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SENATE BILL 5131

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State of Washington

58th Legislature

2003 Regular Session

By Senators Swecker, Zarelli, Morton, Stevens, Benton, Oke, Roach, Hargrove, Mulliken and Rasmussen

Read first time 01/15/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to use of library computers to access pornography;  
2 adding a new section to chapter 9.73 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that some library  
5 patrons are using computers to access material depicting minors engaged  
6 in sexually explicit conduct. The state has a compelling interest in  
7 curbing this type of material and has no other reasonable means of  
8 obtaining the identity of these library patrons other than to obtain  
9 access to the computers and library records indicating who used the  
10 library computers when the web sites or files were accessed. The  
11 legislature further finds that this access can be facilitated without  
12 violating the constitutional guarantees of privacy.

13 Therefore, the legislature finds that, with prior judicial  
14 approval, records containing the identities of patrons using public  
15 library computers to access material depicting minors engaged in  
16 sexually explicit conduct must be available to adequately enforce laws  
17 preventing the sexual exploitation of children.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 9.73 RCW  
2 to read as follows:

3        (1) An ex parte order authorizing the seizure of library computers  
4 used to access web sites or files depicting minors engaged in sexually  
5 explicit conduct and other library records containing the identity of  
6 library patrons who had access to library computers that were used to  
7 access these web sites or files may be issued by any superior court  
8 judge in the state upon a verified application of either the state  
9 attorney general or any county prosecuting attorney setting forth fully  
10 facts and circumstances upon which the application is based and stating  
11 that:

12        (a) There are reasonable grounds to believe that the library  
13 computers were used to access computer web sites or files containing  
14 depictions of minors engaged in sexually explicit conduct as defined in  
15 chapter 9.68A RCW; and

16        (b) There are no other means readily available for obtaining the  
17 identity of library patrons who used the library computers that were  
18 used to access the web sites or files.

19        (2) Where statements are solely upon the information and belief of  
20 the applicant, the grounds for the belief must be given.

21        (3) The application and any order issued under this section shall  
22 identify as fully as possible the particular equipment, files, or  
23 records from which the information is to be obtained.

24        (4) The court may examine upon oath or affirmation the applicant  
25 and any witness the applicant desires to produce or the court requires  
26 to be produced.

27        (5) Order issued under this section are effective for fifteen days,  
28 after which period the court which issued the order may upon  
29 application of the officer who secured the original order renew or  
30 continue the order for an additional period not to exceed fifteen days.

31        (6) Libraries providing computer access to patrons shall notify all  
32 users of the provision of this section.

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