
SUBSTITUTE HOUSE BILL 1059

State of Washington

68th Legislature

2023 Regular Session

By House Community Safety, Justice, & Reentry (originally sponsored by Representatives Walen, Duerr, Rule, Doglio, Timmons, Reeves, Wylie, Thai, Kloba, and Ormsby)

READ FIRST TIME 01/23/23.

1 AN ACT Relating to protecting minors from sexual exploitation;
2 and amending RCW 9.68A.040 and 9.68A.053.

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

4 **Sec. 1.** RCW 9.68A.040 and 1989 c 32 s 2 are each amended to read
5 as follows:

6 (1) A person is guilty of sexual exploitation of a minor if the
7 person:

8 (a) Compels a minor by threat or force to engage in sexually
9 explicit conduct, knowing that such conduct will be photographed or
10 part of a live performance;

11 (b) Aids, invites, employs, authorizes, or causes a minor to
12 engage in sexually explicit conduct, knowing that such conduct will
13 be photographed or part of a live performance; ~~((or))~~

14 (c) Being a parent, legal guardian, or person having custody or
15 control of a minor, permits the minor to engage in sexually explicit
16 conduct, knowing that the conduct will be photographed or part of a
17 live performance; or

18 (d) Knowingly causes a minor to be photographed or part of a live
19 performance which depicts the minor engaged in sexually explicit
20 conduct where the minor is unconscious or unaware of the photograph
21 or recording.

1 (2) It is not a violation of this section if an individual takes
2 a photograph or video of a third party committing the offense under
3 this section with a good faith intent to assist with an investigation
4 or prosecution by documenting the offensive behavior.

5 (3) Sexual exploitation of a minor is a class B felony punishable
6 under chapter 9A.20 RCW.

7 **Sec. 2.** RCW 9.68A.053 and 2019 c 128 s 4 are each amended to
8 read as follows:

9 (1) (a) (i) A person under the age of eighteen commits the crime of
10 a minor dealing in depictions of another minor thirteen years of age
11 or older engaged in sexually explicit conduct in the first degree
12 when he or she knowingly distributes, publishes, transfers,
13 disseminates, or exchanges a visual or printed matter that depicts
14 another minor thirteen years of age or older engaged in an act of
15 sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through
16 (e).

17 (ii) Minor dealing in depictions of another minor thirteen years
18 of age or older engaged in sexually explicit conduct in the first
19 degree is a gross misdemeanor.

20 (b) (i) A person under the age of eighteen commits the crime of a
21 minor dealing in depictions of another minor thirteen years of age or
22 older engaged in sexually explicit conduct in the second degree when
23 he or she knowingly distributes, publishes, transfers, disseminates,
24 or exchanges a visual or printed matter that depicts another minor
25 thirteen years of age or older engaged in an act of sexually explicit
26 conduct as defined in RCW 9.68A.011(4) (f) or (g).

27 (ii) Minor dealing in depictions of another minor thirteen years
28 of age or older engaged in sexually explicit conduct in the second
29 degree is a misdemeanor.

30 (2) (a) A person under age eighteen commits the crime of minor
31 dealing in depictions of another minor twelve years of age or younger
32 engaged in sexually explicit conduct in the first degree when he or
33 she:

34 (i) Knowingly develops, duplicates, publishes, prints,
35 disseminates, exchanges, finances, attempts to finance, or sells a
36 visual or printed matter that depicts another minor twelve years of
37 age or younger engaged in an act of sexually explicit conduct as
38 defined in RCW 9.68A.011(4) (a) through (e); or

1 (ii) Possesses with intent to develop, duplicate, publish, print,
2 disseminate, exchange, or sell any visual or printed matter that
3 depicts another minor twelve years of age or younger engaged in an
4 act of sexually explicit conduct as defined in RCW 9.68A.011(4) (a)
5 through (e).

6 (b) Minor dealing in depictions of another minor twelve years of
7 age or younger engaged in sexually explicit conduct in the first
8 degree is a class B felony punishable under chapter 9A.20 RCW.

9 (3)(a) A person under age eighteen commits the crime of minor
10 dealing in depictions of another minor twelve years of age or younger
11 engaged in sexually explicit conduct in the second degree when he or
12 she:

13 (i) Knowingly develops, duplicates, publishes, prints,
14 disseminates, exchanges, finances, attempts to finance, or sells any
15 visual or printed matter that depicts another minor twelve years of
16 age or younger engaged in an act of sexually explicit conduct as
17 defined in RCW 9.68A.011(4) (f) or (g); or

18 (ii) Possesses with intent to develop, duplicate, publish, print,
19 disseminate, exchange, or sell any visual or printed matter that
20 depicts another minor twelve years of age or younger engaged in an
21 act of sexually explicit conduct as defined in RCW 9.68A.011(4) (f)
22 or (g).

23 (b) Minor dealing in depictions of a minor twelve years of age or
24 younger engaged in sexually explicit conduct in the second degree is
25 a class B felony punishable under chapter 9A.20 RCW.

26 (4)(a) Any person under the age of eighteen commits the crime of
27 minor financing or selling depictions of another minor engaged in
28 sexually explicit conduct when he or she finances, attempts to
29 finance, or sells a visual or printed matter that depicts a minor
30 engaged in an act of sexually explicit conduct as defined in RCW
31 9.68A.011(4) (a) through (g).

32 (b) Minor financing or selling depictions of another minor
33 engaged in sexually explicit conduct is a class B felony punishable
34 under chapter 9A.20 RCW.

35 (5)(a) A person under the age of eighteen commits the crime of
36 minor selling depictions of himself or herself engaged in sexually
37 explicit conduct when he or she sells a visual or printed matter that
38 depicts himself or herself engaged in an act of sexually explicit
39 conduct as defined in RCW 9.68A.011(4) (a) through (g) and that
40 visual or printed matter does not include any depiction of another

1 minor engaged in an act of sexually explicit conduct as defined in
2 RCW 9.68A.011(4).

3 (b) Minor selling depictions of himself or herself engaged in
4 sexually explicit conduct is a misdemeanor.

5 (6) This section does not apply to a person under eighteen years
6 of age who finances, attempts to finance, develops, duplicates,
7 publishes, prints, disseminates, exchanges, or possesses a visual or
8 printed matter that depicts himself or herself engaged in an act of
9 sexually explicit conduct as defined in RCW 9.68A.011(4) and that
10 visual or printed matter does not include any depiction of another
11 minor engaged in an act of sexually explicit conduct as defined in
12 RCW 9.68A.011(4).

13 (7) For the purposes of determining the unit of prosecution under
14 this section, each depiction or image of visual or printed matter
15 constitutes a separate offense.

--- END ---