

# SENATE BILL REPORT

## SB 6373

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As Reported By Senate Committee On:  
Human Services & Corrections, February 05, 2008

**Title:** An act relating to creating the crime of viewing depictions of minors engaged in sexually explicit conduct.

**Brief Description:** Creating the crime of viewing depictions of minors engaged in sexually explicit conduct.

**Sponsors:** Senators Eide, Stevens, Shin and Sheldon; by request of Attorney General.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/29/08, 2/5/08 [DPS].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 6373 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Marr and McAuliffe.

**Staff:** Kevin Black (786-7747)

**Background:** Washington criminal law currently contains three felony prohibitions concerning depictions of a minor engaged in sexually explicit conduct. It is a class B felony to knowingly possess of depictions of a minor engaged in sexually explicit conduct under RCW 9.68A.070. It is a class C felony to knowingly send or bring into the state depictions of a minor engaged in sexually explicit conduct for sale or distribution under RCW 9.68A.060. Finally, it is a class C felony to knowingly deal in depictions of a minor engaged in sexually explicit conduct under RCW 9.68A.050.

**Summary of Bill (Recommended Substitute):** A new criminal offense is created prohibiting Viewing of Depictions of Minors Engaged in Sexually Explicit Conduct. A person commits this crime by knowingly viewing over the Internet any visual depiction of a minor engaged in sexually explicit conduct for the purpose of sexual gratification. The trier of fact will be allowed to consider Internet history, search terms used, and downloading history in determining whether depictions were knowingly viewed. Viewing Depictions of Minors Engaged in Sexually Explicit Conduct will be a class C felony.

**EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute):** To commit the offense, the conduct of the

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person must be for the purpose of sexual gratification. The affirmative defense in subsection (3) of the original bill is removed.

**Appropriation:** None.

**Fiscal Note:** Available for HB 2566 (companion).

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

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

**Staff Summary of Public Testimony on Original Bill:** PRO: This bill was the product of a Youth Internet Safety Taskforce. It updates the law to catch up with technology. The same harm is caused by viewing child pornography on the Internet as when the material is possessed or downloaded. It will make it easier to convict those who break child pornography laws.

**Persons Testifying:** PRO: Hunter Goodman, Office of the Attorney General; Lara Weinman, Assistant Attorney General; Lisa Johnson, King County Prosecutor's Office.