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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: H-4572.2/00 2nd draft

ATTY/TYPIST: SCG:seg

BRIEF DESCRIPTION:

2 SHB 1464 - H AMD  
3 By Representative H. Sommers

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5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 9.68A.011 and 1989 c 32 s 1 are each amended to read  
8 as follows:

9 Unless the context clearly indicates otherwise, the definitions in  
10 this section apply throughout this chapter.

11 (1) To "photograph" means to make a print, negative, slide, digital  
12 image, motion picture, or videotape. A "photograph" means ((any))  
13 anything tangible ((item)) or intangible produced by photographing.

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

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

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

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

21 (c) Masturbation;

22 (d) Sadomasochistic abuse for the purpose of sexual stimulation of  
23 the viewer;

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

27 (f) Defecation or urination for the purpose of sexual stimulation  
28 of the viewer; and

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

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

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

1       **Sec. 2.** RCW 9.68A.080 and 1989 c 32 s 6 are each amended to read  
2 as follows:

3       (1) A person who, in the course of processing or producing visual  
4 or printed matter either privately or commercially, has reasonable  
5 cause to believe that the visual or printed matter submitted for  
6 processing or producing depicts a minor engaged in sexually explicit  
7 conduct shall immediately report such incident, or cause a report to be  
8 made, to the proper law enforcement agency. Persons failing to do so  
9 are guilty of a gross misdemeanor.

10       (2) If, in the course of repairing, modifying, or maintaining a  
11 computer that has been submitted either privately or commercially for  
12 repair, modification, or maintenance, a person has reasonable cause to  
13 believe that the user of the computer has knowingly stored visual or  
14 printed matter that depicts a minor engaged in sexually explicit  
15 conduct, the person performing the repair, modification, or maintenance  
16 may report such incident, or cause a report to be made, to the proper  
17 law enforcement agency. A person who has made a report in good faith  
18 under this section is immune from liability resulting from the report  
19 or testimony."

20       Correct the title.

EFFECT: Authorizes (but does not require) a person who, in the course of repairing a computer that has been submitted for repair, believes that the user of the computer has knowingly stored matter that depicts a minor engaged in sexually explicit conduct to make a report to the police. The original bill mandated that the person repairing such a computer to make a report to the police; violation of this law was a gross misdemeanor.

Adds an immunity clause to ensure that a person who makes such a report in good faith is immune from liability resulting from the report or testimony.

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