

SENATE BILL REPORT

ESB 6261

AS PASSED SENATE, FEBRUARY 18, 1992

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

Majority Report: Do pass as amended.

Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, and Stratton.

Staff: Mich'l Prentice Needham (786-7439)

Hearing Dates: January 28, 1992; February 5, 1992

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 pictures of minors engaged in sexually explicit conduct, bringing such pictures into the state, or possessing such pictures must prove they had no reasonable knowledge that the person was a minor or that they made a reasonable bona fide attempt to find the true age of the person. 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.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

This bill addresses defects in the current statutes and closes some existing loopholes.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Helen Johnson, citizen; Marilyn Hatch, citizen; Andrea Vangor, Washington Together Against Pornography; Chris Quinn-Brintnall, Senior Deputy Prosecuting Attorney of Pierce County

HOUSE AMENDMENT(S):

The current statutory language exempting lawful conduct between spouses is restored.

Defendants in cases dealing with sexually explicit pictures of minors have to prove they did not know the person was a minor. The language requiring a reasonable bona fide attempt to find the age has been deleted.