
SECOND ENGROSSED SUBSTITUTE SENATE BILL 5105

State of Washington

69th Legislature

2025 Regular Session

By Senate Law & Justice (originally sponsored by Senators Orwall, Christian, Dhingra, Nobles, Salomon, Wellman, and C. Wilson)

READ FIRST TIME 01/24/25.

1 AN ACT Relating to sexually explicit depictions of minors;
2 amending RCW 9.68A.050, 9.68A.053, 9.68A.060, 9.68A.070, 9.68A.075,
3 9.68A.110, and 9.68A.040; reenacting and amending RCW 9.68A.011 and
4 9A.04.080; adding a new section to chapter 9.68A RCW; creating a new
5 section; and prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that rapid
8 advancements in artificial intelligence and other digital tools have
9 enabled users to easily create or alter images in a realistic manner,
10 resulting in the widespread proliferation of fabricated depictions
11 that are virtually indistinguishable from authentic images.

12 The legislature further finds that images of child sexual abuse
13 have been reported in training datasets for artificial intelligence
14 image generation, and that artificial intelligence and other digital
15 tools are increasingly capable of generating realistic images of
16 minors engaging in sexually explicit conduct.

17 The legislature further finds that artificial intelligence and
18 other digital tools have introduced significant barriers to the
19 detection and prosecution of crimes involving depictions of minors
20 engaging in sexually explicit conduct, including by contributing to
21 the increased volume of child sexual abuse material available online,

1 facilitating the alteration of real images of child sexual abuse to
2 evade conventional detection methods, and subverting conventional
3 digital detection tools such as hash match identification.

4 The legislature further finds that even where a fabricated
5 depiction of a minor engaging in sexually explicit conduct does not
6 depict an identifiable victim, exposure to such material may
7 nonetheless desensitize the creator and viewers to the sexual
8 exploitation and abuse of minors, distort perceptions of healthy
9 sexuality and relationships, and increase the likelihood of future
10 victimization.

11 The legislature further finds that it has a legitimate and
12 compelling interest in preventing the sexual exploitation and abuse
13 of children, and that even fabricated depictions of such conduct are
14 patently offensive and may be regulated without infringing on
15 constitutionally protected activity.

16 Therefore, the legislature intends to expand Washington's
17 existing prohibitions against fabricated depictions of minors engaged
18 in sexually explicit conduct to include circumstances where the
19 depicted minor is not identifiable.

20 **Sec. 2.** RCW 9.68A.011 and 2024 c 88 s 1 are each reenacted and
21 amended to read as follows:

22 Unless the context clearly indicates otherwise, the definitions
23 in this section apply throughout this chapter.

24 (1) "Digitization" means creating or altering any visual or
25 printed matter to depict ~~((an identifiable))~~ a minor in a realistic
26 manner utilizing images of another person or computer-generated
27 images, regardless of whether such creation or alteration is
28 accomplished manually or through an automated process. "Digitization"
29 includes, but is not limited to, creation or alteration of any visual
30 or printed matter by using artificial intelligence.

31 (2) ~~"Fabricated ((depiction of an identifiable minor" and~~
32 ~~"fabricated depiction" mean))~~ depiction" means any visual or printed
33 matter that ((depicts)) was created or altered by digitization to
34 depict a minor ((who)) engaging in sexually explicit conduct and:

35 (a) The minor is identifiable from the matter itself or from
36 information displayed with or otherwise connected to the matter((
37 ~~and that was created or altered by digitization to depict the minor~~
38 ~~engaging in sexually explicit conduct in which the minor did not~~
39 ~~actually engage)); or~~

1 (b) Is obscene.

2 (3) An "internet session" means a period of time during which an
3 internet user, using a specific internet protocol address, visits or
4 is logged into an internet site for an uninterrupted period of time.

5 (4) "Live performance" means any play, show, skit, dance, or
6 other exhibition performed or presented to or before an audience of
7 one or more, with or without consideration.

8 (5) "Minor" means any person under (~~(eighteen)~~) 18 years of age.

9 (6) "Obscene" means any matter:

10 (a) Which the average person, applying contemporary community
11 standards, would find, when considered as a whole, appeals to the
12 prurient interest;

13 (b) Which the average person, applying contemporary community
14 standards, would find explicitly depicts or describes patently
15 offensive representations or descriptions of sexually explicit
16 conduct; and

17 (c) Which, when considered as a whole, and in the context in
18 which it is used, lacks serious literary, artistic, political, or
19 scientific value.

20 (7) To "photograph" means to make a print, negative, slide,
21 digital image, motion picture, or videotape. A "photograph" means
22 anything tangible or intangible produced by photographing.

23 (~~(7)~~) (8) "Sexually explicit conduct" means actual or
24 simulated:

25 (a) Sexual intercourse, including genital-genital, oral-genital,
26 anal-genital, or oral-anal, whether between persons of the same or
27 opposite sex or between humans and animals;

28 (b) Penetration of the vagina or rectum by any object;

29 (c) Masturbation;

30 (d) Sadomasochistic abuse;

31 (e) Defecation or urination for the purpose of sexual stimulation
32 of the viewer;

33 (f) Depiction of the genitals or unclothed pubic or rectal areas
34 of any minor, or the unclothed breast of a female minor, for the
35 purpose of sexual stimulation of the viewer. For the purposes of this
36 subsection (~~(7)~~) (8)(f), it is not necessary that the minor know
37 that he or she is participating in the described conduct, or any
38 aspect of it; (~~and~~) or

1 (g) Touching of a person's clothed or unclothed genitals, pubic
2 area, buttocks, or breast area for the purpose of sexual stimulation
3 of the viewer.

4 (~~((+8))~~) (9) "Visual or printed matter" means any photograph or
5 other material that contains a reproduction of a photograph. "Visual
6 or printed matter" includes, but is not limited to, any such
7 photograph or other material that constitutes a fabricated depiction
8 (~~(of an identifiable minor)~~).

9 **Sec. 3.** RCW 9.68A.050 and 2019 c 128 s 3 are each amended to
10 read as follows:

11 (1)(a) A person (~~(eighteen)~~) 18 years of age or older commits the
12 crime of dealing in depictions of a minor engaged in sexually
13 explicit conduct in the first degree when he or she:

14 (i) Knowingly develops, duplicates, publishes, prints,
15 disseminates, exchanges, finances, attempts to finance, or sells a
16 visual or printed matter that depicts a minor engaged in an act of
17 sexually explicit conduct as defined in RCW 9.68A.011(~~((+4))~~) (8) (a)
18 through (e); or

19 (ii) Possesses with intent to develop, duplicate, publish, print,
20 disseminate, exchange, or sell any visual or printed matter that
21 depicts a minor engaged in an act of sexually explicit conduct as
22 defined in RCW 9.68A.011(~~((+4))~~) (8) (a) through (e).

23 (b) Dealing in depictions of a minor engaged in sexually explicit
24 conduct in the first degree is a class B felony punishable under
25 chapter 9A.20 RCW.

26 (c) For the purposes of determining the unit of prosecution under
27 this subsection, each depiction or image of visual or printed matter
28 constitutes a separate offense.

29 (2)(a) A person (~~(eighteen)~~) 18 years of age or older commits the
30 crime of dealing in depictions of a minor engaged in sexually
31 explicit conduct in the second degree when he or she:

32 (i) Knowingly develops, duplicates, publishes, prints,
33 disseminates, exchanges, finances, attempts to finance, or sells any
34 visual or printed matter that depicts a minor engaged in an act of
35 sexually explicit conduct as defined in RCW 9.68A.011(~~((+4))~~) (8) (f)
36 or (g); or

37 (ii) Possesses with intent to develop, duplicate, publish, print,
38 disseminate, exchange, or sell any visual or printed matter that

1 depicts a minor engaged in an act of sexually explicit conduct as
2 defined in RCW 9.68A.011(~~((4))~~) (8) (f) or (g).

3 (b) Dealing in depictions of a minor engaged in sexually explicit
4 conduct in the second degree is a class B felony punishable under
5 chapter 9A.20 RCW.

6 (c) For the purposes of determining the unit of prosecution under
7 this subsection, each incident of dealing in one or more depictions
8 or images of visual or printed matter constitutes a separate offense.

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

11 (1)(a)(i) A person under the age of (~~(eighteen)~~) 18 commits the
12 crime of a minor dealing in depictions of another minor (~~(thirteen)~~)
13 13 years of age or older engaged in sexually explicit conduct in the
14 first degree when he or she knowingly distributes, publishes,
15 transfers, disseminates, or exchanges a visual or printed matter that
16 depicts another minor (~~(thirteen)~~) 13 years of age or older engaged
17 in an act of sexually explicit conduct as defined in RCW
18 9.68A.011(~~((4))~~) (8) (a) through (e).

19 (ii) Minor dealing in depictions of another minor (~~(thirteen)~~) 13
20 years of age or older engaged in sexually explicit conduct in the
21 first degree is a gross misdemeanor.

22 (b)(i) A person under the age of (~~(eighteen)~~) 18 commits the
23 crime of a minor dealing in depictions of another minor (~~(thirteen)~~)
24 13 years of age or older engaged in sexually explicit conduct in the
25 second degree when he or she knowingly distributes, publishes,
26 transfers, disseminates, or exchanges a visual or printed matter that
27 depicts another minor (~~(thirteen)~~) 13 years of age or older engaged
28 in an act of sexually explicit conduct as defined in RCW
29 9.68A.011(~~((4))~~) (8) (f) or (g).

30 (ii) Minor dealing in depictions of another minor (~~(thirteen)~~) 13
31 years of age or older engaged in sexually explicit conduct in the
32 second degree is a misdemeanor.

33 (2)(a) A person under age (~~(eighteen)~~) 18 commits the crime of
34 minor dealing in depictions of another minor (~~(twelve)~~) 12 years of
35 age or younger engaged in sexually explicit conduct in the first
36 degree when he or she:

37 (i) Knowingly develops, duplicates, publishes, prints,
38 disseminates, exchanges, finances, attempts to finance, or sells a
39 visual or printed matter that depicts another minor (~~(twelve)~~) 12

1 years of age or younger engaged in an act of sexually explicit
2 conduct as defined in RCW 9.68A.011(~~((4))~~) (8) (a) through (e); or

3 (ii) Possesses with intent to develop, duplicate, publish, print,
4 disseminate, exchange, or sell any visual or printed matter that
5 depicts another minor (~~((twelve))~~) 12 years of age or younger engaged
6 in an act of sexually explicit conduct as defined in RCW
7 9.68A.011(~~((4))~~) (8) (a) through (e).

8 (b) Minor dealing in depictions of another minor (~~((twelve))~~) 12
9 years of age or younger engaged in sexually explicit conduct in the
10 first degree is a class B felony punishable under chapter 9A.20 RCW.

11 (3) (a) A person under age (~~((eighteen))~~) 18 commits the crime of
12 minor dealing in depictions of another minor (~~((twelve))~~) 12 years of
13 age or younger engaged in sexually explicit conduct in the second
14 degree when he or she:

15 (i) Knowingly develops, duplicates, publishes, prints,
16 disseminates, exchanges, finances, attempts to finance, or sells any
17 visual or printed matter that depicts another minor (~~((twelve))~~) 12
18 years of age or younger engaged in an act of sexually explicit
19 conduct as defined in RCW 9.68A.011(~~((4))~~) (8) (f) or (g); or

20 (ii) Possesses with intent to develop, duplicate, publish, print,
21 disseminate, exchange, or sell any visual or printed matter that
22 depicts another minor (~~((twelve))~~) 12 years of age or younger engaged
23 in an act of sexually explicit conduct as defined in RCW
24 9.68A.011(~~((4))~~) (8) (f) or (g).

25 (b) Minor dealing in depictions of a minor (~~((twelve))~~) 12 years of
26 age or younger engaged in sexually explicit conduct in the second
27 degree is a class B felony punishable under chapter 9A.20 RCW.

28 (4) (a) Any person under the age of (~~((eighteen))~~) 18 commits the
29 crime of minor financing or selling depictions of another minor
30 engaged in sexually explicit conduct when he or she finances,
31 attempts to finance, or sells a visual or printed matter that depicts
32 a minor engaged in an act of sexually explicit conduct as defined in
33 RCW 9.68A.011(~~((4))~~) (8) (a) through (g).

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

37 (5) (a) A person under the age of (~~((eighteen))~~) 18 commits the
38 crime of minor selling depictions of himself or herself engaged in
39 sexually explicit conduct when he or she sells a visual or printed
40 matter that depicts himself or herself engaged in an act of sexually

1 explicit conduct as defined in RCW 9.68A.011(~~(+4)~~) (8) (a) through
2 (g).

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~~) 18
6 years 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)~~) (8).

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

13 **Sec. 5.** RCW 9.68A.060 and 2019 c 128 s 5 are each amended to
14 read as follows:

15 (1)(a) Except as provided in subsections (3) and (4) of this
16 section, a person commits the crime of sending or bringing into the
17 state depictions of a minor engaged in sexually explicit conduct in
18 the first degree when he or she knowingly sends or causes to be sent,
19 or brings or causes to be brought, into this state for sale or
20 distribution, a visual or printed matter that depicts a minor engaged
21 in sexually explicit conduct as defined in RCW 9.68A.011(~~(+4)~~) (8)
22 (a) through (e).

23 (b) Sending or bringing into the state depictions of a minor
24 engaged in sexually explicit conduct in the first degree is a class B
25 felony punishable under chapter 9A.20 RCW.

26 (c) For the purposes of determining the unit of prosecution under
27 this subsection, each depiction or image of visual or printed matter
28 constitutes a separate offense.

29 (2)(a) Except as provided in subsections (3) and (4) of this
30 section, a person commits the crime of sending or bringing into the
31 state depictions of a minor engaged in sexually explicit conduct in
32 the second degree when he or she knowingly sends or causes to be
33 sent, or brings or causes to be brought, into this state for sale or
34 distribution, any visual or printed matter that depicts a minor
35 engaged in sexually explicit conduct as defined in RCW
36 9.68A.011(~~(+4)~~) (8) (f) or (g).

37 (b) Sending or bringing into the state depictions of a minor
38 engaged in sexually explicit conduct in the second degree is a class
39 B felony punishable under chapter 9A.20 RCW.

1 (c) For the purposes of determining the unit of prosecution under
2 this subsection, each incident of sending or bringing into the state
3 one or more depictions or images of visual or printed matter
4 constitutes a separate offense.

5 (3) This section does not apply to a minor who knowingly sends or
6 causes to be sent, or brings or causes to be brought, into this state
7 for distribution, visual or printed matter depicting any minor
8 (~~(thirteen)~~) 13 years of age or older engaged in sexually explicit
9 conduct.

10 (4) This section does not apply to a person under (~~(thirteen)~~) 13
11 years of age who knowingly sends or causes to be sent, or brings or
12 causes to be brought, into this state for distribution, visual or
13 printed matter depicting himself or herself engaged in sexually
14 explicit conduct.

15 **Sec. 6.** RCW 9.68A.070 and 2019 c 128 s 6 are each amended to
16 read as follows:

17 (1)(a) Except as provided in subsections (3) and (4) of this
18 section, a person commits the crime of possession of depictions of a
19 minor engaged in sexually explicit conduct in the first degree when
20 he or she knowingly possesses a visual or printed matter depicting a
21 minor engaged in sexually explicit conduct as defined in RCW
22 9.68A.011(~~(+4)~~) (8) (a) through (e).

23 (b) Possession of depictions of a minor engaged in sexually
24 explicit conduct in the first degree is a class B felony punishable
25 under chapter 9A.20 RCW.

26 (c) For the purposes of determining the unit of prosecution under
27 this subsection, each depiction or image of visual or printed matter
28 constitutes a separate offense.

29 (2)(a) Except as provided in subsections (3) and (4) of this
30 section, a person commits the crime of possession of depictions of a
31 minor engaged in sexually explicit conduct in the second degree when
32 he or she knowingly possesses any visual or printed matter depicting
33 a minor engaged in sexually explicit conduct as defined in RCW
34 9.68A.011(~~(+4)~~) (8) (f) or (g).

35 (b) Possession of depictions of a minor engaged in sexually
36 explicit conduct in the second degree is a class B felony punishable
37 under chapter 9A.20 RCW.

38 (c) For the purposes of determining the unit of prosecution under
39 this subsection, each incident of possession of one or more

1 depictions or images of visual or printed matter constitutes a
2 separate offense.

3 (3) This section does not apply to a minor's possession of visual
4 or printed matter depicting any minor (~~(thirteen)~~) 13 years of age or
5 older engaged in sexually explicit conduct.

6 (4) This section does not apply to a person under (~~(thirteen)~~) 13
7 years of age in possession of visual or printed matter depicting
8 himself or herself engaged in sexually explicit conduct.

9 **Sec. 7.** RCW 9.68A.075 and 2019 c 128 s 7 are each amended to
10 read as follows:

11 (1) Except as provided in subsections (5) and (6) of this
12 section, a person who intentionally views over the internet visual or
13 printed matter depicting a minor engaged in sexually explicit conduct
14 as defined in RCW 9.68A.011(~~(+4)~~) (8) (a) through (e) is guilty of
15 viewing depictions of a minor engaged in sexually explicit conduct in
16 the first degree, a class B felony punishable under chapter 9A.20
17 RCW.

18 (2) Except as provided in subsections (5) and (6) of this
19 section, a person who intentionally views over the internet visual or
20 printed matter depicting a minor engaged in sexually explicit conduct
21 as defined in RCW 9.68A.011(~~(+4)~~) (8) (f) or (g) is guilty of
22 viewing depictions of a minor engaged in sexually explicit conduct in
23 the second degree, a class C felony punishable under chapter 9A.20
24 RCW.

25 (3) For the purposes of determining whether a person
26 intentionally viewed over the internet a visual or printed matter
27 depicting a minor engaged in sexually explicit conduct in subsection
28 (1) or (2) of this section, the trier of fact shall consider the
29 title, text, and content of the visual or printed matter, as well as
30 the internet history, search terms, thumbnail images, downloading
31 activity, expert computer forensic testimony, number of visual or
32 printed matter depicting minors engaged in sexually explicit conduct,
33 defendant's access to and control over the electronic device and its
34 contents upon which the visual or printed matter was found, or any
35 other relevant evidence. The state must prove beyond a reasonable
36 doubt that the viewing was initiated by the user of the computer
37 where the viewing occurred.

38 (4) For the purposes of this section, each separate internet
39 session of intentionally viewing over the internet visual or printed

1 matter depicting a minor engaged in sexually explicit conduct
2 constitutes a separate offense.

3 (5) This section does not apply to a minor who intentionally
4 views over the internet visual or printed matter depicting a minor
5 (~~(thirteen)~~) 13 years of age or older engaged in sexually explicit
6 conduct.

7 (6) This section does not apply to a person under (~~(thirteen)~~) 13
8 years of age who intentionally views over the internet visual or
9 printed matter depicting himself or herself engaged in sexually
10 explicit conduct.

11 **Sec. 8.** RCW 9.68A.110 and 2024 c 88 s 3 are each amended to read
12 as follows:

13 (1) In a prosecution under RCW 9.68A.040, it is not a defense
14 that the defendant was involved in activities of law enforcement and
15 prosecution agencies in the investigation and prosecution of criminal
16 offenses. Law enforcement and prosecution agencies shall not employ
17 minors to aid in the investigation of a violation of RCW 9.68A.090 or
18 9.68A.100 through 9.68A.102, except for the purpose of facilitating
19 an investigation where the minor is also the alleged victim and the:

20 (a) Investigation is authorized pursuant to RCW
21 9.73.230(1)(b)(ii) or 9.73.210(1)(b); or

22 (b) Minor's aid in the investigation involves only telephone or
23 electronic communication with the defendant.

24 (2) In a prosecution under RCW 9.68A.050, 9.68A.053, 9.68A.060,
25 9.68A.070, 9.68A.075, or 9.68A.080, it is not a defense that the
26 defendant did not know the age of the child depicted in the visual or
27 printed matter. It is a defense, which the defendant must prove by a
28 preponderance of the evidence, that at the time of the offense the
29 defendant was not in possession of any facts on the basis of which he
30 or she should reasonably have known that the person depicted was a
31 minor.

32 (3) In a prosecution under RCW 9.68A.040, 9.68A.090, 9.68A.100,
33 9.68A.101, or 9.68A.102, it is not a defense that the defendant did
34 not know the alleged victim's age. It is a defense, which the
35 defendant must prove by a preponderance of the evidence, that at the
36 time of the offense, the defendant made a reasonable bona fide
37 attempt to ascertain the true age of the minor by requiring
38 production of a driver's license, marriage license, birth
39 certificate, or other governmental or educational identification card

1 or paper and did not rely solely on the oral allegations or apparent
2 age of the minor.

3 (4) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070,
4 or 9.68A.075, it shall be an affirmative defense that the defendant
5 was a law enforcement officer or a person specifically authorized, in
6 writing, to assist a law enforcement officer and acting at the
7 direction of a law enforcement officer in the process of conducting
8 an official investigation of a sex-related crime against a minor, or
9 that the defendant was providing individual case treatment as a
10 recognized medical facility or as a psychiatrist or psychologist
11 licensed under Title 18 RCW. Nothing in chapter 227, Laws of 2010 is
12 intended to in any way affect or diminish the immunity afforded an
13 electronic communication service provider, remote computing service
14 provider, or domain name registrar acting in the performance of its
15 reporting or preservation responsibilities under 18 U.S.C. Secs.
16 2258a, 2258b, or 2258c.

17 (5) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070,
18 or 9.68A.075, the state is not required to establish the identity of
19 the alleged victim unless the charged offense involves a fabricated
20 depiction as defined in RCW 9.68A.011(2)(a).

21 (6) In a prosecution under RCW 9.68A.070 or 9.68A.075, it shall
22 be an affirmative defense that:

23 (a) The defendant was employed at or conducting research in
24 partnership or in cooperation with any institution of higher
25 education as defined in RCW 28B.07.020 or 28B.10.016, and:

26 (i) He or she was engaged in a research activity;

27 (ii) The research activity was specifically approved prior to the
28 possession or viewing activity being conducted in writing by a
29 person, or other such entity vested with the authority to grant such
30 approval by the institution of higher education; and

31 (iii) Viewing or possessing the visual or printed matter is an
32 essential component of the authorized research; or

33 (b) The defendant was an employee of the Washington state
34 legislature engaged in research at the request of a member of the
35 legislature and:

36 (i) The request for research is made prior to the possession or
37 viewing activity being conducted in writing by a member of the
38 legislature;

39 (ii) The research is directly related to a legislative activity;
40 and

1 (iii) Viewing or possessing the visual or printed matter is an
2 essential component of the requested research and legislative
3 activity.

4 (7) In a prosecution under RCW 9.68A.050, 9.68A.053, 9.68A.060,
5 9.68A.070, or 9.68A.075 where the charged offense involves a
6 fabricated depiction, ~~((it))~~ the state is not required to establish
7 that the minor depicted actually exists. It is not a defense that the
8 defendant lacked knowledge of whether the fabricated depiction had
9 been created or altered by digitization, or that the defendant lacked
10 knowledge of whether the minor depicted actually exists. For the
11 purposes of this subsection (7), "fabricated depiction" has the same
12 meaning as defined in RCW 9.68A.011(2)(b).

13 (8) Nothing in this section authorizes otherwise unlawful viewing
14 or possession of visual or printed matter depicting a minor engaged
15 in sexually explicit conduct.

16 **Sec. 9.** RCW 9.68A.040 and 1989 c 32 s 2 are each amended to read
17 as follows:

18 (1) A person is guilty of sexual exploitation of a minor if the
19 person:

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

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

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

30 (d) Knowingly causes a minor to be photographed or part of a live
31 performance which depicts the minor engaged in sexually explicit
32 conduct where the minor is unconscious or unaware of the photograph
33 or live performance.

34 (2) Sexual exploitation of a minor is a class B felony punishable
35 under chapter 9A.20 RCW.

36 NEW SECTION. **Sec. 10.** A new section is added to chapter 9.68A
37 RCW to read as follows:

1 Nothing in RCW 9.68A.050, 9.68A.053, 9.68A.060, 9.68A.070,
2 9.68A.075, or 9.68A.080 affects any criminal or civil liability a
3 provider, as defined under 18 U.S.C. Sec. 2258e, may be subject to
4 under federal law.

5 **Sec. 11.** RCW 9A.04.080 and 2024 c 298 s 16 and 2024 c 297 s 11
6 are each reenacted and amended to read as follows:

7 (1) Prosecutions for criminal offenses shall not be commenced
8 after the periods prescribed in this section.

9 (a) The following offenses may be prosecuted at any time after
10 their commission:

- 11 (i) Murder;
- 12 (ii) Homicide by abuse;
- 13 (iii) Arson if a death results;
- 14 (iv) Vehicular homicide;
- 15 (v) Vehicular assault if a death results;
- 16 (vi) Hit-and-run injury-accident if a death results (RCW
17 46.52.020(4));
- 18 (vii) Rape in the first degree (RCW 9A.44.040) if the victim is
19 under the age of sixteen;
- 20 (viii) Rape in the second degree (RCW 9A.44.050) if the victim is
21 under the age of sixteen;
- 22 (ix) Rape of a child in the first degree (RCW 9A.44.073);
- 23 (x) Rape of a child in the second degree (RCW 9A.44.076);
- 24 (xi) Rape of a child in the third degree (RCW 9A.44.079);
- 25 (xii) Sexual misconduct with a minor in the first degree (RCW
26 9A.44.093);
- 27 (xiii) Custodial sexual misconduct in the first degree (RCW
28 9A.44.160);
- 29 (xiv) Child molestation in the first degree (RCW 9A.44.083);
- 30 (xv) Child molestation in the second degree (RCW 9A.44.086);
- 31 (xvi) Child molestation in the third degree (RCW 9A.44.089);
- 32 (xvii) Sexual exploitation of a minor (RCW 9.68A.040);
- 33 (xviii) Rape in the first degree (RCW 9A.44.040) if the
34 perpetrator is a first responder as defined in RCW 70.54.430 and if
35 the first responder used the first responder's position to facilitate
36 the commission of the offense;
- 37 (xix) Rape in the second degree (RCW 9A.44.050) if the
38 perpetrator is a first responder as defined in RCW 70.54.430 and if

1 the first responder used the first responder's position to facilitate
2 the commission of the offense;

3 (xx) Rape in the third degree (RCW 9A.44.060) if the perpetrator
4 is a first responder as defined in RCW 70.54.430 and if the first
5 responder used the first responder's position to facilitate the
6 commission of the offense;

7 (xxi) Trafficking (RCW 9A.40.100) if the victim is under the age
8 of 18;

9 (xxii) Commercial sexual abuse of a minor (RCW 9.68A.100);

10 (xxiii) Promoting commercial sexual abuse of a minor (RCW
11 9.68A.101);

12 (xxiv) Promoting travel for commercial sexual abuse of a minor
13 (RCW 9.68A.102); and

14 (xxv) Permitting commercial sexual abuse of a minor (RCW
15 9.68A.103).

16 (b) Except as provided in (a) of this subsection, the following
17 offenses may not be prosecuted more than 20 years after its
18 commission:

19 (i) Rape in the first degree (RCW 9A.44.040);

20 (ii) Rape in the second degree (RCW 9A.44.050); or

21 (iii) Indecent liberties (RCW 9A.44.100).

22 (c) The following offenses may not be prosecuted more than
23 ~~((ten))~~ 10 years after its commission:

24 (i) Any felony committed by a public officer if the commission is
25 in connection with the duties of his or her office or constitutes a
26 breach of his or her public duty or a violation of the oath of
27 office;

28 (ii) Arson if no death results;

29 (iii) Rape in the third degree (RCW 9A.44.060);

30 (iv) Attempted murder; ~~((one))~~

31 (v) Trafficking under RCW 9A.40.100;

32 (vi) Dealing in depictions of a minor engaged in sexually
33 explicit conduct in the first degree (RCW 9.68A.050(1));

34 (vii) Dealing in depictions of a minor engaged in sexually
35 explicit conduct in the second degree (RCW 9.68A.050(2));

36 (viii) Possession of depictions of a minor engaged in sexually
37 explicit conduct in the first degree (RCW 9.68A.070(1));

38 (ix) Possession of depictions of a minor engaged in sexually
39 explicit conduct in the second degree (RCW 9.68A.070(2));

1 (x) Sending or bringing into the state depictions of a minor
2 engaged in sexually explicit conduct in the first degree (RCW
3 9.68A.060(1));

4 (xi) Sending or bringing into the state depictions of a minor
5 engaged in sexually explicit conduct in the second degree (RCW
6 9.68A.060(2));

7 (xii) Viewing depictions of a minor engaged in sexually explicit
8 conduct in the first degree (RCW 9.68A.075(1)); or

9 (xiii) Viewing depictions of a minor engaged in sexually explicit
10 conduct in the second degree (RCW 9.68A.075(2)).

11 (d) A violation of this offense listed in this subsection (1)(d)
12 may be prosecuted up to 10 years after its commission or, if
13 committed against a victim under the age of 18, up to the victim's
14 30th birthday, whichever is later: RCW 9A.64.020 (incest).

15 (e) A violation of RCW 9A.36.170 may be prosecuted up to 10 years
16 after its commission, or if committed against a victim under the age
17 of 18, up to the victim's 28th birthday, whichever is later.

18 (f) The following offenses may not be prosecuted more than six
19 years after its commission or discovery, whichever occurs later:

20 (i) Violations of RCW 9A.82.060 or 9A.82.080;

21 (ii) Any felony violation of chapter 9A.83 RCW;

22 (iii) Any felony violation of chapter 9.35 RCW;

23 (iv) Theft in the first or second degree under chapter 9A.56 RCW
24 when accomplished by color or aid of deception;

25 (v) Theft from a vulnerable adult under RCW 9A.56.400;

26 (vi) Trafficking in stolen property in the first or second degree
27 under chapter 9A.82 RCW in which the stolen property is a motor
28 vehicle or major component part of a motor vehicle as defined in RCW
29 46.80.010; or

30 (vii) Violations of RCW 82.32.290 (2)(a)(iii) or (4).

31 (g) The following offenses may not be prosecuted more than five
32 years after its commission: Any class C felony under chapter 74.09,
33 82.36, or 82.38 RCW.

34 (h) Bigamy may not be prosecuted more than three years after the
35 time specified in RCW 9A.64.010.

36 (i) A violation of RCW 9A.56.030 may not be prosecuted more than
37 three years after the discovery of the offense when the victim is a
38 tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

39 (j) No other felony may be prosecuted more than three years after
40 its commission; except that in a prosecution under RCW 9A.44.115, if

1 the person who was viewed, photographed, or filmed did not realize at
2 the time that he or she was being viewed, photographed, or filmed,
3 the prosecution must be commenced within two years of the time the
4 person who was viewed or in the photograph or film first learns that
5 he or she was viewed, photographed, or filmed.

6 (k) No gross misdemeanor, except as provided under (e) of this
7 subsection, may be prosecuted more than two years after its
8 commission.

9 (1) No misdemeanor may be prosecuted more than one year after its
10 commission.

11 (2) The periods of limitation prescribed in subsection (1) of
12 this section do not run during any time when the person charged is
13 not usually and publicly resident within this state.

14 (3) In any prosecution for a sex offense as defined in RCW
15 9.94A.030, the periods of limitation prescribed in subsection (1) of
16 this section run from the date of commission or four years from the
17 date on which the identity of the suspect is conclusively established
18 by deoxyribonucleic acid testing or by photograph as defined in RCW
19 9.68A.011, whichever is later.

20 (4) If, before the end of a period of limitation prescribed in
21 subsection (1) of this section, an indictment has been found or a
22 complaint or an information has been filed, and the indictment,
23 complaint, or information is set aside, then the period of limitation
24 is extended by a period equal to the length of time from the finding
25 or filing to the setting aside.

26 NEW SECTION. **Sec. 12.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

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