
SENATE BILL 5145

State of Washington 61st Legislature 2009 Regular Session

By Senators Kline, Regala, McDermott, and Kohl-Welles

Read first time 01/15/09. Referred to Committee on Judiciary.

1 AN ACT Relating to the definition of sexually explicit conduct; and
2 amending RCW 9.68A.011.

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

4 **Sec. 1.** RCW 9.68A.011 and 2002 c 70 s 1 are each amended to read
5 as follows:

6 Unless the context clearly indicates otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) To "photograph" means to make a print, negative, slide, digital
9 image, motion picture, or videotape. A "photograph" means anything
10 tangible or intangible produced by photographing.

11 (2) "Visual or printed matter" means any photograph or other
12 material that contains a reproduction of a photograph.

13 (3) "Sexually explicit conduct" means actual or simulated:

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

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

18 (c) Masturbation;

1 (d) Sadomasochistic abuse for the purpose of sexual stimulation of
2 the viewer;

3 (e) (~~Exhibition~~) Depicting of or revealing of the genitals or
4 unclothed pubic or rectal areas of any minor, or the unclothed breast
5 of a female minor, for the purpose of sexual stimulation of the viewer.
6 For purposes of this subsection (3)(e), it is not necessary that the
7 minor know that he or she is participating in the described conduct, or
8 any aspect of it;

9 (f) Defecation or urination for the purpose of sexual stimulation
10 of the viewer; and

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

14 (4) "Minor" means any person under eighteen years of age.

15 (5) "Live performance" means any play, show, skit, dance, or other
16 exhibition performed or presented to or before an audience of one or
17 more, with or without consideration.

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