
SUBSTITUTE SENATE BILL 6301

State of Washington

60th Legislature

2008 Regular Session

By Senate Judiciary (originally sponsored by Senators Oemig, Marr, Kauffman, and Rasmussen)

READ FIRST TIME 02/06/08.

1 AN ACT Relating to preventing conduct that is intended to provide
2 a person the information necessary to commit a pedophilic act; adding
3 a new section to chapter 9A.44 RCW; creating a new section; and
4 prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds:

7 (a) The sexual abuse of a child is a most serious crime and an act
8 repugnant to moral instincts;

9 (b) A pedophile is a person who has fantasies, urges, or behaviors
10 that involve sexual activity with a child, generally under thirteen
11 years of age; and

12 (c) When a person acts on a pedophilic urge, he or she has
13 committed a criminal act against the most vulnerable segment of our
14 society, children. Pedophiles have a high rate of recidivism, that is,
15 they tend to repeat their acts often over time. The main method for
16 preventing pedophilia is avoiding situations that may promote
17 pedophilic acts.

18 (2) It is the intent of the legislature to criminalize conduct that

1 is intended to provide a person the information necessary to commit a
2 pedophilic act.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.44 RCW
4 to read as follows:

5 (1) Every person who knowingly publishes information, including via
6 the internet, relating to the location of children or a place where
7 children regularly gather, or the specific time and location in which
8 a particular child may be found, for the purpose of arousing or
9 gratifying the sexual desire of any person, is guilty of a gross
10 misdemeanor. It is a defense to a charge against an internet service
11 provider or social networking site that the internet service provider
12 or social networking site had only constructive knowledge and not
13 actual knowledge.

14 (2) If a person is convicted of a violation of this section, the
15 court may order:

16 (a) The removal of any information relating to the location of a
17 child, and the destruction or removal of any photograph, motion picture
18 film, digital image, videotape, or any other recording of an image that
19 was made by the person and posted on the internet in connection
20 therewith; and

21 (b) An internet service provider to permanently remove from its
22 server any web page containing information relating to the location of
23 a child, and any photograph, motion picture film, digital image,
24 videotape, or any other recording of an image of the child.

25 (3) Nothing in this section shall prevent a parent or guardian of
26 a child who believes that a web page may be in violation of this
27 section from seeking an ex parte court order for permanent injunctive
28 relief to remove that web page.

29 (4) It is not a defense to prosecution under this section that the
30 information includes a specific disclaimer of intention to incite a
31 sexual offense against a minor if it is clear from the overall
32 character of the communication that its purpose is to promote the
33 commission of a sexual offense against a minor.

34 (5) For the purposes of this section, "child" means any person
35 under thirteen years of age.

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