SENATE BILL REPORT
SB 5227

As Reported by Senate Committee On:
Law & Justice, February 6, 2025

Title: An act relating to offenses involving child sex dolls.

Brief Description: Concerning offenses involving child sex dolls.

Sponsors: Senators Orwall and Holy.

Brief History:
Committee Activity: Law & Justice: 1/27/25, 2/06/25 [DPS].

Brief Summary of First Substitute Bill

- Creates crimes prohibiting trafficking, manufacturing, sending and bringing into the state, or possession of a child sex doll.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5227 be substituted therefor, and the substitute bill do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Holy, Ranking Member; Fortunato, Lovick, Salomon, Torres, Valdez and Wagoner.

Staff: Ryan Giannini (786-7285)

Background: Washington law contains a number of criminal offenses designed to protect children from physical and sexual abuse. Felony conduct which is prohibited includes:

- sexual exploitation of a minor;
- dealing in depictions of a minor engaged in sexually explicit conduct;
- communication with a minor for immoral purposes; and
- commercial sexual abuse of a minor.

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.

The Child Rescue Fund is a fund in the custody of the state treasurer, with expenditures under the control of the Washington attorney general. Twenty-five percent of receipts from the fund must be used for grants to children's advocacy centers, and 75 percent must be used for grants to the Washington Internet Crimes Against Children Task Force to use for investigations and prosecutions of crimes against children. A children's advocacy center provides a location for forensic interviews and coordinates access to child services.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (First Substitute): The following crimes are created:

- trafficking a child sex doll;
- manufacturing a child sex doll;
- sending or bringing into the state a child sex doll; and
- possession of a child sex doll.

Trafficking, manufacturing, and sending or bringing into the state a child sex doll are class B felonies and seriousness level III offenses with a low end of 3 to 9 months, and a high end of 51 to 68 months. Possession of a child sex doll is a gross misdemeanor for the first offense and a class C felony for subsequent offenses, and a seriousness level III offense. For determining the unit of prosecution, each doll is a separate offense. A child sex doll is defined as an anatomically correct doll, mannequin, robot, or other object intended to be used for sexual acts or sexual stimulation or gratification that resembles a minor, or is specifically advertised as being a representation of a minor. A child sex doll may be manufactured or modified after purchase.

Courts are required to assess a fee of $1,000 for each conviction for deposit in the Child Rescue Fund.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):

- Lowers the offense seriousness level for manufacture of a child sex doll, trafficking a child sex doll, sending or bringing into state a child sex doll, and possession of a child sex doll.
- Amends the crime of possession of a child sex doll to be a gross misdemeanor on the first offense, and a class C felony if the defendant has one or more prior convictions.

Appropriation: None.

Fiscal Note: Available.

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

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

Staff Summary of Public Testimony on Proposed Substitute: *The committee recommended a different version of the bill than what was heard.* PRO: This bill is important because we want to make sure these dolls don't desensitize people to harmful actions around children. When you look at treatment for sex offenders, recidivism is the lowest when people are active in treatment and removed from triggering urges. Access to these dolls will activate inappropriate behavior. Other states have criminalized this behavior. Child sexual abuse is a crisis in our country. One out of 4 girls and one out of 20 boys experiences sexual abuse as a child. The burden is long-lasting. Legitimizing and normalizing sex with children puts more children's lives and lifetime happiness at risk.

OTHER: We have concerns about the seriousness level ranking of the new offenses. Punishments involving child sex dolls should not be the same, or harsher, than punishments involving an actual victim. The B level classification is concerning, as there are lower-classification offenses where actual children have been harmed. Manufacturing a child sex doll should be considered a more serious crime than the other offenses. There is no data that use of a child sex doll increases harm to children or increases actual victimization. This is just not proportional punishment. Other level VI sex crimes are incest 1, possession of depictions of minors engaging in sexually explicit conduct 1, and rape of a child 3. These should not be considered equally serious offenses as possession of a child sex doll.

Persons Testifying: PRO: Senator Tina Orwall, Prime Sponsor; Russell Brown, Washington Association of Prosecuting Attorneys.

OTHER: Keri-Anne Jetzer, Washington State Sentencing Guidelines Commission; Emily Gause, Washington Association of Criminal Defense Attorneys/Washington Defender Association.

Persons Signed In To Testify But Not Testifying: No one.