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**SUBSTITUTE HOUSE BILL 1587**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** House Committee on Law & Justice (originally sponsored by Representatives Lantz, McDonald, Cody, Skinner, Mason, H. Sommers, Ogden, Sheahan, Bush, Blalock, Dickerson, Conway, O'Brien, Linville, Keiser, Costa, Kessler, Kenney, Regala and Cooper)

Read first time 02/20/97.

1 AN ACT Relating to sexual exploitation of minors; amending RCW  
2 9.68A.040; adding a new section to chapter 9.68A RCW; and prescribing  
3 penalties.

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

5 **Sec. 1.** RCW 9.68A.040 and 1989 c 32 s 2 are each amended to read  
6 as follows:

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

9 (a) Compels a minor by threat or force to engage in sexually  
10 explicit conduct, knowing that such conduct will be photographed or  
11 part of a live performance;

12 (b) Aids, invites, employs, authorizes, or causes a minor to engage  
13 in sexually explicit conduct, knowing that such conduct will be  
14 photographed or part of a live performance; (~~or~~)

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

1       (d) Being a parent, legal guardian, or person having custody or  
2 control of a minor, for the purpose of sexual stimulation of the  
3 viewer, whether the viewer is the parent, legal guardian, custodian, or  
4 another person, observes or photographs the minor while the minor is  
5 engaged in sexually explicit conduct.

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

8       NEW SECTION. Sec. 2. A new section is added to chapter 9.68A RCW  
9 to read as follows:

10       (1) A person is guilty of surreptitious sexual exploitation of a  
11 minor if, under circumstances not amounting to sexual exploitation of  
12 a minor under RCW 9.68A.040, the person, for the purpose of arousing or  
13 gratifying the sexual desire of any person, knowingly views,  
14 photographs, or films a minor, without the minor's knowledge and  
15 consent, while the minor being viewed, photographed, or filmed is in a  
16 state of full or partial nudity and is in a place where he or she would  
17 have a reasonable expectation of privacy.

18       (2) Surreptitious sexual exploitation of a minor is a class C  
19 felony.

20       (3) As used in this section:

21       (a) "Full or partial nudity" means the showing, with less than a  
22 fully opaque covering, of all or any part of the human genitals or  
23 pubic area or buttock, or any part of the nipple of the breast of any  
24 female person.

25       (b) "Photographs" or "films" means to make a photograph, motion  
26 picture film, videotape, or any other recording or transmission of the  
27 image of a person.

28       (c) "Place where he or she would have a reasonable expectation of  
29 privacy" means a place where a reasonable person would believe that he  
30 or she could disrobe in privacy, without being concerned that his or  
31 her undressing was being photographed or filmed by another.

32       (d) "Views" means to look upon another person with the unaided eye  
33 or with a device designed or intended to improve visual acuity.

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