

# SENATE BILL REPORT

## SB 6372

---

---

As Reported By Senate Committee On:  
Judiciary, February 04, 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:** Senators Eide, Stevens and Shin; by request of Attorney General.

**Brief History:**

**Committee Activity:** Judiciary: 1/30/08, 2/04/08 [DP].

---

### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Carrell, McDermott, Roach and Weinstein.

**Staff:** Lidia Mori (786-7755)

**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: (1) knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells any visual or printed matter that depicts a minor engaged in sexually explicit conduct; or (2) 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

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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 prosecutions for the offenses of: (1) dealing in depictions of minor engaged in sexually explicit conduct; (2) sending or bringing into the state depictions of minor engaged in sexually explicit conduct; or (3) possession of depictions of minor engaged in sexually explicit conduct, it is an affirmative defense that the defendant was 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 investigation of a sex-related crime against a minor.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This legislation is one piece that has come from the Attorney General's youth internet safety task force, law enforcement subcommittee. It would assist law enforcement so they can outsource to non-law enforcement to do computer forensics, among other things.

**Persons Testifying:** PRO: Lana Weinmann, Office of the Attorney General.