
SUBSTITUTE HOUSE BILL 1281

State of Washington

64th Legislature

2015 Regular Session

By House Public Safety (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)

READ FIRST TIME 02/10/15.

1 AN ACT Relating to sexual exploitation of minors; amending RCW
2 67.70.190; adding new sections to chapter 9.68A RCW; creating a new
3 section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that sexual abuse
6 and exploitation of children robs victims of their childhood and
7 irrevocably interferes with their emotional and psychological
8 development. Victims of child pornography often experience severe and
9 lasting harm from the permanent memorialization of the crimes
10 committed against them. Child victims endure depression, withdrawal,
11 anger, and other psychological disorders. Victims also experience
12 feelings of guilt and responsibility for the sexual abuse as well as
13 feelings of betrayal, powerlessness, worthlessness, and low self-
14 esteem. Each and every time such an image is viewed, traded, printed,
15 or downloaded, the child in that image is victimized again.

16 The legislature finds that the expansion of the internet and
17 computer-related technologies have led to a dramatic increase in the
18 availability of child pornography by simplifying how it can be
19 created, distributed, and collected. Investigators and prosecutors
20 report dramatic increases in the number and violent character of the
21 sexually abusive images of children being trafficked through the

1 internet. Between 2005 and 2009, the national center for missing and
2 exploited children's child victim identification program has seen a
3 four hundred thirty-two percent increase in child pornography films
4 and files submitted for identification of the children depicted. The
5 United States department of justice estimates that pornographers have
6 recorded the abuse of more than one million children in the United
7 States alone. Furthermore, a well-known study conducted by crimes
8 against children research center for the national center for missing
9 and exploited children concluded that an estimated forty percent of
10 those who possess child pornography have also directly victimized a
11 child and fifteen percent have attempted to entice a child over the
12 internet.

13 The legislature finds that due to a lack of dedicated resources,
14 only two percent of known child exploitation offenders are being
15 investigated. The legislature finds that additional funding sources
16 are needed to ensure that law enforcement agencies can adequately
17 investigate and prosecute offenders and victims can receive necessary
18 services, including mental health treatment. Finally, the legislature
19 finds that offenders convicted of crimes relating to child
20 pornography should bear the high cost of investigations and
21 prosecutions of these crimes and also the cost of providing services
22 to victims.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.68A
24 RCW to read as follows:

25 (1) In addition to penalties set forth in RCW 9.68A.070, a person
26 who is convicted of violating RCW 9.68A.070 shall be assessed a fee
27 of one thousand dollars for each depiction or image of visual or
28 printed matter that constitutes a separate conviction.

29 (2) Fees assessed under this section shall be collected by the
30 clerk of the court and remitted to the state treasurer for deposit
31 into the internet crimes against children account created in section
32 3 of this act.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.68A
34 RCW to read as follows:

35 (1) The internet crimes against children account is created in
36 the custody of the state treasurer. All receipts from fees collected
37 under section 2 of this act must be deposited into the account.

1 (2) Only the attorney general for the state of Washington or the
2 attorney general's designee may authorize expenditures from the
3 account.

4 (3) The attorney general or his or her designee must make any
5 expenditures from the account according to the following schedule:

6 (a) Twenty-five percent of receipts for grants to child advocacy
7 centers, as defined in RCW 26.44.020; and

8 (b) Seventy-five percent of receipts for grants to the Washington
9 internet crimes against children task force for use in investigations
10 and prosecutions of crimes against children.

11 (4) The account is subject to the allotment procedures under
12 chapter 43.88 RCW, but an appropriation is not required for
13 expenditures.

14 **Sec. 4.** RCW 67.70.190 and 2013 2nd sp.s. c 4 s 987 are each
15 amended to read as follows:

16 Unclaimed prizes shall be retained in the state lottery account
17 for the person entitled thereto for one hundred eighty days after the
18 drawing in which the prize is won, or after the official end of the
19 game for instant prizes. If no claim is made for the prize within
20 this time, all rights to the prize shall be extinguished, and the
21 prize shall be retained in the state lottery fund for further use as
22 prizes, except that one-third of all unclaimed prize money shall be
23 deposited in the economic development strategic reserve account
24 created in RCW 43.330.250, and one-third shall be deposited in the
25 internet crimes against children account created in section 3 of this
26 act.

27 (~~On July 1, 2009, June 30, 2010, and June 30, 2011, all~~
28 ~~unclaimed prize money retained in the state lottery account in excess~~
29 ~~of three million dollars, excluding amounts distributed to the~~
30 ~~economic development strategic reserve account, shall be transferred~~
31 ~~into the state general fund.~~

32 ~~During the 2013-2015 fiscal biennium, the legislature may~~
33 ~~transfer to the education legacy trust account such amounts as~~
34 ~~reflect the excess fund balance in the state lottery account from~~
35 ~~unclaimed prizes.)~~)

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