

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 6261**

52nd Legislature  
1992 Regular Session

Passed by the Senate March 8, 1992  
Yeas 48 Nays 0

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**President of the Senate**

Passed by the House March 5, 1992  
Yeas 98 Nays 0

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**Speaker of the  
House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6261** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SENATE BILL 6261

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AS AMENDED BY THE HOUSE

Passed Legislature - 1992 Regular Session

State of Washington                      52nd Legislature                      1992 Regular Session

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

Read first time 01/23/92. Referred to Committee on Children & Family Services.

1            AN ACT Relating to the well-being of children; and amending RCW  
2 9.68A.110.

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

4            **Sec. 1.** RCW 9.68A.110 and 1989 c 32 s 9 are each amended to read  
5 as follows:

6            (1) In a prosecution under RCW 9.68A.040, it is not a defense that  
7 the defendant was involved in activities of law enforcement and  
8 prosecution agencies in the investigation and prosecution of criminal  
9 offenses. Law enforcement and prosecution agencies shall not employ  
10 minors to aid in the investigation of a violation of RCW 9.68A.090 or  
11 9.68A.100. This chapter does not apply to (~~individual case treatment~~  
12 ~~in a recognized medical facility or individual case treatment by a~~  
13 ~~psychiatrist or psychologist licensed under Title 18 RCW, or to~~)  
14 lawful conduct between spouses.

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

8 (3) In a prosecution under RCW 9.68A.040(~~(, 9.68A.050, 9.68A.060, )~~)  
9 or 9.68A.090, it is not a defense that the defendant did not know the  
10 alleged victim's age: PROVIDED, That it is a defense, which the  
11 defendant must prove by a preponderance of the evidence, that at the  
12 time of the offense, the defendant (~~((reasonably believed the alleged~~  
13 ~~victim to be at least eighteen years of age based on declarations by~~  
14 ~~the alleged victim))~~ made a reasonable bona fide attempt to ascertain  
15 the true age of the minor by requiring production of a driver's  
16 license, marriage license, birth certificate, or other governmental or  
17 educational identification card or paper and did not rely solely on the  
18 oral allegations or apparent age of the minor.

19 (4) In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070,  
20 it shall be an affirmative defense that the defendant was a law  
21 enforcement officer in the process of conducting an official  
22 investigation of a sex-related crime against a minor, or that the  
23 defendant was providing individual case treatment as a recognized  
24 medical facility or as a psychiatrist or psychologist licensed under  
25 Title 18 RCW.

26 (5) In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070,  
27 the state is not required to establish the identity of the alleged  
28 victim.

1        NEW SECTION.    **Sec. 2.**        If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.