

SENATE BILL REPORT

ESB 6386

As Passed Senate, February 14, 2008

Title: An act relating to publishing the personal information of a minor or information describing the locations where minors may be found.

Brief Description: Concerning the publication of a minor's information.

Sponsors: Senators Stevens, Hargrove, Morton, Delvin, McCaslin and Rasmussen.

Brief History:

Committee Activity: Human Services & Corrections: 2/5/08, 2/7/08 [DP].
Passed Senate: 2/14/08, 47-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Marr and McAuliffe.

Staff: Kevin Black (786-7747)

Background: Concern exists about the potential for victimization of children in public spaces by sexual predators. In 2007 a website in Washington entitled "Tacoma-Everett Girl Love" posted writings by an avowed pedophile who posted pictures of children and posted instructions to other pedophiles how to locate places in which to view children in public spaces for the purpose of sexual gratification of the pedophiles.

Summary of Engrossed Bill: A new crime is created prohibiting the knowing publication of information relating to the location of children or a place where children regularly gather, or the specific time and location in which children or a particular child may be found, or the personal information of a child, for the purpose of arousing or gratifying the sexual desire of any person. It is a defense to a charge against an Internet service provider or social networking site that the service provider or social networking site did not have actual knowledge of the publication.

"Personal information" is defined as the name of a school attended by the minor, a home address, telephone number, e-mail address, physical description, or photograph of the minor.

"Child" is defined as any person under the age of 16. Commission of this crime is a gross misdemeanor. It is not a defense to prosecution if the information contains a specific disclaimer of intention to incite a sexual offense against a child if it is clear from the overall

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

character of the communication that its purpose is to promote the commission of a sexual offense against a child.

A prosecuting attorney or parent or guardian of a minor whose personal information has been published, or is about to be published, may initiate a civil suit to enjoin the publication of information as described in this Act. A court may order a temporary restraining order, a permanent injunction, declaratory relief, mandatory orders, or any other relief necessary to accomplish the purposes of an injunction.

A parent or guardian may bring a lawsuit, on behalf of a minor whose personal information was published, for actual damages sustained plus attorneys' fees and costs. The court may award "liquidated damages" of \$10,000 per violation.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is modeled after statutes that protect the children of persons in law enforcement, and it is designed to find a constitutionally appropriate way to stop sex predators from victimizing children. Parents need more control over the way in which their children's images and information are presented to the public. Washington parents have had images and information about their children posted on pro-pedophile websites.

Persons Testifying: PRO: Senator Stevens, prime sponsor; Bethan Tuttle, Communities Against Predators; Sabrina Risher.