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**SUBSTITUTE HOUSE BILL 1464**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives H. Sommers, Sheahan, Dickerson, Hurst, Lambert, Tokuda, Lisk, Doumit, Rockefeller, Lantz, Kenney, McIntire and Edmonds)

Read first time 02/19/1999.

1 AN ACT Relating to sexual exploitation of minors; amending RCW  
2 9.68A.011 and 9.68A.080; 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, digital  
9 image, motion picture, or videotape. A "photograph" means any tangible  
10 or intangible item produced by photographing.

11 (2) "Visual or printed matter" means any photograph, or computer-  
12 stored or computer-generated image or other material that contains a  
13 reproduction of a photograph.

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

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

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

19 (c) Masturbation;

1 (d) Sadomasochistic abuse for the purpose of sexual stimulation of  
2 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.080 and 1989 c 32 s 6 are each amended to read  
16 as follows:

17 (1) A person who, in the course of processing or producing visual  
18 or printed matter either privately or commercially, has reasonable  
19 cause to believe that the visual or printed matter submitted for  
20 processing or producing depicts a minor engaged in sexually explicit  
21 conduct shall immediately report such incident, or cause a report to be  
22 made, to the proper law enforcement agency. ((Persons failing to do so  
23 are guilty of a gross misdemeanor.))

24 (2) If, in the course of repairing, modifying, or maintaining a  
25 computer that has been submitted either privately or commercially for  
26 repair, modification, or maintenance, a person has reasonable cause to  
27 believe that the computer stores visual or printed matter that depicts  
28 a minor engaged in sexually explicit conduct, the person performing the  
29 repair, modification, or maintenance shall immediately report such  
30 incident, or cause a report to be made, to the proper law enforcement  
31 agency.

32 (3) A violation of this section is a gross misdemeanor.

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