

FINAL BILL REPORT

ESB 6261

C 178 L 92

SYNOPSIS AS ENACTED

Brief Description: Changing defenses to prosecutions for sexual exploitation of children.

SPONSORS: Senators Roach, Stratton, L. Smith, Murray, Cantu, Jesernig, Hayner, Thorsness, Amondson and Erwin

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES

HOUSE COMMITTEE ON JUDICIARY

BACKGROUND:

Currently defendants in cases dealing with the sexual exploitation of minors must prove they did not possess any facts indicating the age of the minor. In some cases, the defendant must prove they believed the minor to be at least 18 years old based on declarations from the minor.

Treatment in a recognized medical facility or by a psychiatrist or psychologist is exempt from all statutes concerning the sexual exploitation of children.

SUMMARY:

Defendants in cases dealing with sexual exploitation of a minor or communicating with a minor for immoral purposes must prove they made a reasonable bona fide attempt to find the true age of the minor.

"Bona fide attempt" to establish the true age of a minor means asking for a driver's license, marriage license, birth certificate, or other identification card.

Medical facilities, psychiatrists and psychologists may continue using pictures for treatment purposes in a limited fashion.

VOTES ON FINAL PASSAGE:

Senate	49	0	
House	98	0	(House amended)
Senate	48	0	(Senate concurred)

EFFECTIVE: June 11, 1992