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SENATE BILL 6115

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State of Washington                      55th Legislature                      1998 Regular Session

By Senators Fairley, Swecker, Kohl and Winsley

Read first time 01/12/98. Referred to Committee on Law & Justice.

1            AN ACT Relating to sexual exploitation of children; amending RCW  
2 9.68A.011 and 9.68A.040; and prescribing penalties.

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

4            **Sec. 1.** RCW 9.68A.011 and 1989 c 32 s 1 are each amended to read  
5 as follows:

6            Unless the context clearly indicates otherwise, the definitions in  
7 this section apply throughout this chapter.

8            (1) To "photograph" means to make a print, negative, slide, motion  
9 picture, or videotape. A "photograph" means any tangible item produced  
10 by photographing.

11            (2) "Visual or printed matter" means any photograph or other  
12 material that contains a reproduction of a photograph.

13            (3) "Sexually explicit conduct" means actual or simulated:

14            (a) Sexual intercourse, including genital-genital, oral-genital,  
15 anal-genital, or oral-anal, whether between persons of the same or  
16 opposite sex or between humans and animals;

17            (b) Penetration of the vagina or rectum by any object;

18            (c) Masturbation;

1 (d) Sadomasochistic abuse (~~for the purpose of sexual stimulation~~  
2 ~~of the viewer~~));

3 (e) Exhibition of the genitals or unclothed pubic or rectal areas  
4 of any minor, or the unclothed breast of a female minor, for the  
5 purpose of sexual stimulation of the viewer;

6 (f) Defecation or urination for the purpose of sexual stimulation  
7 of the viewer; and

8 (g) Touching of a person's clothed or unclothed genitals, pubic  
9 area, buttocks, or breast area for the purpose of sexual stimulation of  
10 the viewer.

11 (4) "Minor" means any person under eighteen years of age.

12 (5) "Live performance" means any play, show, skit, dance, or other  
13 exhibition performed or presented to or before an audience of one or  
14 more, with or without consideration.

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

17 (1) A person is guilty of sexual exploitation of a minor if the  
18 person:

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

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

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

29 (d) Secretly photographs a minor engaging in sexually explicit  
30 conduct for the purpose of sexual stimulation of any person.

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

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