

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6261

Chapter 178, Laws of 1992

52nd Legislature
1992 Regular Session

SEXUAL EXPLOITATION OF CHILDREN--DEFENSES IN PROSECUTIONS FOR

EFFECTIVE DATE: 6/11/92

Passed by the Senate March 8, 1992
Yeas 48 Nays 0

JOEL PRITCHARD

President of the Senate

Passed by the House March 5, 1992
Yeas 98 Nays 0

JOE KING

**Speaker of the
House of Representatives**

Approved April 1, 1992

BOOTH GARDNER

Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6261** as passed by the Senate and the House of Representatives on the dates hereon set forth.

GORDON A. GOLOB

Secretary

FILED

April 1, 1992 - 11:04 a.m.

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 6261

AS AMENDED BY THE HOUSE

Passed Legislature - 1992 Regular Session

State of Washington 52nd Legislature 1992 Regular Session

By Senators Roach, Stratton, L. Smith, Murray, Cantu, Jesernig, Hayner, Thorsness, Amondson and Erwin

Read first time 01/23/92. Referred to Committee on Children & Family Services.

1 AN ACT Relating to the well-being of children; and amending RCW
2 9.68A.110.

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

4 **Sec. 1.** RCW 9.68A.110 and 1989 c 32 s 9 are each amended to read
5 as follows:

6 (1) In a prosecution under RCW 9.68A.040, it is not a defense that
7 the defendant was involved in activities of law enforcement and
8 prosecution agencies in the investigation and prosecution of criminal
9 offenses. Law enforcement and prosecution agencies shall not employ
10 minors to aid in the investigation of a violation of RCW 9.68A.090 or
11 9.68A.100. This chapter does not apply to (~~individual case treatment~~
12 ~~in a recognized medical facility or individual case treatment by a~~
13 ~~psychiatrist or psychologist licensed under Title 18 RCW, or to~~)
14 lawful conduct between spouses.

1 (2) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070, or
2 9.68A.080, it is not a defense that the defendant did not know the age
3 of the child depicted in the visual or printed matter: PROVIDED, That
4 it is a defense, which the defendant must prove by a preponderance of
5 the evidence, that at the time of the offense the defendant was not in
6 possession of any facts on the basis of which he or she should
7 reasonably have known that the person depicted was a minor.

8 (3) In a prosecution under RCW 9.68A.040(~~(, 9.68A.050, 9.68A.060,)~~)
9 or 9.68A.090, it is not a defense that the defendant did not know the
10 alleged victim's age: PROVIDED, That it is a defense, which the
11 defendant must prove by a preponderance of the evidence, that at the
12 time of the offense, the defendant (~~((reasonably believed the alleged~~
13 ~~victim to be at least eighteen years of age based on declarations by~~
14 ~~the alleged victim))~~ made a reasonable bona fide attempt to ascertain
15 the true age of the minor by requiring production of a driver's
16 license, marriage license, birth certificate, or other governmental or
17 educational identification card or paper and did not rely solely on the
18 oral allegations or apparent age of the minor.

19 (4) In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070,
20 it shall be an affirmative defense that the defendant was a law
21 enforcement officer in the process of conducting an official
22 investigation of a sex-related crime against a minor, or that the
23 defendant was providing individual case treatment as a recognized
24 medical facility or as a psychiatrist or psychologist licensed under
25 Title 18 RCW.

26 (5) In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070,
27 the state is not required to establish the identity of the alleged
28 victim.

1 NEW SECTION. **Sec. 2.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

Passed the Senate March 8, 1992.

Passed the House March 5, 1992.

Approved by the Governor April 1, 1992.

Filed in Office of Secretary of State April 1, 1992.