
HOUSE BILL 2290

State of Washington

56th Legislature

1999 Regular Session

By Representatives Carrell, Sullivan, Lambert, Esser, Cox, Schindler, Mielke, Crouse, Sump, Ballasiotes, Bush, Carlson, Buck, Dunn, D. Sommers, McDonald and Conway

Read first time . Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to preventing access by minors to materials about
2 bomb making; adding a new chapter to Title 9 RCW; prescribing
3 penalties; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** Unless the context clearly requires
6 otherwise, the definitions in this section apply throughout this
7 chapter.

8 (1) "Bomb" means any device containing an explosive substance and
9 capable of being exploded. "Bomb" does not include fireworks or small
10 arms ammunition or small arms primers as defined and authorized under
11 state or federal law.

12 (2) "Material" means a picture film or a publication, or any
13 combination thereof.

14 (a) "Picture film" means any film, film or plate negative, film or
15 plate positive, film designed to be projected on a screen for
16 exhibition, glass slides or transparencies, either in negative or
17 positive form, designed for exhibition by projection on a screen,
18 videotape, or any other medium used to electronically transmit or
19 reproduce images on a screen.

1 (b) "Publication" means any book, magazine, article, pamphlet,
2 writing, printing illustration, picture, sound recording, electronic
3 transmission, or telephonic communication.

4 (3) "Knowledge" means knowledge as defined in RCW 9A.08.010(1)(b).

5 (4) "Knowledge of its character" means that the person has
6 knowledge that the material contains, depicts, or describes
7 instructions about explosive devices or substances with such
8 specificity and sufficiency that a person using the information would
9 be able to assemble a bomb and cause it to be detonated. Such
10 knowledge may be proved by direct or circumstantial evidence, or both.
11 "Instructions" does not include information clearly and obviously
12 intended for safety instructional purposes only.

13 (5) "Minor" means any person under the age of eighteen years.

14 (6) "Person" means any individual, partnership, firm, association,
15 corporation, or other legal entity.

16 NEW SECTION. **Sec. 2.** No person may with knowledge of its
17 character provide materials about bomb making in such a way that
18 minors, as part of the invited general public, are able to access the
19 materials. However, a person is deemed not to have provided access to
20 materials about bomb making to minors if:

21 (1) The materials about bomb making are kept in an area that is not
22 accessible to minors without the consent of the minor's parent or
23 guardian; or

24 (2) In the case of an operator who transmits materials about bomb
25 making via cable television transmissions, the operator first notifies
26 the subscriber of the availability of a device that allows a subscriber
27 to prohibit access to the viewing of a particular cable transmission;
28 or

29 (3) In the case of a person who provides a minor with access to a
30 computer containing material about bomb making that is stored locally,
31 or that can be connected to the internet, the computer is equipped with
32 specialized filtering software actively installed for the purpose of
33 protecting minors from accessing materials about bomb making; or

34 (4) In the case of a person publishing a world wide web page
35 containing materials about bomb making, the web page contains codes or
36 hidden comments that trigger the blocking mechanisms of any browser-
37 filtering software that is designed for the purpose of protecting
38 minors from accessing materials about bomb making; or

1 (5) In the case of a person hosting or mirroring internet content
2 on servers located within the state of Washington, the person mandates
3 the inclusion in all web pages of codes or hidden comments that trigger
4 the blocking mechanisms of any browser-filtering software that is
5 designed for the purpose of protecting minors from accessing materials
6 about bomb making; or

7 (6) In the case of a person providing electronic communications or
8 telecommunications access or connection to or from a facility, system,
9 or network, whether one-way or interactive, including transmission,
10 downloading, storage, navigational tools, and related capabilities that
11 are incidental to the provision of the electronic communications or
12 telecommunications access or connection, the person mandates the
13 inclusion in all web pages of codes or hidden comments that trigger the
14 blocking mechanisms of any browser-filtering software that is designed
15 for the purpose of protecting minors from accessing materials about
16 bomb making, or to sell, furnish, present, distribute, allow to view or
17 hear, or otherwise disseminate to a minor, with or without
18 consideration, any materials about bomb making.

19 NEW SECTION. **Sec. 3.** In any prosecution for violation of section
20 2 of this act, it is an affirmative defense that:

21 (1) The materials about bomb making were displayed or otherwise
22 disseminated to a minor by the minor's parent or legal guardian, for a
23 bona fide purpose; or

24 (2) The person made a reasonable good faith attempt to ascertain
25 the true age of the minor by requiring production of a driver's
26 license, marriage license, birth certificate, or other governmental or
27 educational identification card or paper, or copy thereof if supplied
28 by mail or electronic facsimile when in-person production thereof is
29 impractical, and not relying solely on the oral allegations or apparent
30 age of the minor; or

31 (3) If engaged in the commercial distribution of materials about
32 bomb making by electronic or telephonic transmission, access by persons
33 under eighteen years of age is restricted by requiring use of a
34 verified credit card, debit account, adult access code, or adult
35 personal identification number before transmission of the material.

36 NEW SECTION. **Sec. 4.** (1) A person who is convicted of violating
37 section 2 of this act is guilty of a gross misdemeanor.

1 (2) Each day that a violation of section 2 of this act occurs or
2 continues is a separate offense and is punishable as a separate
3 violation.

4 (3) Every act, thing, or transaction prohibited by section 2 of
5 this act is a separate offense as to each item involved and is
6 punishable as such.

7 (4) For the purpose of this section, multiple copies of the same
8 identical item, or other such identical materials are a single offense.

9 NEW SECTION. **Sec. 5.** (1) Any person who is injured by a bomb,
10 any person who is a parent, guardian, or sibling of a person who has
11 been injured or killed by a bomb, and the estate of a person who has
12 been killed by a bomb has a cause of action against:

13 (a) Any person who committed a violation of section 2 of this act
14 and as a result of the violation the person was injured or killed; and

15 (b) Any parent or guardian of a minor who knew that a minor under
16 his or her control possessed a bomb without the parent's or guardian's
17 consent or not for a bona fide purpose, or who reasonably should have
18 known that a minor under his or her control possessed a bomb for other
19 than a bona fide purpose, and who failed to ensure the bomb was
20 disposed of in a lawful manner, and as a result of the failure the
21 person was injured or killed.

22 (2) In such an action, in addition to damages for medical,
23 hospital, medication expenses, and loss of services and support,
24 damages may be recovered for pain and suffering and the loss of love
25 and companionship of the person in such amount as, under all the
26 circumstances of the case, may be just.

27 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute
28 a new chapter in Title 9 RCW.

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

33 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
34 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately.

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