
SENATE BILL 5083

State of Washington 55th Legislature 1997 Regular Session

By Senators Roach and Winsley

Read first time 01/14/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to a civil action as a remedy for coercion in the
2 making of sexually explicit films or videos; adding new sections to
3 chapter 9.68 RCW; creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that preventing and
6 remedying sexual exploitation is a government objective of extreme
7 importance. The legislature further finds that individuals have been
8 coerced into performing sexual acts in films and other media for the
9 financial gain of others. The legislature also finds that the victim
10 is further victimized when the reproduction of the sexual exploitation
11 is viewed by others.

12 NEW SECTION. **Sec. 2.** Unless the context clearly requires
13 otherwise, the definitions in this section apply throughout sections 3
14 through 6 of this act.

15 (1) "Coerced" means that coercion as defined in RCW 9A.36.070 has
16 been applied.

17 (2) "Sexually explicit conduct" has the same meaning as in RCW
18 9.68A.011(3) (a),(b),(c),(d), and (f).

1 NEW SECTION. **Sec. 3.** Any person who is coerced into performing
2 sexually explicit conduct in a film or video may bring a cause of
3 action against any person who coerced the person into the performance.
4 If the court or jury finds that the performance is the result of
5 coercion, the court shall order that the original and all copies of the
6 film or video in the possession or control of the defendant or
7 defendants be surrendered to the court for destruction and may award
8 treble actual damages, injunctive relief including the prevention of
9 any further display of the coerced performance, attorneys' fees, and
10 court costs.

11 NEW SECTION. **Sec. 4.** After a court or jury has found that a
12 performance is the result of coercion under section 3 of this act, the
13 coerced person may file an action against any person who has been
14 served with a copy of the judgment obtained under section 3 of this act
15 and who makes, copies, distributes, exhibits, or sells a film or video
16 of the performance. If the plaintiff prevails in this action, the
17 court may award damages, injunctive relief including the prevention of
18 any further display of the coerced performance, attorneys' fees, and
19 court costs. The court shall also order that the original and all
20 copies of the film or video in the possession or control of the
21 defendant or defendants in this action be surrendered to the court for
22 destruction.

23 NEW SECTION. **Sec. 5.** If the film or video containing the coerced
24 performance is enjoined from further display under section 3 or 4 of
25 this act, a purchaser of the product containing the coerced performance
26 is entitled to be reimbursed by the seller for the actual cost of the
27 product and may bring an action in any court to enforce this section.
28 Any person who prevails in a court action for reimbursement under this
29 section shall be awarded attorneys' fees and court costs. All copies
30 of the film or video that are subject to reimbursement under this
31 section shall be surrendered to the court for destruction.

32 NEW SECTION. **Sec. 6.** A claim brought under sections 3 through 5
33 of this act shall not expire before six years have elapsed from the
34 date of the coerced performance or performances or from the last
35 appearance or sale of any product of the performance or performances,
36 whichever date is later, except that if the person who is coerced is

1 under eighteen years of age at the time of the coerced performance or
2 performances, the claim shall not expire before six years have elapsed
3 from the coerced person's eighteenth birthday.

4 NEW SECTION. **Sec. 7.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

8 NEW SECTION. **Sec. 8.** Sections 2 through 6 of this act are each
9 added to chapter 9.68 RCW.

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