CERTIFICATION OF ENROLLMENT

SECOND ENGROSSED SUBSTITUTE SENATE BILL 5105

69th Legislature
2026 Regular Session

Passed by the Senate January 28, 2026
Yeas 49 Nays 0

President of the Senate

Passed by the House March 3, 2026
Yeas 93 Nays 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND ENGROSSED SUBSTITUTE SENATE BILL 5105** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Secretary of State
State of Washington

SECOND ENGROSSED SUBSTITUTE SENATE BILL 5105

Passed Legislature - 2026 Regular Session

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Is obscene.

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

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

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

(6) "Obscene" means any matter:

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

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

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

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

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

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

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

(c) Masturbation;

(d) Sadomasochistic abuse;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) This section does not apply to a person under ((~~eighteen~~)) 18 years of age who finances, attempts to finance, develops, duplicates, publishes, prints, disseminates, exchanges, or possesses a visual or printed matter that depicts himself or herself engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011((~~(4)~~)) (8).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) 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;

(b) 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~~))

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

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

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

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

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

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

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

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

(i) Murder;

(ii) Homicide by abuse;

(iii) Arson if a death results;

(iv) Vehicular homicide;

(v) Vehicular assault if a death results;

(vi) Hit-and-run injury-accident if a death results (RCW 46.52.020(4));

(vii) Rape in the first degree (RCW 9A.44.040) if the victim is under the age of sixteen;

(viii) Rape in the second degree (RCW 9A.44.050) if the victim is under the age of sixteen;

(ix) Rape of a child in the first degree (RCW 9A.44.073);

(x) Rape of a child in the second degree (RCW 9A.44.076);

(xi) Rape of a child in the third degree (RCW 9A.44.079);

(xii) Sexual misconduct with a minor in the first degree (RCW 9A.44.093);

(xiii) Custodial sexual misconduct in the first degree (RCW 9A.44.160);

(xiv) Child molestation in the first degree (RCW 9A.44.083);

(xv) Child molestation in the second degree (RCW 9A.44.086);

(xvi) Child molestation in the third degree (RCW 9A.44.089);

(xvii) Sexual exploitation of a minor (RCW 9.68A.040);

(xviii) Rape in the first degree (RCW 9A.44.040) if the perpetrator is a first responder as defined in RCW 70.54.430 and if the first responder used the first responder's position to facilitate the commission of the offense;

(xix) Rape in the second degree (RCW 9A.44.050) if the perpetrator is a first responder as defined in RCW 70.54.430 and if

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Arson if no death results;

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

(iv) Attempted murder; ((~~or~~))

(v) Trafficking under RCW 9A.40.100;

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) Any felony violation of chapter 9.35 RCW;

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

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

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

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

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

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

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

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

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

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

(l) No misdemeanor may be prosecuted more than one year after its commission.

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

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

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

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

--- END ---