

# SENATE BILL REPORT

## SB 5094

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As of January 9, 2025

**Title:** An act relating to sexually explicit depictions of minors.

**Brief Description:** Concerning sexually explicit depictions of minors.

**Sponsors:** Senators Dhingra, Wagoner, Holy, Salomon, Wellman, Trudeau, Cleveland, Bateman, Wilson, C. and Chapman.

**Brief History:**

**Committee Activity:** Law & Justice: 1/16/25.

**Brief Summary of Bill**

- Eliminates the requirement that a minor must be identifiable for certain offenses involving fabricated depictions of minors engaged in sexually explicit conduct.
- Increases the statute of limitations for certain offenses involving depictions of a minor engaged in sexually explicit conduct.
- Expands the crime of sexual exploitation of a minor.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Ryan Giannini (786-7285)

**Background:** Depictions of a Minor Engaged in Sexually Explicit Conduct. Under state law, a person may be charged with a range of criminal offenses if the person deals in, sends or brings into the state, possesses, or views a depiction of a minor engaged in sexually explicit conduct. These offenses generally regulate applicable visual or printed matter and internet sessions where a user views such matter. Visual or printed matter includes fabricated depictions of an identifiable minor.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Different offenses or penalties may apply depending on the ages of the perpetrator and the depicted minor.

Statute of Limitations for Offenses Involving Depictions of a Minor Engaged in Sexually Explicit Conduct. A statute of limitations provides an authorized period of time for initiating a prosecution after a crime is committed. Once the applicable statute of limitations has expired, a prosecutor is barred from bringing charges against the alleged perpetrator. Statutes of limitation vary according to the crime.

Felony offenses related to dealing in, sending or bringing into the state, possessing, and viewing depictions or fabricated depictions of a minor engaged in sexually explicit conduct are considered sex offenses and must be prosecuted within three years of the commission of the crime.

In a prosecution for a sex offense, the applicable statute of limitations begins to run from whichever of the following dates is later:

- the date the crime was committed; or
- four years from the date the identity of the suspect is conclusively established by DNA testing or by photograph.

Sexual Exploitation of a Minor. A person commits the offense of sexual exploitation of a minor if the person:

- compels a minor by threat or force to engage in sexually explicit conduct, knowing that such conduct will be photographed or part of a live performance;
- aids, invites, employs, authorizes, or causes a minor to engage in sexually explicit conduct, knowing that such conduct will be photographed or part of a live performance; or
- permits a minor to engage in sexually explicit conduct, knowing that the conduct will be photographed or part of a live performance, when the person is a parent, legal guardian, or person with custody or control of the minor.

Sexual exploitation of a minor is a class B felony.

**Summary of Bill:** Minors do not need to be identifiable for purposes of criminal liability for offenses related to fabricated depictions of minors engaged in sexually explicit conduct.

The statute of limitations is increased from three years to ten years for offenses related to dealing in, sending or bringing into the state, possessing, and viewing depictions of a minor engaged in sexually explicit conduct.

The crime of sexual exploitation of a minor is expanded to include instances where a person knowingly causes an unconscious or unaware minor to be photographed or part of a live performance which depicts the minor engaged in sexually explicit conduct.

**Appropriation:** None.

**Fiscal Note:** Requested on January 6, 2024.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.