under chapter 70.127 RCW, but not including a consensual
9 sexual partner.

10 (~~(16)~~) (17) "Treatment" for purposes of RCW 9A.44.050 and
11 9A.44.100 means the active delivery of professional services by a
12 health care provider which the health care provider holds himself or
13 herself out to be qualified to provide.

14 **Sec. 2.** RCW 9.68A.011 and 2010 c 227 s 3 are each amended to
15 read as follows:

16 Unless the context clearly indicates otherwise, the definitions
17 in this section apply throughout this chapter.

18 (1) An "internet session" means a period of time during which an
19 internet user, using a specific internet protocol address, visits or
20 is logged into an internet site for an uninterrupted period of time.

21 (2) To "photograph" means to make a print, negative, slide,
22 digital image, motion picture, or videotape. A "photograph" means
23 anything tangible or intangible produced by photographing.

24 (3) "Visual or printed matter" means any photograph or other
25 material that contains a reproduction of a photograph.

26 (4) "Sexually explicit conduct" means actual or simulated:

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

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

31 (c) Masturbation;

32 (d) Sadomasochistic abuse;

33 (e) Defecation or urination for the purpose of sexual stimulation
34 of the viewer;

35 (f) Depiction of the genitals or unclothed pubic or rectal areas
36 of any minor, or the unclothed breast of a female minor, for the
37 purpose of sexual stimulation of the viewer. For the purposes of this
38 subsection (4) (f), it is not necessary that the minor know that he or

1 she is participating in the described conduct, or any aspect of it;
2 and

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

6 (5) "Minor" means any person under eighteen years of age.

7 (6) "Live performance" means any play, show, skit, dance, or
8 other exhibition performed or presented to or before an audience of
9 one or more, with or without consideration.

10 (7) (a) "Indistinguishable from an actual and identifiable minor"
11 means a reasonable person would conclude that the image is of an
12 actual and identifiable minor.

13 (b) "Indistinguishable from an actual and identifiable minor"
14 includes a computer-generated image that has been created, adapted,
15 or modified to appear as an actual and identifiable minor.

16 (c) "Indistinguishable from an actual and identifiable minor"
17 does not include images or items depicting minors that are:

18 (i) Drawings;

19 (ii) Cartoons;

20 (iii) Sculptures; or

21 (vi) Paintings.

22 **Sec. 3.** RCW 9.94A.515 and 2023 c 196 s 3 and 2023 c 7 s 3 are
23 each reenacted and amended to read as follows:

24 TABLE 2

25 CRIMES INCLUDED WITHIN EACH
26 SERIOUSNESS LEVEL

27 XVI Aggravated Murder 1 (RCW 10.95.020)

28 XV Homicide by abuse (RCW 9A.32.055)

29 Malicious explosion 1 (RCW
30 70.74.280(1))

31 Murder 1 (RCW 9A.32.030)

32 XIV Murder 2 (RCW 9A.32.050)

33 Trafficking 1 (RCW 9A.40.100(1))

34 XIII Malicious explosion 2 (RCW
35 70.74.280(2))

1 Malicious placement of an explosive 1
2 (RCW 70.74.270(1))
3 XII Assault 1 (RCW 9A.36.011)
4 Assault of a Child 1 (RCW 9A.36.120)
5 Malicious placement of an imitation
6 device 1 (RCW 70.74.272(1)(a))
7 Promoting Commercial Sexual Abuse of
8 a Minor (RCW 9.68A.101)
9 Rape 1 (RCW 9A.44.040)
10 Rape of a Child 1 (RCW 9A.44.073)
11 Trafficking 2 (RCW 9A.40.100(3))
12 XI Manslaughter 1 (RCW 9A.32.060)
13 Rape 2 (RCW 9A.44.050)
14 Rape of a Child 2 (RCW 9A.44.076)
15 Vehicular Homicide, by being under the
16 influence of intoxicating liquor or
17 any drug (RCW 46.61.520)
18 Vehicular Homicide, by the operation of
19 any vehicle in a reckless manner
20 (RCW 46.61.520)
21 X Child Molestation 1 (RCW 9A.44.083)
22 Criminal Mistreatment 1 (RCW
23 9A.42.020)
24 Indecent Liberties (with forcible
25 compulsion) (RCW
26 9A.44.100(1)(a))
27 Kidnapping 1 (RCW 9A.40.020)
28 Leading Organized Crime (RCW
29 9A.82.060(1)(a))
30 Malicious explosion 3 (RCW
31 70.74.280(3))
32 Sexually Violent Predator Escape (RCW
33 9A.76.115)
34 IX Abandonment of Dependent Person 1
35 (RCW 9A.42.060)

1 Assault of a Child 2 (RCW 9A.36.130)
2 Explosive devices prohibited (RCW
3 70.74.180)
4 Hit and Run—Death (RCW
5 46.52.020(4)(a))
6 Homicide by Watercraft, by being under
7 the influence of intoxicating liquor
8 or any drug (RCW 79A.60.050)
9 Inciting Criminal Profiteering (RCW
10 9A.82.060(1)(b))
11 Malicious placement of an explosive 2
12 (RCW 70.74.270(2))
13 Robbery 1 (RCW 9A.56.200)
14 Sexual Exploitation (RCW 9.68A.040)
15 VIII Arson 1 (RCW 9A.48.020)
16 Commercial Sexual Abuse of a Minor
17 (RCW 9.68A.100)
18 Homicide by Watercraft, by the
19 operation of any vessel in a reckless
20 manner (RCW 79A.60.050)
21 Manslaughter 2 (RCW 9A.32.070)
22 Promoting Prostitution 1 (RCW
23 9A.88.070)
24 Theft of Ammonia (RCW 69.55.010)
25 VII Air bag diagnostic systems (causing
26 bodily injury or death) (RCW
27 46.37.660(2)(b))
28 Air bag replacement requirements
29 (causing bodily injury or death)
30 (RCW 46.37.660(1)(b))
31 Burglary 1 (RCW 9A.52.020)
32 Child Molestation 2 (RCW 9A.44.086)
33 Civil Disorder Training (RCW
34 9A.48.120)

1 Custodial Sexual Misconduct 1 (RCW
2 9A.44.160)

3 Dealing in depictions of minor engaged
4 in sexually explicit conduct 1
5 (RCW 9.68A.050(1))

6 Drive-by Shooting (RCW 9A.36.045)

7 False Reporting 1 (RCW
8 9A.84.040(2)(a))

9 Homicide by Watercraft, by disregard
10 for the safety of others (RCW
11 79A.60.050)

12 Indecent Liberties (without forcible
13 compulsion) (RCW 9A.44.100(1)
14 (b) and (c))

15 Introducing Contraband 1 (RCW
16 9A.76.140)

17 Malicious placement of an explosive 3
18 (RCW 70.74.270(3))

19 Manufacture or import counterfeit,
20 nonfunctional, damaged, or
21 previously deployed air bag
22 (causing bodily injury or death)
23 (RCW 46.37.650(1)(b))

24 Negligently Causing Death By Use of a
25 Signal Preemption Device (RCW
26 46.37.675)

27 Sell, install, or reinstall counterfeit,
28 nonfunctional, damaged, or
29 previously deployed airbag (RCW
30 46.37.650(2)(b))

31 Sending, bringing into state depictions
32 of minor engaged in sexually
33 explicit conduct 1 (RCW
34 9.68A.060(1))

35 Unlawful Possession of a Firearm in the
36 first degree (RCW 9.41.040(1))

1 Use of a Machine Gun or Bump-fire
2 Stock in Commission of a Felony
3 (RCW 9A.41.225)
4 Vehicular Homicide, by disregard for
5 the safety of others (RCW
6 46.61.520)
7 VI Bail Jumping with Murder 1 (RCW
8 9A.76.170(3)(a))
9 Bribery (RCW 9A.68.010)
10 Incest 1 (RCW 9A.64.020(1))
11 Intimidating a Judge (RCW 9A.72.160)
12 Intimidating a Juror/Witness (RCW
13 9A.72.110, 9A.72.130)
14 Malicious placement of an imitation
15 device 2 (RCW 70.74.272(1)(b))
16 Possession of Depictions of a Minor
17 Engaged in Sexually Explicit
18 Conduct 1 (RCW 9.68A.070(1))
19 Rape of a Child 3 (RCW 9A.44.079)
20 Theft of a Firearm (RCW 9A.56.300)
21 Theft from a Vulnerable Adult 1 (RCW
22 9A.56.400(1))
23 Unlawful Storage of Ammonia (RCW
24 69.55.020)
25 V Abandonment of Dependent Person 2
26 (RCW 9A.42.070)
27 Advancing money or property for
28 extortionate extension of credit
29 (RCW 9A.82.030)
30 Air bag diagnostic systems (RCW
31 46.37.660(2)(c))
32 Air bag replacement requirements
33 (RCW 46.37.660(1)(c))
34 Bail Jumping with class A Felony
35 (RCW 9A.76.170(3)(b))

1 Child Molestation 3 (RCW 9A.44.089)
2 Criminal Mistreatment 2 (RCW
3 9A.42.030)
4 Custodial Sexual Misconduct 2 (RCW
5 9A.44.170)
6 Dealing in Depictions of Minor
7 Engaged in Sexually Explicit
8 Conduct 2 (RCW 9.68A.050(2))
9 Domestic Violence Court Order
10 Violation (RCW 7.105.450,
11 10.99.040, 10.99.050, 26.09.300,
12 26.26B.050, or 26.52.070)
13 Extortion 1 (RCW 9A.56.120)
14 Extortionate Extension of Credit (RCW
15 9A.82.020)
16 Extortionate Means to Collect
17 Extensions of Credit (RCW
18 9A.82.040)
19 Incest 2 (RCW 9A.64.020(2))
20 Kidnapping 2 (RCW 9A.40.030)
21 Manufacture or import counterfeit,
22 nonfunctional, damaged, or
23 previously deployed air bag (RCW
24 46.37.650(1)(c))
25 Perjury 1 (RCW 9A.72.020)
26 Persistent prison misbehavior (RCW
27 9.94.070)
28 Possession of a Stolen Firearm (RCW
29 9A.56.310)
30 Rape 3 (RCW 9A.44.060)
31 Rendering Criminal Assistance 1 (RCW
32 9A.76.070)
33 Sell, install, or reinstall counterfeit,
34 nonfunctional, damaged, or
35 previously deployed airbag (RCW
36 46.37.650(2)(c))

1 Sending, Bringing into State Depictions
2 of Minor Engaged in Sexually
3 Explicit Conduct 2 (RCW
4 9.68A.060(2))
5 Sexual Misconduct with a Minor 1
6 (RCW 9A.44.093)
7 Sexually Violating Human Remains
8 (RCW 9A.44.105)
9 Stalking (RCW 9A.46.110)
10 Taking Motor Vehicle Without
11 Permission 1 (RCW 9A.56.070)
12 IV Arson 2 (RCW 9A.48.030)
13 Assault 2 (RCW 9A.36.021)
14 Assault 3 (of a Peace Officer with a
15 Projectile Stun Gun) (RCW
16 9A.36.031(1)(h))
17 Assault 4 (third domestic violence
18 offense) (RCW 9A.36.041(3))
19 Assault by Watercraft (RCW
20 79A.60.060)
21 Bribing a Witness/Bribe Received by
22 Witness (RCW 9A.72.090,
23 9A.72.100)
24 Cheating 1 (RCW 9.46.1961)
25 Commercial Bribery (RCW 9A.68.060)
26 Counterfeiting (RCW 9.16.035(4))
27 Driving While Under the Influence
28 (RCW 46.61.502(6))
29 Endangerment with a Controlled
30 Substance (RCW 9A.42.100)
31 Escape 1 (RCW 9A.76.110)
32 Generating Obscene Images (section 4
33 of this act)
34 Hate Crime (RCW 9A.36.080)

1 Hit and Run—Injury (RCW
2 46.52.020(4)(b))
3 Hit and Run with Vessel—Injury
4 Accident (RCW 79A.60.200(3))
5 Identity Theft 1 (RCW 9.35.020(2))
6 Indecent Exposure to Person Under Age
7 14 (subsequent sex offense) (RCW
8 9A.88.010)
9 Influencing Outcome of Sporting Event
10 (RCW 9A.82.070)
11 Physical Control of a Vehicle While
12 Under the Influence (RCW
13 46.61.504(6))
14 Possession of Depictions of a Minor
15 Engaged in Sexually Explicit
16 Conduct 2 (RCW 9.68A.070(2))
17 Residential Burglary (RCW 9A.52.025)
18 Robbery 2 (RCW 9A.56.210)
19 Theft of Livestock 1 (RCW 9A.56.080)
20 Threats to Bomb (RCW 9.61.160)
21 Trafficking in Stolen Property 1 (RCW
22 9A.82.050)
23 Unlawful factoring of a credit card or
24 payment card transaction (RCW
25 9A.56.290(4)(b))
26 Unlawful transaction of health coverage
27 as a health care service contractor
28 (RCW 48.44.016(3))
29 Unlawful transaction of health coverage
30 as a health maintenance
31 organization (RCW 48.46.033(3))
32 Unlawful transaction of insurance
33 business (RCW 48.15.023(3))
34 Unlicensed practice as an insurance
35 professional (RCW 48.17.063(2))

1 Use of Proceeds of Criminal
2 Profiteering (RCW 9A.82.080 (1)
3 and (2))
4 Vehicle Prowling 2 (third or subsequent
5 offense) (RCW 9A.52.100(3))
6 Vehicular Assault, by being under the
7 influence of intoxicating liquor or
8 any drug, or by the operation or
9 driving of a vehicle in a reckless
10 manner (RCW 46.61.522)
11 Viewing of Depictions of a Minor
12 Engaged in Sexually Explicit
13 Conduct 1 (RCW 9.68A.075(1))
14 III Animal Cruelty 1 (Sexual Conduct or
15 Contact) (RCW 16.52.205(3))
16 Assault 3 (Except Assault 3 of a Peace
17 Officer With a Projectile Stun Gun)
18 (RCW 9A.36.031 except subsection
19 (1)(h))
20 Assault of a Child 3 (RCW 9A.36.140)
21 Bail Jumping with class B or C Felony
22 (RCW 9A.76.170(3)(c))
23 Burglary 2 (RCW 9A.52.030)
24 Communication with a Minor for
25 Immoral Purposes (RCW
26 9.68A.090)
27 Criminal Gang Intimidation (RCW
28 9A.46.120)
29 Custodial Assault (RCW 9A.36.100)
30 Cyber Harassment (RCW
31 9A.90.120(2)(b))
32 Escape 2 (RCW 9A.76.120)
33 Extortion 2 (RCW 9A.56.130)
34 False Reporting 2 (RCW
35 9A.84.040(2)(b))
36 Harassment (RCW 9A.46.020)

1 Hazing (RCW 28B.10.901(2)(b))
2 Intimidating a Public Servant (RCW
3 9A.76.180)
4 Introducing Contraband 2 (RCW
5 9A.76.150)
6 Malicious Injury to Railroad Property
7 (RCW 81.60.070)
8 Manufacture of Untraceable Firearm
9 with Intent to Sell (RCW 9.41.190)
10 Manufacture or Assembly of an
11 Undetectable Firearm or
12 Untraceable Firearm (RCW
13 9.41.325)
14 Mortgage Fraud (RCW 19.144.080)
15 Negligently Causing Substantial Bodily
16 Harm By Use of a Signal
17 Preemption Device (RCW
18 46.37.674)
19 Organized Retail Theft 1 (RCW
20 9A.56.350(2))
21 Perjury 2 (RCW 9A.72.030)
22 Possession of Incendiary Device (RCW
23 9.40.120)
24 Possession of Machine Gun, Bump-Fire
25 Stock, Undetectable Firearm, or
26 Short-Barreled Shotgun or Rifle
27 (RCW 9.41.190)
28 Promoting Prostitution 2 (RCW
29 9A.88.080)
30 Retail Theft with Special Circumstances
31 1 (RCW 9A.56.360(2))
32 Securities Act violation (RCW
33 21.20.400)
34 Tampering with a Witness (RCW
35 9A.72.120)

1 Telephone Harassment (subsequent
2 conviction or threat of death) (RCW
3 9.61.230(2))
4 Theft of Livestock 2 (RCW 9A.56.083)
5 Theft with the Intent to Resell 1 (RCW
6 9A.56.340(2))
7 Trafficking in Stolen Property 2 (RCW
8 9A.82.055)
9 Unlawful Hunting of Big Game 1 (RCW
10 77.15.410(3)(b))
11 Unlawful Imprisonment (RCW
12 9A.40.040)
13 Unlawful Misbranding of Fish or
14 Shellfish 1 (RCW 77.140.060(3))
15 Unlawful possession of firearm in the
16 second degree (RCW 9.41.040(2))
17 Unlawful Taking of Endangered Fish or
18 Wildlife 1 (RCW 77.15.120(3)(b))
19 Unlawful Trafficking in Fish, Shellfish,
20 or Wildlife 1 (RCW
21 77.15.260(3)(b))
22 Unlawful Use of a Nondesignated
23 Vessel (RCW 77.15.530(4))
24 Vehicular Assault, by the operation or
25 driving of a vehicle with disregard
26 for the safety of others (RCW
27 46.61.522)
28 II Commercial Fishing Without a License
29 1 (RCW 77.15.500(3)(b))
30 Computer Trespass 1 (RCW 9A.90.040)
31 Counterfeiting (RCW 9.16.035(3))
32 Electronic Data Service Interference
33 (RCW 9A.90.060)
34 Electronic Data Tampering 1 (RCW
35 9A.90.080)
36 Electronic Data Theft (RCW 9A.90.100)

1 Engaging in Fish Dealing Activity
2 Unlicensed 1 (RCW 77.15.620(3))
3 Escape from Community Custody
4 (RCW 72.09.310)
5 Failure to Register as a Sex Offender
6 (second or subsequent offense)
7 (RCW 9A.44.130 prior to June 10,
8 2010, and RCW 9A.44.132)
9 Health Care False Claims (RCW
10 48.80.030)
11 Identity Theft 2 (RCW 9.35.020(3))
12 Improperly Obtaining Financial
13 Information (RCW 9.35.010)
14 Malicious Mischief 1 (RCW 9A.48.070)
15 Organized Retail Theft 2 (RCW
16 9A.56.350(3))
17 Possession of Stolen Property 1 (RCW
18 9A.56.150)
19 Possession of a Stolen Vehicle (RCW
20 9A.56.068)
21 Retail Theft with Special Circumstances
22 2 (RCW 9A.56.360(3))
23 Scrap Processing, Recycling, or
24 Supplying Without a License
25 (second or subsequent offense)
26 (RCW 19.290.100)
27 Theft 1 (RCW 9A.56.030)
28 Theft of a Motor Vehicle (RCW
29 9A.56.065)
30 Theft of Rental, Leased, Lease-
31 purchased, or Loaned Property
32 (valued at \$5,000 or more) (RCW
33 9A.56.096(5)(a))
34 Theft with the Intent to Resell 2 (RCW
35 9A.56.340(3))

1 Trafficking in Insurance Claims (RCW
2 48.30A.015)
3 Unlawful factoring of a credit card or
4 payment card transaction (RCW
5 9A.56.290(4)(a))
6 Unlawful Participation of Non-Indians
7 in Indian Fishery (RCW
8 77.15.570(2))
9 Unlawful Practice of Law (RCW
10 2.48.180)
11 Unlawful Purchase or Use of a License
12 (RCW 77.15.650(3)(b))
13 Unlawful Trafficking in Fish, Shellfish,
14 or Wildlife 2 (RCW
15 77.15.260(3)(a))
16 Unlicensed Practice of a Profession or
17 Business (RCW 18.130.190(7))
18 Voyeurism 1 (RCW 9A.44.115)
19 I Attempting to Elude a Pursuing Police
20 Vehicle (RCW 46.61.024)
21 False Verification for Welfare (RCW
22 74.08.055)
23 Forgery (RCW 9A.60.020)
24 Fraudulent Creation or Revocation of a
25 Mental Health Advance Directive
26 (RCW 9A.60.060)
27 Malicious Mischief 2 (RCW 9A.48.080)
28 Mineral Trespass (RCW 78.44.330)
29 Possession of Stolen Property 2 (RCW
30 9A.56.160)
31 Reckless Burning 1 (RCW 9A.48.040)
32 Spotlighting Big Game 1 (RCW
33 77.15.450(3)(b))
34 Suspension of Department Privileges 1
35 (RCW 77.15.670(3)(b))

1 Taking Motor Vehicle Without
2 Permission 2 (RCW 9A.56.075)
3 Theft 2 (RCW 9A.56.040)
4 Theft from a Vulnerable Adult 2 (RCW
5 9A.56.400(2))
6 Theft of Rental, Leased, Lease-
7 purchased, or Loaned Property
8 (valued at \$750 or more but less
9 than \$5,000) (RCW
10 9A.56.096(5)(b))
11 Transaction of insurance business
12 beyond the scope of licensure
13 (RCW 48.17.063)
14 Unlawful Fish and Shellfish Catch
15 Accounting (RCW 77.15.630(3)(b))
16 Unlawful Issuance of Checks or Drafts
17 (RCW 9A.56.060)
18 Unlawful Possession of Fictitious
19 Identification (RCW 9A.56.320)
20 Unlawful Possession of Instruments of
21 Financial Fraud (RCW 9A.56.320)
22 Unlawful Possession of Payment
23 Instruments (RCW 9A.56.320)
24 Unlawful Possession of a Personal
25 Identification Device (RCW
26 9A.56.320)
27 Unlawful Production of Payment
28 Instruments (RCW 9A.56.320)
29 Unlawful Releasing, Planting,
30 Possessing, or Placing Deleterious
31 Exotic Wildlife (RCW
32 77.15.250(2)(b))
33 Unlawful Trafficking in Food Stamps
34 (RCW 9.91.142)
35 Unlawful Use of Food Stamps (RCW
36 9.91.144)

1 Unlawful Use of Net to Take Fish 1

2 (RCW 77.15.580(3)(b))

3 Vehicle Prowl 1 (RCW 9A.52.095)

4 Violating Commercial Fishing Area or

5 Time 1 (RCW 77.15.550(3)(b))

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 9.68A
7 RCW to read as follows:

8 (1) A person commits the crime of generating obscene images if
9 the person:

10 (a) Knowingly creates or possesses and retains a film, videotape,
11 photograph, or other visual representation showing a computer-
12 generated image that is indistinguishable from an actual and
13 identifiable minor under the age of 16 years:

14 (i) Engaged as a subject of sadomasochistic abuse; or

15 (ii) Engaged in sexually explicit conduct; or

16 (b) Knowingly accesses and views a film, videotape, photograph,
17 or other visual representation showing a computer-generated image
18 that is indistinguishable from an actual and identifiable minor under
19 the age of 16 years:

20 (i) Engaged as a subject of sadomasochistic abuse; or

21 (ii) Engaged in sexually explicit conduct.

22 (2) The crime of generating obscene images:

23 (a) Is a gross misdemeanor on the first offense; or

24 (b) Is a class C felony if the defendant has one or more prior
25 convictions for generating obscene images.

26 (3) Nothing in this section may be construed to prohibit a parent
27 from possessing visual representations of the parent's own child
28 unless the visual representations show the child engaged:

29 (a) As a subject of sadomasochistic abuse; or

30 (b) In sexually explicit conduct.

31 (4) It is an affirmative defense to a charge of violating this
32 section that the person promptly and in good faith:

33 (a) Took reasonable steps to destroy each visual representation;
34 or

35 (b) Reported the matter to a law enforcement agency.

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