
SENATE BILL 5312

State of Washington

69th Legislature

2025 Regular Session

By Senators Wellman, Frame, Nobles, and C. Wilson

Read first time 01/16/25. Referred to Committee on Law & Justice.

1 AN ACT Relating to net nanny operations involving fictitious
2 minors; amending RCW 9A.44.140 and 9.94A.507; and creating new
3 sections.

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

5 NEW SECTION. **Sec. 1.** The legislature declares that all children
6 should be protected from internet-based acts of sexual abuse and
7 harm. The legislature recognizes an increase in recent years in
8 utilizing net nanny sting operations that target adult only dating
9 sites and digital applications where undercover law enforcement
10 officers pose as minors while proactively engaging adults. The
11 legislature finds that these operations can serve a valid purpose in
12 preventing offenses from occurring. The legislature recognizes that
13 these offenses are often charged as attempt, conspiracy, or
14 solicitation of an underlying offense, as the act itself is not
15 commissioned against an existing minor. Individuals who commissioned
16 a predatory offense involving a minor victim could pose a different
17 public safety threat upon release than individuals involved in a
18 sting operation with a fictitious minor.

19 The legislature finds that registration and supervision
20 requirements that do not take these circumstances into account lack
21 incentives for rehabilitation and can ultimately have a negative

1 impact on public safety after a sentence is served. Therefore, the
2 legislature intends to create registration and supervision
3 requirements specific to this narrow set of individuals who attempt,
4 solicit, or conspire to commit certain offenses against fictitious
5 minors, who have no prior history of predatory offenses against
6 minors, and who spend certain periods of time in the community after
7 release without committing any subsequent disqualifying offenses.

8 **Sec. 2.** RCW 9A.44.140 and 2023 c 150 s 7 are each amended to
9 read as follows:

10 The duty to register under RCW 9A.44.130 shall continue for the
11 duration provided in this section.

12 (1) For an adult convicted in this state of a class A felony, or
13 an adult convicted of any sex offense or kidnapping offense who has
14 one or more prior convictions for a sex offense or kidnapping
15 offense, the duty to register shall continue indefinitely.

16 (2) For an adult convicted in this state of a class B felony who
17 does not have one or more prior convictions for a sex offense or
18 kidnapping offense, the duty to register shall end (~~((fifteen))~~) 15
19 years after the last date of release from confinement, if any,
20 (including full-time residential treatment) pursuant to the
21 conviction, or entry of the judgment and sentence, if the adult has
22 spent (~~((fifteen))~~) 15 consecutive years in the community without being
23 convicted of a disqualifying offense during that time period.

24 (3) (a) For an adult convicted in this state of a class C felony,
25 a violation of RCW 9.68A.090 or 9A.44.096, or an attempt,
26 solicitation, or conspiracy to commit a class C felony, and the adult
27 does not have one or more prior convictions for a sex offense or
28 kidnapping offense, the duty to register shall end (~~((ten))~~) 10 years
29 after the last date of release from confinement, if any, (including
30 full-time residential treatment) pursuant to the conviction, or entry
31 of the judgment and sentence, if the adult has spent (~~((ten))~~) 10
32 consecutive years in the community without being convicted of a
33 disqualifying offense during that time period.

34 (b) For a person required to register under RCW 9A.44.130 due to
35 a conviction from a net nanny operation involving a fictitious minor,
36 including an attempt, solicitation, or conspiracy to commit a
37 violation of RCW 9A.44.073 (rape of a child in the first degree),
38 9A.44.076 (rape of a child in the second degree), 9A.44.079 (rape of
39 a child in the third degree), 9A.44.083 (child molestation in the

1 first degree), 9A.44.086 (child molestation in the second degree),
2 9A.44.089 (child molestation in the third degree), 9.68A.090
3 (communication with a minor for immoral purposes), 9.68A.100
4 (commercial sexual abuse of a minor), 9.68A.040 (sexual exploitation
5 of a minor), 9.68A.050 (dealing in depictions of a minor engaged in
6 sexually explicit conduct), or 9.68A.070 (possession of depictions of
7 a minor engaged in sexually explicit conduct), if the person has no
8 prior background or prior convictions for sex offenses or kidnapping
9 offenses indicating predatory behavior towards a minor, the duty to
10 register shall end five years after the last date of release from
11 confinement, including full-time residential treatment, if any, or
12 entry of the judgment and sentence, if the person has spent five
13 consecutive years in the community without being convicted of a
14 disqualifying offense during that time period.

15 (4) (a) For a person required to register under RCW
16 9A.44.130(1) (b), the duty to register will end three years after the
17 last date of release from confinement, including full-time
18 residential treatment, if any, or entry of disposition if the person
19 is required to register for a class A offense committed at age 15,
20 16, or 17.

21 (b) For a person required to register under RCW 9A.44.130(1) (b)
22 who does not meet the description provided in (~~subsection (4) (a) of~~
23 ~~this section [(a) of this subsection]~~) (a) of this subsection, the
24 duty to register will end two years after the last date of release
25 from confinement, including full-time residential treatment, if any,
26 or entry of disposition.

27 (5) Except as provided in RCW 9A.44.142, for a person required to
28 register for a federal, tribal, or out-of-state conviction, the duty
29 to register shall continue indefinitely.

30 (6) For a person who is or has been determined to be a sexually
31 violent predator pursuant to chapter 71.09 RCW, the duty to register
32 shall continue for the person's lifetime.

33 (7) Nothing in this section prevents a person from being relieved
34 of the duty to register under RCW 9A.44.142, 9A.44.143, and
35 13.40.162.

36 (8) Nothing in RCW 9.94A.637 relating to discharge of an offender
37 shall be construed as operating to relieve the offender of his or her
38 duty to register pursuant to RCW 9A.44.130.

1 (9) For purposes of determining whether a person has been
2 convicted of more than one sex offense, failure to register as a sex
3 offender or kidnapping offender is not a sex or kidnapping offense.

4 (10) The provisions of this section and RCW 9A.44.141 through
5 9A.44.143 apply equally to a person who has been found not guilty by
6 reason of insanity under chapter 10.77 RCW of a sex offense or
7 kidnapping offense.

8 (11) For the purposes of this section:

9 (a) "Fictitious minor" means any minor persona controlled by a
10 person who is not that minor.

11 (b) "Net nanny" means an internet sting or undercover law
12 enforcement operation designed to apprehend adults who use the
13 internet to solicit or attempt to commit sexual activity with minors.

14 **Sec. 3.** RCW 9.94A.507 and 2008 c 231 s 33 are each amended to
15 read as follows:

16 (1) An offender who is not a persistent offender shall be
17 sentenced under this section if the offender:

18 (a) Is convicted of:

19 (i) Rape in the first degree, rape in the second degree, rape of
20 a child in the first degree, child molestation in the first degree,
21 rape of a child in the second degree, or indecent liberties by
22 forcible compulsion;

23 (ii) Any of the following offenses with a finding of sexual
24 motivation: Murder in the first degree, murder in the second degree,
25 homicide by abuse, kidnapping in the first degree, kidnapping in the
26 second degree, assault in the first degree, assault in the second
27 degree, assault of a child in the first degree, assault of a child in
28 the second degree, or burglary in the first degree; or

29 (iii) An attempt to commit any crime listed in this subsection

30 (1)(a); or

31 (b) Has a prior conviction for an offense listed in RCW
32 9.94A.030(~~((31)(b))~~) (37)(b)(i) until January 1, 2026, then for an
33 offense listed in RCW 9.94A.030(38)(b)(i) effective January 1, 2026,
34 and is convicted of any sex offense other than failure to register.

35 (2) An offender convicted of rape of a child in the first or
36 second degree or child molestation in the first degree who was
37 (~~(seventeen)~~) 17 years of age or younger at the time of the offense
38 shall not be sentenced under this section.

1 (3) (a) Upon a finding that the offender is subject to sentencing
2 under this section, the court shall impose a sentence to a maximum
3 term and a minimum term.

4 (b) The maximum term shall consist of the statutory maximum
5 sentence for the offense.

6 (c) (i) Except as provided in (c) (ii) of this subsection, the
7 minimum term shall be either within the standard sentence range for
8 the offense, or outside the standard sentence range pursuant to RCW
9 9.94A.535, if the offender is otherwise eligible for such a sentence.

10 (ii) If the offense that caused the offender to be sentenced
11 under this section was rape of a child in the first degree, rape of a
12 child in the second degree, or child molestation in the first degree,
13 and there has been a finding that the offense was predatory under RCW
14 9.94A.836, the minimum term shall be either the maximum of the
15 standard sentence range for the offense or (~~(twenty-five)~~) 25 years,
16 whichever is greater. If the offense that caused the offender to be
17 sentenced under this section was rape in the first degree, rape in
18 the second degree, indecent liberties by forcible compulsion, or
19 kidnapping in the first degree with sexual motivation, and there has
20 been a finding that the victim was under the age of (~~(fifteen)~~) 15 at
21 the time of the offense under RCW 9.94A.837, the minimum term shall
22 be either the maximum of the standard sentence range for the offense
23 or (~~(twenty-five)~~) 25 years, whichever is greater. If the offense
24 that caused the offender to be sentenced under this section is rape
25 in the first degree, rape in the second degree with forcible
26 compulsion, indecent liberties with forcible compulsion, or
27 kidnapping in the first degree with sexual motivation, and there has
28 been a finding under RCW 9.94A.838 that the victim was, at the time
29 of the offense, developmentally disabled, mentally disordered, or a
30 frail elder or vulnerable adult, the minimum sentence shall be either
31 the maximum of the standard sentence range for the offense or
32 (~~(twenty-five)~~) 25 years, whichever is greater.

33 (d) The minimum terms in (c) (ii) of this subsection do not apply
34 to a juvenile tried as an adult pursuant to RCW 13.04.030(1)(e) (i)
35 or (v). The minimum term for such a juvenile shall be imposed under
36 (c) (i) of this subsection.

37 (4) A person sentenced under subsection (3) of this section shall
38 serve the sentence in a facility or institution operated, or utilized
39 under contract, by the state.

1 (5) When a court sentences a person to the custody of the
2 department under this section, the court shall, in addition to the
3 other terms of the sentence, sentence the offender to community
4 custody under the supervision of the department and the authority of
5 the board for any period of time the person is released from total
6 confinement before the expiration of the maximum sentence.

7 (6) (a) As part of any sentence under this section, the court
8 shall also require the offender to comply with any conditions imposed
9 by the board under RCW 9.95.420 through 9.95.435.

10 (b) ~~((A))~~ Except as provided in (c) of this subsection, an
11 offender released by the board under RCW 9.95.420 is subject to the
12 supervision of the department until the expiration of the maximum
13 term of the sentence. The department shall monitor the offender's
14 compliance with conditions of community custody imposed by the court,
15 department, or board, and promptly report any violations to the
16 board. Any violation of conditions of community custody established
17 or modified by the board are subject to the provisions of RCW
18 9.95.425 through 9.95.440.

19 (c) An offender released by the board under RCW 9.95.420 who has
20 a conviction from a net nanny operation involving a fictitious minor,
21 including an attempt, solicitation, or conspiracy to commit a
22 violation of RCW 9A.44.073 (rape of a child in the first degree),
23 9A.44.076 (rape of a child in the second degree), 9A.44.079 (rape of
24 a child in the third degree), 9A.44.083 (child molestation in the
25 first degree), 9A.44.086 (child molestation in the second degree),
26 9A.44.089 (child molestation in the third degree), 9.68A.090
27 (communication with a minor for immoral purposes), 9.68A.100
28 (commercial sexual abuse of a minor), 9.68A.040 (sexual exploitation
29 of a minor), 9.68A.050 (dealing in depictions of a minor engaged in
30 sexually explicit conduct), or 9.68A.070 (possession of depictions of
31 a minor engaged in sexually explicit conduct), if the person has no
32 prior background or prior convictions for sex offenses or kidnapping
33 offenses indicating predatory behavior towards a minor, the offender
34 shall be subject to the supervision of the department for a period of
35 three years. The department shall monitor the offender's compliance
36 with conditions of community custody imposed by the court,
37 department, or board, and promptly report any violations to the
38 board. Any violation of conditions of community custody established
39 or modified by the board are subject to the provisions of RCW
40 9.95.425 through 9.95.440.

1 (7) For the purposes of this section:

2 (a) "Fictitious minor" means any minor persona controlled by a
3 person who is not that minor.

4 (b) "Net nanny" means an internet sting or undercover law
5 enforcement operation designed to apprehend adults who use the
6 internet to solicit or attempt to commit sexual activity with minors.

7 NEW SECTION. **Sec. 4.** This act applies to all offenders
8 sentenced before, on, or after the effective date of this act.

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