

HOUSE BILL REPORT

HB 2565

As Passed House:

February 13, 2008

Title: An act relating to including defendants who are persons specifically authorized to assist and act at the direction of law enforcement officers for the purpose of affirmative defenses.

Brief Description: Including defendants who are persons specifically authorized to assist and act at the direction of law enforcement officers for the purpose of affirmative defenses.

Sponsors: By Representatives O'Brien and Pearson; by request of Attorney General.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 1/24/08, 1/28/08 [DP].

Floor Activity:

Passed House: 2/13/08, 96-0.

Brief Summary of Bill

- Creates, for certain child pornography-related offenses, an affirmative defense that the defendant was authorized in writing to assist a law enforcement officer.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass. Signed by 6 members: Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern and Goodman.

Staff: Jim Morishima (786-7191).

Background:

There are several offenses relating to selling and possessing depictions of a minor engaged in sexually explicit conduct:

- A person is guilty of Dealing in Depictions of a Minor Engaged in Sexually Explicit Conduct if he or she: (a) knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells any visual or printed

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matter that depicts a minor engaged in sexually explicit conduct, or (b) possesses with the intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter that depicts a minor engaged in sexually explicit conduct. Dealing in Depictions of a Minor Engaged in Sexually Explicit Conduct is a class C felony with a seriousness level of VII.

- A person is guilty of Sending or Bringing Into the State Depictions of a Minor Engaged in Sexually Explicit Conduct if he or she knowingly sends, or causes to be sent, or brings, or causes to be brought, into the state, for sale or distribution any visual or printed matter that depicts a minor engaged in sexually explicit conduct. Sending or Bringing Into the State Depictions of a Minor Engaged in Sexually Explicit Conduct is a class C felony with a seriousness level of VII.
- A person is guilty of Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct if he or she knowingly possesses visual or printed matter depicting a minor engaged in sexually explicit conduct. Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct is a class B felony with a seriousness level of VI.

In a prosecution for Dealing in Depictions of a Minor Engaged in Sexually Explicit Conduct, Sending or Bringing Into the State Depictions of a Minor Engaged in Sexually Explicit Conduct, or Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct, it is an affirmative defense that the defendant was a law enforcement officer in the process of conducting an official investigation of a sex-related crime against a minor.

Summary of Bill:

In a prosecution for Dealing in Depictions of a Minor Engaged in Sexually Explicit Conduct, Sending or Bringing Into the State Depictions of a Minor Engaged in Sexually Explicit Conduct, or Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct, it is an affirmative defense that the defendant was a person specifically authorized, in writing, to assist a law enforcement officer and acting at the direction of a law enforcement officer in the process of conducting an official investigation of a sex-related crime against a minor.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is a result of the Attorney General's task force on youth Internet safety. This bill will give law enforcement an additional tool to protect kids from sexual deviancy.

(Opposed) None.

Persons Testifying: Hunter Goodman, Office of the Attorney General.

Persons Signed In To Testify But Not Testifying: None.