

1 **2SSB 5108** - H AMD TO CJC COMM AMD (H 2607.1/99) **0184 NOT CONSIDERED**
2 **04/15/99**

3 By Representative O'Brien

4 On page 1, beginning on line 7 of the striking amendment, strike
5 the remainder of the amendment and insert:

6 NEW SECTION. **Sec. 1.** The legislature finds a compelling need to
7 address the problem of missing children, whether those children have
8 been abducted by a stranger, are missing due to custodial interference,
9 or are classified as runaways. Washington state ranks twelfth in the
10 nation for active cases of missing juveniles and, at any given time,
11 more than one thousand eight hundred Washington children are reported
12 as missing. The potential for physical and psychological trauma to
13 these children is extreme. Therefore, the legislature finds that it is
14 paramount for the safety of these children that there be a concerted
15 effort to resolve cases of missing and exploited children.

16 Due to the complexity of many child abduction cases, most law
17 enforcement personnel are unprepared and lack adequate resources to
18 successfully and efficiently investigate these crimes. Therefore, it is
19 the intent of the legislature that a multiagency task force be
20 established within the Washington state patrol, to be available to
21 assist local jurisdictions in missing child cases through referrals,
22 on-site assistance, case management, and training. The legislature
23 intends that the task force will increase the effectiveness of a
24 specific case investigation by drawing from the combined resources,
25 knowledge, and technical expertise of the members of the task force.

26 NEW SECTION. **Sec. 2.** (1) A task force on missing and exploited
27 children is established in the Washington state patrol. The task force
28 shall be under the direction of the chief of the state patrol.

29 (2) The task force is authorized to assist law enforcement
30 agencies, upon request, in cases involving missing or exploited
31 children by:

32 (a) Direct assistance and case management;

33 (b) Technical assistance;

34 (c) Personnel training;

1 (d) Referral for assistance from local, state, national, and
2 international agencies; and

3 (e) Coordination and information sharing among local, state,
4 interstate, and federal law enforcement and social service agencies.

5 (3) To maximize the efficiency and effectiveness of state
6 resources and to improve interagency cooperation, the task force shall,
7 where feasible, use existing facilities, systems, and staff made
8 available by the state patrol and other local, state, interstate, and
9 federal law enforcement and social service agencies. The chief of the
10 state patrol may employ such additional personnel as are necessary for
11 the work of the task force and may share personnel costs with other
12 agencies.

13 (4) The chief of the state patrol shall seek public and private
14 grants and gifts to support the work of the task force.

15 (5) By December 1, 2001, and annually thereafter, the chief of the
16 state patrol shall submit a report to the appropriate committees of the
17 legislature. The report shall establish performance measurements and
18 objectives for the task force and assess the accomplishments of the
19 task force.

20 (6) For the purposes of sections 1 through 3 of this act,
21 "exploited children" means children under the age of eighteen who are
22 employed, used, persuaded, induced, enticed, or coerced to engage in,
23 or assist another person to engage in, sexually explicit conduct.
24 "Exploited children" also means the rape, molestation, or use for
25 prostitution of children under the age of eighteen.

1 NEW SECTION. Sec. 3. The advisory board on missing and exploited
2 children is established to advise the chief of the Washington state
3 patrol on the objectives, conduct, management, and coordination of
4 the various activities of the task force on missing and exploited
5 children.

6 (1) The chief of the state patrol shall appoint five members to
7 the advisory board: (a) One member shall be a county prosecuting
8 attorney or a representative and shall be appointed in consultation
9 with the elected county prosecutors; (b) two members shall be a
10 municipal police chief and a county sheriff, or their representatives,
11 and shall be appointed in consultation with the association of sheriffs
12 and police chiefs under RCW 36.28A.010; (c) one member shall be a

1 representative of the state patrol; and (d) one member shall be a
2 representative of parents of missing or exploited children.

3 (2) A sixth member of the board shall represent and be appointed
4 by the attorney general.

5 (3) To improve interagency communication and coordination, the
6 chief of the state patrol shall invite representatives of federal law
7 enforcement agencies and state social service agencies to participate
8 in the advisory board.

9 (4) The members of the board shall be qualified on the basis of
10 knowledge and experience as may contribute to the effective performance
11 of the board's duties. The board shall elect its own chair from among
12 its members. Meetings of the board may be convened at the call of the
13 chair or by a majority of the members.

14 (5) The term of each member of the board shall be two years and
15 shall be conditioned upon the member retaining the official position
16 from which the member was appointed.

17 NEW SECTION. Sec. 4. Sections 1 through 3 of this act may be known
18 and cited as the Teekah Lewis act.

19 NEW SECTION. Sec. 5. Sections 1 through 3 of this act are each
20 added to chapter 13.60 RCW.

21 NEW SECTION. Sec. 6. If specific funding for the purposes of
22 sections 1 through 3 of this act, referencing this act by bill or
23 chapter number, is not provided by June 30, 1999, in the omnibus
24 appropriations act, sections 1 through 3 of this act are null and void.

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

27 Unless the context clearly indicates otherwise, the definitions in
28 this section apply throughout this chapter.

29 (1) To "photograph" means to make a print, negative, slide,
30 digital image, motion picture, or videotape. A "photograph" means
31 ~~((any))~~ anything tangible ~~((item))~~ or intangible produced by
32 photographing.

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

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

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

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

6 (c) Masturbation;

7 (d) Sadomasochistic abuse for the purpose of sexual stimulation of
8 the viewer;

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

12 (f) Defecation or urination for the purpose of sexual stimulation
13 of the viewer; and

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

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

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

21 **Sec. 8.** RCW 9.68A.070 and 1990 c 155 s 1 are each amended to read
22 as follows:

23 A person who knowingly possesses visual or printed matter
24 depicting a minor engaged in sexually explicit conduct is guilty of a
25 class C felony. For purposes of possessing a digital image, a person
26 must engage in a knowing overt act to intentionally bring or keep the
27 digital image within his or her control. Such an overt act may include
28 downloading, printing, saving, sending, or storing the digital image.-

29 Correct the title accordingly.

EFFECT: Re-inserts a multi-agency task force within the Washington State Patrol (WSP) to assist local law enforcement agencies in finding missing and exploited children; re-inserts a six member advisory board on missing and exploited children to advise the chief of the WSP on the various activities of the task force; defines exploited children;- requires the chief of the

state patrol to seek public and private grants and gifts to support the work of the task force; adds a provision that the Teekah Lewis act is null and void unless funded in the budget; re-inserts the addition of digital images to the definition of photography and provides that a photograph is anything produced by photographing that is intangible as well as tangible; and requires a person to engage in a knowing overt act (such as downloading, printing, saving, sending, or storing) to intentionally bring or keep a digital image within his or her control before he or she can be found guilty of knowingly possessing a digital image of a minor engaged in sexually explicit conduct.