

SENATE BILL REPORT

2SHB 1281

As of March 20, 2015

Title: An act relating to sexual exploitation of minors.

Brief Description: Concerning the sexual exploitation of minors.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Sawyer, Orwall, Hurst, Blake, Stokesbary, Tarleton, Walsh, Kirby, Appleton, G. Hunt, Pettigrew, Jinkins, Carlyle, Fey, Ortiz-Self, Senn, Walkinshaw, Moeller, Kilduff, Robinson, Van De Wege, Stanford, Ryu, Lytton, Sells, Riccelli, Kagi, Bergquist, Clibborn, Santos, Buys and Gregerson).

Brief History: Passed House: 3/04/15, 97-0.

Committee Activity: Law & Justice: 3/12/15.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Melissa Burke-Cain (786-7755)

Background: The Washington State Internet Crimes Against Children Task Force (Task Force) is one of 61 such task forces in the United States funded by the United States Department of Justice. The Task Force is made up of local, state, and federal law enforcement agencies working to identify, arrest, and convict those individuals who victimize children by way of the Internet. Crimes investigated by the unit include the following: communication with a minor for immoral purposes, sexual exploitation of a minor, possession of depictions of minors engaged in sexually explicit conduct, and dealing in depictions of minors engaged in sexually explicit conduct.

Summary of Bill: The Internet Crimes Against Children Account is created in the custody of the State Treasurer. A person convicted of possession of depictions of a minor engaged in sexually explicit conduct must be assessed a fine of \$1,000 for each conviction. The fine assessed must be deposited into the Internet Crimes Against Children Account.

Only the Attorney General or the Attorney General's designee may authorize expenditures from the Account. Twenty-five percent of the receipts must be granted to Child Advocacy Centers and 75 percent of the receipts must be granted to the Task Force.

Appropriation: None.

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.

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: More crimes could be investigated, and more children could be rescued with additional funding. Washington is a tech-savvy state so the incidence of Internet crimes against children is high compared with other states. The child advocacy centers have a good coordination model for services and criminal prosecution. Children may be filmed in compromising situations and the images are used to coerce children to participate in further Internet sexual exploitation. The bill would provide assistance for victims and resources for law enforcement.

CON: The bill does not take the defendant's ability to pay into account when determining fines. Many offenders save a library of images resulting in a high fine. The high fine may overwhelm the offender, and impair treatment's success. Post-custody treatment costs are significant, but income potential is low, causing some offenders to repeat the offense cycle.

Persons Testifying: PRO: Representative Sawyer, prime sponsor; Tim Heffer, Justice and Mercy Foundation; Seth Dawson, Children's Advocacy Centers.

CON: Ramona Brandes, WA Assn. of Criminal Defense Lawyers, WA Defender Assn.

Persons Signed in to Testify But Not Testifying: No one.